



CITY OF BETHEL
BOARD OF ETHICS
WEDNESDAY, NOVEMBER 30, 2022, 6:00 PM
LOCATION: 300 STATE HIGHWAY, BETHEL, AK 99559

MEMBERS	STAFF
Regular Members: Chair Gerald Domnick; Jennifer Dobson; Alicia Miner; Michael Husa; James Platts. Alternate Member: Boyd Blihovde.	City Clerk Lori Strickler; City Attorney Libby Bakalar; Deputy Clerk Kevin Morgan

- I. CALL TO ORDER
- II. ROLL CALL
- III. CITY OF BETHEL ETHICS COMPLAINT NO. EC 22-01
 - A. 22-01 Hearing Record
- IV. ADJOURNMENT

22-01 EC

RECORD A

Communications to and from Parties

Communications from Office of
Administrative Hearings

22-01 EC

Communications to and from Parties

Ethics Complaint – BMC 2.06.010

City of Bethel employee – John Sargent violated – BMC 2.05

BMC – 2.05.040 Conflict of Interest and Code of Ethics

Mr. Sargent deliberately violated both Title 5 and Title 4 of the BMC. As a city employee he has a duty to conduct himself ethically. He willfully disregarded the rules of the Business License registration (BMC 5.03) and Sale Tax compliance BMC(4.16). This willful act was committed for personal gain and resulted in financial harm to the City of Bethel.

Mr. Sargent has operated an undisclosed and illicit rental property within the city. It was started in August of 2019 and continues to run today. Until this business was discovered by the Finance Director, Mr. Sargent had no desire or intent to provide appropriate disclosure and comply with BMC Chapter 5.03 and BMC Chapter 4.16 and report sales tax activity to the city finance department. When his noncompliant and illegal business was discovered and identified, Mr. Sargent failed to cooperate with city personal to resolve his non-compliance and disclose his unethical activities. Mr. Sargent continues today to resist, stall and waste city assets and personnel time in pursuit of his illicit activity. He clearly refuses to take responsibility for his illicit business and related failures.

BMC 2.05.050 – Improper Influence in Grants

Mr. Sargent has also violated his fiduciary duty to the City of Bethel by failing to disclose his financial interest (wages being paid to him) by the Bethel Evangelical Convent Church. Mr. Sargent in his role as Grants Manager participated in the grant funding of \$15,000 to the Church this year. He has also participated in other grant funding activities in the past to which the Church was a beneficiary. Mr. Sargent only made disclosure of this job to his manager after the city auditor through the audit process discovered his financial involvement with the church.

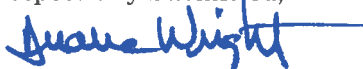
BMC 2.05.070 – Outside Employment Restricted

Mr. Sargent failed to disclose his outside employment. Mr. Sargent employment with the Church violates city code and should be DENIED give his relationship with the city as Grants Manager. His duty and loyalty should first be to the city. His outside employment with the Church has at a minimum impaired his position as Grants Manager. Even if this conduct was not willful and deceitful, it leaves the City of Bethel with a tainted perception of objectivity.

Request to Board of Ethics

I ask the Board of Ethics to review and evaluate the claims presented. If the board needs more information or evidence, please let me know. I ask the Board to sanction Mr. Sargent for his unethical behavior and actions. I would also ask the Board to consider a fine. Mr. Sargent has wasted and continues to waste the city assets in pursue of his shameless activities. If possible, I would ask the Board to consider his dismissal for this misconduct.

Respectfully Submitted,



Duane Wright, CFE, CPA
Finance Director – City of Bethel
August 22, 2022

CITY OF BETHEL

City Clerk's Office



August 23, 2022

Duane Wright
Finance Director

RE: Ethics Complaint Filed August 22, 2022

Mr. Wright,

The City Clerk's Office reviewed the ethics complaint filed August 22, 2022, and will require a resubmission of the complaint with the following items in accordance with BMC 2.06.010, Filing of the complaint, content and limitation of action:

- Any documentary and testimonial evidence supporting the allegation if applicable. If not applicable or available, please let us know. This evidence should also confirm the complaint is filed within 1-year of the alleged violation in accordance with BMC 2.06.010 B. 3.
- An affirmation statement that the content within the complaint is true and correct similar to: I affirm the content and evidence within this complaint to be true and correct.

Once the complaint is refiled with the City Clerk's Office we will review for completeness and proceed with the required action.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori Strickler", is written over a horizontal line.

Lori Strickler, City Clerk
City of Bethel

Ethics Complaint – BMC 2.06.010

City of Bethel employee – John Sargent violated – BMC 2.05

BMC – 2.05.040 Conflict of Interest and Code of Ethics

Mr. Sargent deliberately violated both Title 5 and Title 4 of the BMC. As a city employee he has a duty to conduct himself ethically. He willfully disregarded the rules of the Business License registration (BMC 5.03) and Sale Tax compliance (BMC 4.16). This willful act was committed for personal gain and resulted in financial harm to the City of Bethel.

Mr. Sargent has operated an undisclosed and illicit rental property within the city. It was started in August of 2019 and continues to operate today. Until this business was discovered by the me in June of 2022, Mr. Sargent had no desire or intent to provide appropriate disclosure and comply with BMC Chapter 5.03 and BMC Chapter 4.16 and report sales tax activity to the city finance department. When his non-compliant business activities were discovered and identified, Mr. Sargent failed to cooperate with city personal to resolve his non-compliance and disclose his unethical activities. Mr. Sargent continues today to resist, stall and waste city assets and personnel time in pursuit of his illicit activity. He clearly refuses to take responsibility for his illicit business and related failures.

BMC 2.05.050 – Improper Influence in Grants

Mr. Sargent has also violated his fiduciary duty to the City of Bethel by failing to disclose his financial interest (compensation being paid to him) by the Bethel Evangelical Convent Church. Mr. Sargent in his role as Grants Manager participated in the grant funding of \$15,000 to the Church within the past few months. He has also participated in other grant funding activities in the past to which the Church was a financial beneficiary. Mr. Sargent made disclosure of this job to his supervisor the City Manager only after the city auditor through the audit process discovered his financial involvement with the church. I have included copies of the checks written to the BEC Church. Please note Mr. Sargent also signed the last check #228341.

BMC 2.05.070 – Outside Employment Restricted

Mr. Sargent failed to disclose his outside employment. Mr. Sargent employment with the Church violates city code and should be DENIED give his relationship with the city as Grants Manager. His duty and loyalty should first be to the city. His outside employment with the Church has at a minimum impaired his position as Grants Manager. Even if this conduct was not willful and deceitful, it leaves the City of Bethel with a tainted perception of objectivity.

BMC 2.05.160 – Conflict of Interest – Municipal Employee

In prior dealing as Grant Manager Mr. Sargent has failed to disclose in writing his perceived or actual conflict of interest. He had a duty to disclose this conflict in writing to the City Manager his supervisor. His failure to complete this requirement is a violation of code section 2.05.160.

Request to Board of Ethics

I have provided an additional letter with more details on the complaint. It is attached with this complaint. I ask the Board of Ethics to review and evaluate the claims presented. If the board needs more information or evidence, please let me know.

I ask the Board to sanction Mr. Sargent for his unethical behavior and actions. I would also ask the Board to consider a fine. Mr. Sargent has wasted and continues to waste the city assets in pursue of his shameless activities. If possible, I would ask the Board to consider his dismissal for this misconduct.

I confirm this misconduct has occurred within the past year in accordance with BMC 2.06.010 B.3.

With my signature below, I affirm the content and evidence within this complaint to be true and correct.



Duane Wright, CFE, CPA
Finance Director – City of Bethel
August 22, 2022



CITY OF BETHEL
Office of the Finance Director

P.O. Box 1388
Bethel, Alaska 99559
Email: dwright@cityofbethel.net
Office: (907) 543-1376 Fax: (907) 543-5294

TO: Ethics Committee – City of Bethel

RE: Ethics Complaint pursuant to BMC 2.06.010 - (John Sargent)

August 27, 2022

This letter was developed to provide additional detailed information regarding the formal ethics complaint I have filed against John Sargent. Please review and consider the content of this letter as part of this ethics complaint.

My Background

I hold two professional certifications in the accounting profession. First - I hold an active Certified Public Accountant license with over 40 years of experience. Second - I hold a license as Certified Fraud Examiner (Association of Certified Fraud Examiners - ACFE). I am also the Finance Director for the City of Bethel.

I started as finance director on March 25th of this year. The finance director position had been vacant on and off for several years prior to my accepting the position. As Finance Director, I am the Bethel City Auditor and Sales Tax Compliance official – among many other responsibilities. After starting my employment with the city, I was asked by both the City Council and the City Manager to pursue Sales Tax Compliance. In pursuit of this request, I started first to look inside the city for compliance by employees.

Additional Background

In early June of this year, I discovered Mr. John Sargent was operating a rental business in the city without a business license and without obtaining a city sales tax certificate, both are required by the Bethel Municipal Code (BMC) Chapter 4.16 and Chapter 5.04. I also discovered Mr. Sargent was out of compliance with the State of Alaska for not establishing a state business license for the rental business.

Under the BMC Mr. Sargent's rental is subject to sales tax assessments, collection, and remittal to the city finance department. Mr. Sargent has been an employee of the city for 18 years. He is currently the Grants Manager. In 2020, he held the job

of Finance Director for more than 6 months. Ethically he has no excuse for avoiding compliance with sales tax requirements of the BMC. Note - He has never claimed he didn't know about his obligation to comply with the BMC.

I have attached some information from the Association of Certified Fraud Examiners which discusses the definition of "Fraud" and the "Categories of Fraud". I am a member of the ACFE. Mr. Sargent's behavior meets the definition of "occupational fraud" as discussed in the information provided. I am confident he had complete and full knowledge his actions were in violation of BMC. He had the "motivation", "opportunity", and "rationalization" components to enable his actions.

After I discovered Mr. Sargent's business activities, I initiated a Sales Tax Audit. Mr. Sargent received a "Notice of Compliance Audit" from the finance director dated June 20, 2022. With the audit notice, Mr. Sargent was given time to submit his financial information. Throughout the entire audit process Mr. Sargent resisted requests for information. He made NO attempt to take responsibility for his actions or expedite a successful resolution to the BMC violations. In the end, he failed to make full and complete disclosure of his financial books and records as requested. I was never able to track and trace all rent payments to bank deposits on the bank documents/statements he provided. In my professional opinion he has failed to provide all financial information. Because he failed to provide complete information, I was forced to estimate his tax liability.

In the process of completing the audit I discovered Mr. Sargent had another outside business operating in the city. He reported \$7,963.00 received from Bethel Evangelical Covent Church (BECC) on his individual Form - 1040 filed with the IRS for tax year 2020. The Bethel City Manager was able to determine and confirm this subcontract work (Form 1099) earnings came from BECC. Note - BECC received the first payment of a Community Action Grant (CAP) award to BECC of \$10,000 was received in May 2021. Mr. Sargent is the Grants Manager.

The BMC requires all external employment be disclosed by city employees to their managers. Mr. Sargent's contract work with BECC was not disclosed - it was uncovered in the sales tax audit. The BECC is a regular and significant recipient of "Community Action Grant" money paid by the City of Bethel. City payment records made to BECC are provided with this letter. As Grant Manager - Mr. Sargent should not have signed the second check to the BECC for \$15,000.00 paid in August 2022. It is my understanding Mr. Sargent is still receiving payments from the BECC. Mr. Sargent continues to resist full and complete disclosure (e.g. On-going compensation) with BECC.

Mr. Sargent did not obtain a business license for this additional business working for BECC. He also failed to file with the State of Alaska for a business license on

this additional business. Mr. Sargent failed to file sales tax reports to account for the payments from BECC. No accountability and compliance ignored again.

In the process of assessing the final audit billing I met with Mr. Sargent and agreed to waive some of the penalties on the audit billing. The original audit billing was \$24,783.15 and included all businesses operated without city licensing and sale tax compliance including the work at the BECC. I have attached a copy of this calculation. The adjusted audit billing of \$8,468.00 is also included in the packet of information.

In hindsight making an adjustment to waive billing may have been a mistake on my part.

In summary

Mr. Sargent enriched himself resulting a "financial detriment" to the City of Bethel. This enrichment occurred through his disregard of the BMC rules of sales tax collection and submittal. He repeated his unethical behavior through a repeated pattern with multiple business activities.

Mr. Sargent continues to conduct himself in difference to his direct "conflict of interest" as Grants Manager. His financial involvement and affiliation with a Grantee (BECC) who has been rewarded repeatedly by the Grants Committee (a committee he influences). The Grants Committee makes recommendations to City Council. City Council and the Grants Committee have NEVER been advised of Mr. Sargent's conflict. His manager and the city were not notified of his conflict. No formal written disclosure of actual detail financial involvement with BECC has been provided by Mr. Sargent.

I ask the reviewing body to seriously consider Mr. Sargent's unethical behavior and take the appropriate action.

Sincerely,



Duane Wright, CFE, CPA
Finance Director
City of Bethel

Categories of Fraud

Association of Certified Fraud Examiners

Unfortunately, fraud is so common that it can be categorized in countless ways. But fundamentally, every type of fraud is either organizational or individual. Let's look at some key characteristics of each.

Against individuals

This is when a single person is targeted by a fraudster — including identity theft, phishing scams and “advance-fee” schemes. Perhaps one of the most noteworthy and devastating individual frauds is the Ponzi scheme.

Internal organizational fraud

Sometimes called “occupational fraud,” this is when an employee, manager or executive of an organization deceives the organization itself. Think embezzlement, cheating on taxes, and lying to investors and shareholders.

External organizational fraud

This includes fraud committed against an organization from the outside, such as vendors who lie about the work they did, demand bribes from employees and rig costs. But customers sometimes defraud organizations, such as when they submit bad checks or try to return knock-off or stolen products. And increasingly, technology threatens organizations with theft of intellectual property or customer information.

<https://www.acfe.com/>

What Is Fraud?

“Fraud” is any activity that relies on deception to achieve a gain. Fraud becomes a crime when it is a “knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment” (Black’s Law Dictionary). In other words, if you lie to deprive a person or organization of their money or property, you’re committing fraud.

Why Do People Commit Fraud?

The most widely accepted explanation for why some people commit fraud is known as the Fraud Triangle. The Fraud Triangle was developed by Dr. Donald Cressey, a criminologist whose research on embezzlers produced the term “trust violators.”



The Fraud Triangle hypothesizes that if all three components are present — unshakeable financial need, perceived opportunity, and rationalization — a person is highly likely to pursue fraudulent activities. As Dr. Cressey explains in the *Fraud Examiners Manual*:

When the trust violators were asked to explain why they refrained from violation of other positions of trust they might have held at previous times, or why they had not violated the subject position at an earlier time, those who had an opinion expressed the equivalent of one or more of the following quotations: (a) ‘There was no need for it like there was this time.’ (b) ‘The idea never entered my head.’ (c) ‘I thought it was dishonest then, but this time it did not seem dishonest at first.’

John & Elizabeth Sargent
Tax Audit
Statement of Balance Due

Total
Rental House
Business Activity
BECC - 1099

Mask

Bethel
Municipal
Code

Gross Sales - NOT REPORTED

Sales Tax Liability @ 6% (Unreported and Unpaid)

Interest on Sales Tax Liability

Direct Time & Expense to complete audit

Failure to File Sales Tax Returns - \$50 per return not filed

Taxpayer conceals information penalty - \$ 500 per violation

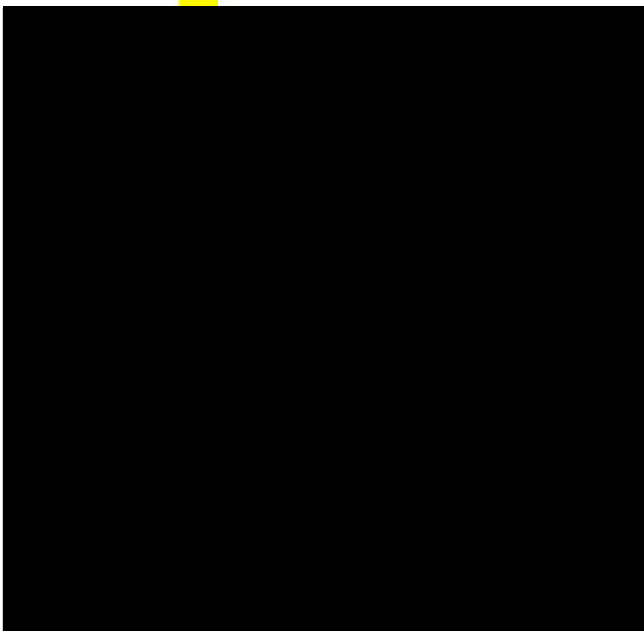
Failure to produce records Penalty - 3 times the sales tax liability

Failure to establish Business License

Total Due the City of Bethel as a result of the Audit Findings

Direct Hours incurred to complete audit

Direct Hour Cost



4.16.270 (C)
4.16.420 (C)
4.16.430 (E)
4.16.430 (C)
4.16.430 (H)
5.04.130

City of Bethel
Accounts Payable

Paid Invoice Report - Printed: _____ Verified: Shane Wright
Check issue dates: 4/1/2021 - 8/12/2022

Page: 1
Aug 23, 2022 12:44PM

Report Criteria:
Detail report type printed
Vendor.Vendor number = 3229

Vendor Number	Name	Invoice Number	Description	Seq	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
3229	Bethel Evangelical Coven	21-07	Community Action Grant t	1	04/13/2021	10,000.00	.00	10,000.00	226769	05/07/2021
		22-19	Community Action Grant	1	07/12/2022	15,000.00	.00	15,000.00	228341	08/05/2022
Total Bethel Evangelical Covenant Church:						25,000.00	.00	25,000.00		
Grand Totals:						25,000.00	.00	25,000.00		

CHECK REQUEST DOCUMENTATION
ATTACHED



CITY OF BETHEL
P.O. BOX 1388
BETHEL, ALASKA 99559
(907) 543-2905

WELLS FARGO BANK, N.A.
BETHEL BRANCH
BETHEL, AK 99559
89-5/1252

228341

Check #: 228341

PAY

Fifteen Thousand and 00/100 Dollars

COPY

DATE

8/05/2022

AMOUNT

15,000.00

TO THE
ORDER OF

BETHEL EVANGELICAL COVENANT CHURCH
165 CHIEF EDDIE HOFFMAN HIGHWAY
PO BOX 828
BETHEL AK 99559

NOT NEGOTIABLE AFTER 90 DAYS

John S. [Signature]
Peter A. Williams

AUTHORIZED SIGNATURES

⑈0228341⑈ ⑆125200057⑆ 0074503847⑈

CITY OF BETHEL

VENDOR: 3229 BETHEL EVANGELICAL COVENANT CHURCH

8/05/2022

Check No: 228341

INVOICE #	INV DATE	DESCRIPTION	INV AMOUNT
22-19	7/12/2022	Community Action Grant award for Parkling	15,000.00

COPY

TOTAL AMOUNT

15,000.00

CITY OF BETHEL

228341

VENDOR: 3229 BETHEL EVANGELICAL COVENANT CHURCH

8/05/2022

Check No: 228341

INVOICE #	INV DATE	DESCRIPTION	INV AMOUNT	GL Number
22-19	7/12/2022	Community Action Grant award for Parkling	15,000.00	100-72-6430

TOTAL AMOUNT

15,000.00

COPY

City of Bethel Action Memorandum

Action memorandum No.	22-19		
Date action introduced:	7-12-2022	Introduced by:	Peter A. Williams, City Manager
Date action taken:	7-12-2022	X Approved	Denied
Confirmed by:	K M		

Action Title: Authorize and direct City Administration to issue checks totaling \$28,500 to Year 5, Quarter 2 Community Action Grant (CAG) awardees based on the recommendation of the Community Action Grant Committee.

Attachment(s): None.

Amount of fiscal impact:	Source	Account information:
\$28,500	Funds in FY 2022 Budget. Balance available in CAG fund: \$82,382.85.	100-72-6430

Summary Statement

The City of Bethel established the Community Action Grant Program (CAG) to allow community and individuals to request financial support for programs or events that contribute to the health, welfare, and overall quality of life for residents of Bethel, especially its most vulnerable populations. Funding for the program comes from 20% of the Alcohol Tax collected by the City.

The Community Action Grant Committee is a volunteer group of citizens who meet quarterly to review CAG applications, score them, and provide funding recommendations to City Council. Bethel City Council must approve the recommendations before checks are issued. Each recipient of CAG funds signs a grant agreement with the City and is responsible for spending the funds appropriately and producing an exit report at the end of the performance period.

Three community action grant applications were received during the May 2022 open period and reviewed. Two applicants answered questions of the Committee verbally and in writing; one did not. Two applications were scored because the committee did not feel like they had sufficient information to score the third application. The applicant not scored was invited to reapply in August 2022.

The Committee recommends that City Council fund two projects: (1) Bethel Evangelical Covenant Church's (BECC) parking lot improvement project (\$15,000), and (2) Bethel Lion's Club (BLC) request for financial assistance to support their community food bank and food pantry projects (\$13,500). The CAG Grant Agreement for BECC will contain provisions that BECC not use the money for travel and that they obtain a site plan permit from the City of Bethel prior to construction. The CAG Grant Agreement for BLC will contain provisions that BLC use the money only to cover utility costs (e.g., electricity, propane, water & sewer, heating fuel) and not use the money for salaries or benefits.

COPY

Vendor #: 5229

Bethel, AK 99559

ENTERED AUG 05 2022

COPY

Total	\$ 15,000.00
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Page 17 of 405

COPY

Table of CAG Committee Scores and Award Allocations

	① BECC Parking Lot Improvements	Bethel Lion's Club Food Bank & Food Pantry Support
Committee Member #1	148	87
Committee Member #2	116	148
Committee Member #3	122	106
Committee Member #4	104	56
Total	490	397
Average	123	99

Requested Amount	\$15,000	\$50,000
Funding Recommendation	\$15,000	\$13,500

① "BECC" = BETHEL EVANGELICAL COVENANT CHURCH



CITY OF BETHEL
P.O. BOX 1388
BETHEL, ALASKA 99559
(907) 543-2905

WELLS FARGO BANK, N.A.
BETHEL BRANCH
BETHEL, AK 99559
89-5/1252

226769

Check #: 226769

PAY ***Ten Thousand and 00/100 Dollars***

COPY

DATE
5/07/2021

AMOUNT
10,000.00

**TO THE
ORDER OF**

BETHEL EVAN COVENANT CHURCH
PO BOX 828
BETHEL AK 99559

NOT NEGOTIABLE AFTER 90 DAYS

[Signature]
AUTHORIZED SIGNATURES

⑈0226769⑈ ⑆125200057⑆ 0074503847⑈

CITY OF BETHEL

VENDOR: 3229 BETHEL EVAN COVENANT CHURCH

5/07/2021

Check No: 226769

INVOICE #	INV DATE	DESCRIPTION	INV AMOUNT
21-07	4/13/2021	Community Action Grant to cover costs asso	10,000.00

COPY

TOTAL AMOUNT 10,000.00

CITY OF BETHEL

VENDOR: 3229 BETHEL EVAN COVENANT CHURCH

5/07/2021

Check No: 226769

INVOICE #	INV DATE	DESCRIPTION	INV AMOUNT	GL Number
21-07	4/13/2021	Community Action Grant to cover costs asso	10,000.00	10-72-760

TOTAL AMOUNT 10,000.00

COPY

PO #:

Bethel, AK 99559

COPY

Page 20 of 405

COPY

City of Bethel Action Memorandum

Action memorandum No.	21-07		
Date action introduced:	April 13, 2021	Introduced by:	Peter A. Williams, Interim City Manager
Date action taken:	April 13, 2021	☒ Approved	☐ Denied
Confirmed by:	KM		

Action Title: Authorize and direct City Administration to issue checks totaling \$101,474.93 to Year 4, Quarter 1 Community Action Grant awardees based on the Community Action Grant Technical Review Board's (CAGTRB) work on scoring applications and deciding how much to award each applicant.

Attachment(s): None.

Amount of fiscal impact:	Source	Account information:
\$101,474.93	Funds in FY 2021 Budget plus funds proposed in budget modification ordinance.	10-72-760

Summary Statement

The City of Bethel established the Community Action Grant Program (CAG) to allow community and individuals to request financial support for programs or events that contribute to the health, welfare, and overall quality of life for residents of Bethel, especially its most vulnerable populations. Funding for the program comes from 20% of the Alcohol Tax collected by the City. City Administration directed Carmen Jackson, CPA, LLC to determine the balance of funds available for CAG distribution.

The Community Action Grant Technical Review Board is a volunteer group of citizens who meet quarterly to review CAG applications, score them, and provide funding recommendations to City Council. Bethel City Council must approve the recommendations before checks are issued. Each recipient of CAG funds signs a grant agreement with the City and is responsible for spending the funds appropriately and producing an exit report at the end of the performance period.

The Board received seven applications during the open application period from January 29, 2021 to February 28, 2021. The seven applicants requested a total of \$180,899.93, the largest amount in any of the previous 12 quarters.

The Board held three meetings in March 2021 to listen to the applicants, ask questions of the applicants, discuss the proposals, score them, and decide how much to award each project. The Board split Delta Recreation's application into two parts for scoring and funding: lawnmower and groomer. The Board recommended that City Council fund the following projects at the amounts indicated:

COPY

Applicant Rank, Score and Project Summary	Requested	Award Recommended
1. Quyuana Café – Bethel Evangelical Covenant Church Avg. Score: 152 Upgrades to food service truck to operate Quyuana Café an enterprise to provide job skills and life coaching for first time or newly employed individuals.	\$10,000.00	\$10,000.00
2. Wrestling mat and hoist - Gladys Jung Elementary Wrestling Avg. Score: 147 Purchase wrestling mat, hoist and installation hardware for use at Gladys Jung Elementary School. Shipping cost included.	\$34,974.93	\$34,974.93
3. Lawnmower – Delta Recreation Avg. Score: 139 Purchase riding lawnmower and gasoline for use by volunteers to cut grass on Big Dipper field in Pinky's Park. Purchase paint for grass lines to facilitate organized sports.	\$5,550.00	\$5,550.00
4. Food Security Coalition - Bethel Community Services Foundation Avg. Score: 126 Food security coordinator salary, food, supplies, electricity, and housing support as a way to help those in need; numbers have increased due to the COVID-19 pandemic.	\$23,000.00	\$10,000.00
5. Ski Trail Groomer – Delta Recreation Avg. Score: 115 Purchase cross country ski trail grooming apparatus. Cost includes barge shipment to Bethel. Volunteers in Bethel will operate it to groom ski trails for school youth and adults. Equipment will revert to City ownership, if volunteers capitulate.	\$35,350.00	\$35,350.00
6. First Fridays – Yupiit Piciryarait Cultural Center Avg. Score: 101 Sponsor live performances and displays of artwork at the cultural center on collaboration with community organizations. Funds pay for musical performances, art supplies, and food.	\$2,600.00	\$2,600.00
7. Animal Shelter Employee Salary - Bethel Friends of Canines Avg. Score: 97 Salary for contract employee(s) to work at City's Animal Shelter currently operated by Bethel Friends of Canines through Memorandum of Agreement with City. Funds also to pay for water and sewer services delivered by City.	\$19,425.00	\$3,000.00
8. Senior Center Renovation – Winterhouse Avg. Score: 80 Renovation project to replace wall on side of senior center where glass greenhouse used to be attached.	\$50,000.00	\$0
Total	\$180,899.93	\$101,474.93



CITY OF BETHEL

Finance Director's Office

P.O. Box 1388

Bethel, Alaska 99559

Email: dwright@cityofbethel.net

Office: (907) 543-1376

Fax: (907) 543-5294

Notice of Compliance Audit

(Failure to obtain a Business License - BMC Chapter 5.04)

(Failure to report and remit Sales Tax – BMC Chapter 4.16)

Date of Notice: June 20, 2022

John & Elizabeth Sargent

1113-A Naunr

PO Box 2602

Bethel, Alaska 99559

Dear Taxpayer

It has come to our attention that you are engaged in residential rental activities within the City of Bethel. This rental property is located at 1113-B Naunr Bethel, AK. Rental properties and rental activities are subject to business licensing and sales tax compliance. The City of Bethel finance department has no record of a business license application and no record of any sales reports filed or tax remitted for your rental activities. The Bethel Municipal Code (BMC) has specific and clear guidance on real estate rental activities.

Your financial records and rental documents are subject to an Audit under BMC 4.16.350. We will be conducting an Audit of your accounting books and records for the calendar Tax Years Ending:

- December 31, 2019
- December 31, 2020
- December 31, 2021

To start this examination, we will need you to bring the following books, records and other documents outlined below to the Finance Department. The documents listed below must be provided to the Finance Department on or before July 5, 2022.

- Books, journals, ledgers and documents used to manage the rental business.
- Monthly bank statements for accounts you and your spouse own for the 36 months under examination.

August 17, 2022

- All lease/rental agreements, rental applications and other rental documentation used in conjunction with the business.
- Copies of all federal income tax returns filed by you for the years under examination.

The Finance Department reserves the right to ask for additional information in connection with this audit. Failure to comply with this request or future requests may result in additional administrative and/or legal action.

Regards,



Duane Wright, CFE, CPA
Finance Director
City of Bethel

cc:
City Manager
City Attorney



CITY OF BETHEL
Office of the Finance Director
P.O. Box 1388
Bethel, Alaska 99559
Email: dwright@cityofbethel.net
Office: (907) 543-1376
Fax: (907) 543-5294

SALES TAX AUDIT - CITY OF BETHEL FINANCE DEPARTMENT - (BMC 4.16.350)
Notice of Audit Findings and Statement of Audit Balance Due

July 15, 2022

JOHN & ELIZABETH SARGENT
BOSS LADY RENTALS
PO BOX 2602
BETHEL, AK 99559-2602

Dear TAXPAYER

The City of Bethel Finance Department has concluded your audit. The audit covered the calendar Tax Years Ending:

- December 31, 2019
- December 31, 2020
- December 31, 2021

The audit also included an examination of the months of January 2022 through June 2022.

The Finance Director is authorized to independently investigate all retail sales or transactions and inspect all records that a seller is required to maintain according to the City of Bethel Municipal Code (BMC) to facilitate the audit and determine a seller's liability for sales tax where no return has been filed.

The audit has determined the taxpayer was not in compliance with multiple provisions of the BMC. The taxpayer failed to establish a City of Bethel Business License and Certificate for Sales Tax Collection. The taxpayer also failed to comply with the periodic reporting and payment of sales tax liability in accordance with the BMC. A Statement of Audit Balance Due for this audit is detailed and attached to this letter. The amount due is \$ 8,468.00 - this amount is due immediately upon receipt of this letter.

Sincerely,

Duane Wright, CFE, CPA
Finance Director
City of Bethel

cc: City Manager
City Attorney

John & Elizabeth Sargent

Sales Tax Audit

Statement of Audit Balance Due

Gross Sales - NOT REPORTED

Sales Tax Liability @ 6% (Unreported and Unpaid)

Interest on Sales Tax Liability

Direct Time & Expense to complete audit

Penalty - Failure to File Sales Tax Returns (\$ 50 per return not filed)

Penalty - Taxpayer concealed information (\$ 500 per violation)

Penalty - Failure to produce records (3 times the sales tax liability)

Penalty - Failure to establish Business License (\$ 200 per violation)

Total Due the City of Bethel because of the Audit Findings

Business
Activity
Rental

Bethel
Municipal
Code

4.16.270 (C)

4.16.420 (C)

4.16.430 (E)

4.16.430 (C)

4.16.430 (H)

5.04.130

Taxpayer further agrees to start filing sales tax returns starting July 1, 2022.

NOTES

James
Sullivan

JOHN & ELIZABETH SARGENT
1113 A NAUNR
PO BOX 2602
BETHEL, ALASKA

Utility Billing systems says
rental of 1113 B started in
May of 2018 NO BREAK IN
UTILITIES @ THIS
ADDRESS

HIRE DATE 1/30/2004

JS

NO STATE OF ALASKA BUSINESS
LICENSE FOUND FOR BUSINESS

NO City of Bethel license!

NO Sales tax reports

JOHN SARGENT AUDIT



6/18 to 3/19

6/19 to 11/19

12/19 to 9/20

10/20 to 4/22

5/22 to 6/22



closing stunt purchased HOUSE in 8/19

(COVENANT CHURCH) →

DISCOVERED
During Audit

JANITORIAL INCOME

From (FORM 1040 2020)

Conflict of Interest!

ELIZABETH SARGENT - BUSINESS

COVID money →

ZONING ? FOR RENTAL

① Decided not to assess sales tax

Duane Wright

From: John Sargent
Sent: Wednesday, August 10, 2022 2:40 PM
To: Duane Wright
Subject: RE: Tax Audit

Where is the appeal application? Send it to me.

From: Duane Wright <dwright@cityofbethel.net>
Sent: Friday, July 29, 2022 7:13 PM
To: John Sargent <jsargent@cityofbethel.net>
Subject: Tax Audit

A copy of the Audit Findings letter mailed by USPS on July 15, 2022 is attached to this email. This letter details the sales tax, interest and penalties due on your final sales tax audit. The amount of [REDACTED] is the FINAL amount. You now have two choices (1) make your payment in full – immediately or (2) you have an option to request an Appeal.

I have attached a file with this email - BMC 4.16.440 which covers the appeal process. You only have 30 days from the date of the final audit letter (7/15/22) to file an appeal request. To file an appeal, you must make application and pay a \$50 fee. If you choose not file an appeal, then the entire amount is due and payable immediately. Failure to make payment will result in collection action taken.

You now have an on-going obligation to collect, file and remit sales taxes and reports on a monthly basis stating July 1, 2022. Your next sales tax report is due in August 2022.

Regards,
Duane Wright, CFE, CPA
Finance Director
City of Bethel, Alaska
907-543-1376

Duane Wright

From: John Sargent
Sent: Wednesday, August 10, 2022 5:46 PM
To: Duane Wright
Subject: Re: Tax Audit

It says nothing about a special form or a \$50 cost to file an appeal. I plan to file an appeal to the city manager by the deadline that you mentioned in your email to me (30 days from July 15, 2022).

From: Duane Wright <dwright@cityofbethel.net>
Sent: Wednesday, August 10, 2022 5:19 PM
To: John Sargent <jsargent@cityofbethel.net>
Subject: Re: Tax Audit

You can find answers with instructions in BMC 4.16.440 - Appeals.

Regards,
Duane Wright, CFE, CPA
Finance Director
City of Bethel
Office: 907-543-1376
Cell: 907-545-0167

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To: Duane Wright <dwright@cityofbethel.net>
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You now have an on-going obligation to collect, file and remit sales taxes and reports on a monthly basis starting July 1, 2022. Your next sales tax report is due in August 2022.

Regards,

Duane Wright. CFE, CPA
Finance Director
City of Bethel, Alaska
907-543-1376

Duane Wright

From: Duane Wright
Sent: Friday, July 8, 2022 9:35 PM
To: John Sargent
Cc: Peter Williams
Subject: Audit - Sales Tax Returns

In an effort to continue the progress on your sales tax audit, you need you to comply with all requests for information. Transparency. disclosure and appropriate response are critical to the process. Prior to this request you were asked twice to provide all of the financial account activity statements for all financial institutions. You have still not provided all the information requested. Late this afternoon you said you were delivering copies of your financial institution information – this information is incomplete. I have evidence that confirms additional disclosure is required by you. It seems you were unsuccessful in providing ALL the information requested.

This notice constitutes the THIRD and final request for FULL disclosure. You must provide to the finance director ALL financial information on ALL accounts at ALL financial institutions for the period (1/1/2019 to 6/30/2022). This information must be provided to the finance director by 5:00pm on Monday (7/11/2022).

Duane Wright. CFE, CPA

Finance Director

City of Bethel, Alaska

907-543-1376

Duane Wright

From: Duane Wright
Sent: Tuesday, July 5, 2022 7:00 PM
To: John Sargent
Cc: Peter Williams; Libby Bakalar; Xavier Mason
Subject: Audit of Rental @ 1113B Nuanr

Thank you for delivery of some of the material requested for the audit. Below you will find a list of additional information either not provided or is something we will need to continue the audit process.

- Federal Tax Return - Form 1040 for 2021 (Asked for on the audit letter, not yet provided)
- Detailed description of 2020 Form 1040 – Schedule C – gross revenue [REDACTED] What was the business and nature of business activities.
- Copies statements from ALL financial institution (bank, credit union, etc.) accounts for 2019, 2020, and 2021 (Asked for on the audit letter, not yet provided)
- Copies of the real estate closing statement/documents on the purchase of the rental property. Purchase of property appears to have occurred in the April or May 2019 timeframe.

Please provide these documents to the finance department by noon on Friday 7/8/2022.

Regards,
Duane Wright, CFE, CPA
Finance Director
City of Bethel, Alaska
907-543-1376

**RETURN TO: City of Bethel**

P.O. Box 1388
Attn: Finance Director
Bethel, AK 99559
(907) 543-2097
Fax (907) 543-3817

MUNICIPAL TAX LIEN ON PROPERTY

AS PROVIDED BY AS 29.45.650(E); 29.45.700, and BETHEL MUNICIPAL CODE SECTION 4.16.280, SALES TAX (including interest and penalties) HAS BEEN ASSESSED AGAINST THE FOLLOWING NAMED TAXPAYER and their personal **REAL AND PERSONAL PROPERTY**. DEMAND FOR PAYMENT OF THIS LIABILITY HAS BEEN MADE, BUT REMAINS UNPAID. THEREFORE, NOTICE IS HEREBY GIVEN THAT A LIEN IN FAVOR OF THE CITY OF BETHEL EXISTS ON ALL REAL AND PERSONAL PROPERTY AND RIGHTS TO PROPERTY BELONGING TO THIS TAXPAYER FOR THE DELINQUENT AMOUNT OF TAXES, PENALTIES, AND INTEREST OWED TO THE CITY, AND ANY ADDITIONAL PENALTIES AND INTEREST THAT MAY BECOME DUE AND OWING TO THE CITY BEFORE THE LIEN IS SATISFIED.

JOHN & ELIZABETH SARGENT

(Taxpayer)

(DBA)

[REDACTED] BETHEL, ALASKA 99559-2602

(Address)

Sales Tax Period

01/01/2019 TO 6/30/2022

Date of Assessment

08/08/2022

Unpaid Balance

Place of filing: Bethel Recording District

This Notice was prepared and signed at Bethel, Alaska this, 8TH Day of August 2022By: Peter Williams 8/8/2022

Peter Williams

City Manager – City of Bethel

STATE OF ALASKA)

) ss.

FOURTH JUDICIAL DISTRICT)



On this 8 day of Aug 2022, before me, the undersigned Notary Public in and for the State of Alaska, personally appeared Peter Williams known to me to be the City Manager of the City of Bethel that executed the within instrument on behalf of the City of Bethel.

Notary Public

Postmaster Bethel, AK 99559

Expiration Date

4.16.350 Audits.

- A. Any seller who has established a sales tax account with the city, who is required to collect and remit sales tax, or who is required to submit a sales tax return is subject to a discretionary sales tax audit at any time. The purpose of such an audit is to examine the business records of the seller in order to determine whether appropriate amounts of sales tax revenue have been collected by the seller and remitted to the city.
- B. The city is not bound to accept a sales tax return as correct. The finance director may make an independent investigation of all retail sales or transactions conducted within the city.
- C. The records that a seller is required to maintain under this chapter shall be subject to inspection and copying by authorized employees or agents of the city for the purpose of auditing any return filed under this chapter, or to determine the seller's liability for sales tax where no return has been filed.
- D. In addition to the information required on returns, the city may request, and the seller must furnish, any reasonable information deemed necessary for a correct computation of the tax.
- E. The city may adjust a return for a seller if, after investigation or audit, the city determines that the figures included in the original return are incorrect, and that additional sales taxes are due; and the city adjusts the return within three (3) years of the original due date for the return.
- F. For the purpose of ascertaining the correctness of a return or the amount of taxes owed when a return has not been filed, the finance director may conduct investigations, hearings and audits and to that end may examine any relevant books, papers, statements, memoranda, records, accounts or other writings of any seller at any reasonable hour on the premises of the seller and may require the attendance of any officer or employee of the seller. Upon written demand by the finance director, the seller shall present for examination, in the office of the finance director, such books, papers, statements, memoranda, records, accounts and other written material as may be set out in the demand unless the finance director and the person upon whom the demand is made agree to presentation of such materials at a different place.
- G. The city manager may issue subpoenas to compel attendance or to require production of relevant books, papers, records or memoranda. If any person refuses to obey any such subpoena, the city manager may refer the matter to the city attorney for an application to the superior court for an order requiring the person to comply therewith.
- H. Any seller or person engaged in business who is unable or unwilling to submit their records within the city shall be required to pay the city for all necessary expenses incurred for the examination and inspection of their records maintained outside the city.
- I. After the completion of a sales tax audit, the results of the audit will be sent to the business owner's address of record.
- J. In the event the finance director, upon completion of an audit, discovers more than five hundred dollars (\$500) in additional sales taxes due from a seller resulting from a seller's failure to accurately report sales and

BMC – 4.16.440 APPEALS

A. Unless a different time frame is specified, a seller aggrieved by an action of the finance director in fixing the amount of tax or in imposing a penalty or interest shall appeal to the city manager within thirty (30) calendar days from the date of the postmark on the finance director's written notification. A taxpayer who has a cause of action, grievance or protest concerning the legality, collection or payment of the sales tax shall appeal in this manner and within the same time frame. All right to an appeal shall be deemed waived if not timely requested as set forth in this subsection.

B. All appeals shall be filed in writing addressed to the city manager, must be signed by the seller/taxpayer (or counsel therefor) and shall contain the following information:

1. Name, address and telephone number of aggrieved seller/taxpayer;
2. A specific and detailed statement of the amount of tax, interest or penalty contested, the basis and grounds upon which the appeal is made, and all pertinent records, documents or other evidence substantiating the grounds as stated; and
3. A statement of the relief sought.

C. Failure to file an appeal within the time and manner provided shall be deemed a waiver of that right and to any appellate review to which the aggrieved party might have otherwise been entitled.

D. Arguments or reasons for failure to timely file a return and remit taxes collected shall not be considered a valid basis or grounds for granting an appeal. The basis and grounds for granting any appeal are limited to:

1. The identity of the seller is in error;
2. The amount of the debt is erroneous due to a clerical error (and the nature and extent of the error is specified in the request for a hearing);
3. The seller disputes the denial of exemption(s) for certain sales;
4. Taxes have been levied and forgiven; or
5. The Bethel Municipal Code has been misinterpreted, misapplied, or not followed.

E. A request for appeal is filed on the date it is personally delivered or, if delivered to the city manager by United States mail, the date of the United States Postal Service postmark stamped on the properly addressed cover in which the request is mailed.

F. A current mailing address must be provided to the city manager with the request for appeal, and any change in mailing address after the request for appeal is filed must be reported to the city manager.

G. Upon notice of the filing of a written appeal, the finance director shall immediately send a copy of their decision, and any information or documents utilized in reaching their decision, to the city manager with a copy to the city attorney and the party filing the appeal.

H. The city manager shall decide the appeal based upon the pertinent records provided by the parties involved.

I. The taxpayer must prove by a preponderance of the evidence the factual basis upon which they are relying.

J. The city manager's determination shall be based upon the evidence received and any written materials submitted by the parties. The determination need not make formal findings of fact or conclusions of law, but the written determination shall state the reasons for the decision and indicate the evidence relied upon. Such determination shall be issued no later than fifteen (15) calendar days after the appeal is filed. Such determination shall be final.

K. The city manager may retain the services of the city attorney to assist them in making their decision.

ONLY VALID REASONS FOR APPEAL

P.O. Box 2602
Bethel, AK 99559

August 31, 2022

Lori Strickler, City Clerk
City of Bethel
P.O. Box 1388
Bethel, AK 99559

RE: Removal of Confidentiality

Dear Sir or Madam:

Please accept this written intention from me to waive protections afforded me under the confidentiality provision in the Bethel Municipal Code. I waive my right to confidentiality on this issue, documents submitted, and related aspects of this case. My signature below does hereby attest to my willingness, insistence, and conscientious decision to waive my confidentiality rights for this case and this case alone.

Thank you.



John Sargent
Employee with City of Bethel

Filing by Respondent, John Sargent

BMC 2.05.040 conflict of Interest and Code of Ethics

John Sargent resides in Side A of a duplex at 1113 Naunraq Street in Bethel, Alaska. He and his wife, Beth, own the duplex.

The duplex is disclosed in the City's Caselle accounting system database, water and sewer module. The City of Bethel regularly delivers water and evacuates sewer from Side A and Side B. Each side has a separate water and sewer tank. The owners in Side A have a water and sewer account. Tenant in Side B has his/her own account. It is blatantly obvious to the City that we live in and own a duplex.

Duane Wright was hired by the City of Bethel on or about April 2022 to be the new Finance Director. He quickly needed a place to rent so that he could start work in May 2022. HR Manager, Anny Cochrane, was busy looking for a place for him to rent. She was acting on his behalf to make his arrival and beginning work experience in Bethel a pleasant one.

When I mentioned to City Manager Peter Williams that I would have a vacancy in my rental unit, he told me to speak with Anny. I told Anny about it. She relayed the information to Mr. Wright via email and gave me his email address.

Mr. Wright was very interested in renting Side B of the Sargent duplex. He was given a video tour of the place while empty made a couple of years ago and he liked it. He provided emails and words on the phone that he would rent the unit from the Sargents. See attached emails.

Mr. Wright followed his plan to drive his pickup truck to Seattle and put it on the barge to Bethel. He then flew to Bethel and began taking advantage of the City's offer of a month or so of a hotel room until he could find a place to live. He continued interacting with me to rent the duplex. He and his girlfriend, Signa, came to the duplex for a viewing to see if they both would like to live there. He appeared ready to sign on the spot, but said that his girlfriend was not quite on board. The rental agreement was not ready for his signature at that time. We both parties agreed to sign the contract the next day, Thursday, in City Hall.

When I approached Mr. Wright with the printed rental agreement to sign, he hesitated, and put me off. He said that his girlfriend was not quite ready to commit to staying there and that he needed one more night to convince her. He said that he bought Signa beer for the night, implying that convincing her should be a sure thing after she was under the influence of alcohol.

The next day was Friday. Mr. Wright was conspicuously absent from work. He was a no-show. I knew then and there that he was stringing me along, giving me a line that he was going to sign the rental agreement, when in fact he was not going to sign it. He left my wife and I hanging

after we reserved the tenancy in Side B for him for about two weeks. That is when my wife and I decided that he was a scoundrel, a con artist who could not be trusted. His word meant nothing.

My wife and I quickly contacted a nurse at the hospital who needed a place to stay. He took a look at Unit B and loved it. He committed to signing the rental agreement the next day and did so. Problem solved. Good tenant IN and Bad tenant OUT.

Later that weekend when I called Mr. Wright, I told him that Unit B was rented. He said, "Well, that's that" and hung up the phone.

A week and half later Mr. Wright deliberately stepped into my office and thrust an audit letter in my hands. The smirk on his face said, "This is revenge, Mr. Sargent. I am now auditing your duplex rental business." Sour grapes on Mr. Wright for being rejected as a tenant due to his own ineptitude.

In his audit letter, he demanded that I relinquish three years of federal income tax returns, three and a half years (January 1, 2019 to June 30, 2022) of personal bank statements, and all rental agreements, documents, and records. The Bethel Municipal Code says that the Finance Director can only go back three years in the conduction of his audit. Mr. Wright clearly abused his right to demand records by asking for an additional six months or records outside the code. He then had the audacity to charge me for his time to review these extra six months of records that he had no right to demand in the first place. His actions were one of a tyrant, head-strong with his new power as the new Finance Director for the City of Bethel.

Mr. Wright conducted the audit and provided me with his Notice of Audit Findings and Statement of Audit Balance Due dated July 15, 2022. In that document, he accused my wife of having an illegal mask-making business. See a copy of the speech I gave to the Bethel City Council in which I explained how WRONG it was of Mr. Wright to accuse my wife, Beth, of running an illegal mask-making business. Mr. Wright failed to research the events of the day, failed to find out what really happened, and failed in his determination that Beth ran an illegal mask-making business. Beth answered the City's call for volunteers to make cloth masks during the onset of the COVID-19 pandemic emergency and gave each and every mask she made to the City of Bethel for redistribution to community members, free of charge. Mr. Wright did succeed at one thing: he attempted to ring the City register for his own aggrandizement by demanding \$2,145.14 in sales taxes, penalties, and interest for my wife's fictitious mask-making business.

Mr. Wright acted with a small bit of sense when he waived the mask-making charges in total, waived the janitorial business activity in total, and waived the "Failure to produce records Penalty - 3 times the sales tax liability," reducing the \$24,783.15 bill to \$8,468. See both sets of Notice of Audit Findings and Statement of Audit Balance Due (one dated July 12, 2022 and one dated July 15, 2022).

Mr. Wright is so vindictive that he drafted and filed a lien of my personal and real property, had City Manager Williams sign it, the Postmaster notarize it, and then delivered it to the Alaska USA Federal Credit Union BEFORE I had a chance to file my sales tax appeal. The lien was filed on August 8, 2022. The deadline for me to file my appeal was August 15, 2022. I did file

my appeal on August 15, 2022. When the appeal was filed by the Finance Director and City Manager, they included a page of my bank statement ending June 30, 2022. The page they included was one of the documents that I submitted to the Finance Department as part of the audit records collection and a document that was supposed to be held in confidence. The City, with Duane in the lead, violated my right to confidentiality. See lien and personal bank statement page filed with lien attached.

Mr. Wright has already engaged me and my wife, Elizabeth Sargent, in an audit of our duplex rental business. He had no right to file an ethics complaint for the same issue. That is double jeopardy. We complied with the provision of all of the documents he requested for the audit, which is why he erased the "failure to produce records" penalty. Mr. Wright is clearly acting with prejudice against my wife and I, demanding six months' worth of documents outside the law, deliberately conjuring up fraudulent findings, and filing a spurious ethics complaint against me. I recommend that this complaint be dismissed.

Mr. Wright should be held accountable for his unethical behavior. He deliberately targeted John and Elizabeth Sargent after being spurned from tenancy, he exceeded the law in his conduction of our sales tax audit and delineation of penalties, he filed a lien on the duplex with City Manager Williams seven days prior to the end of the deadline to file a sales tax appeal, and he filed this ethics complaint after I spoke negatively about him to the City Council. He is clearly seeking retribution. His vile and untoward behavior must be put to rest.

BMC 205.050 - Improper Influence in Grants

Mr. Wright is new to Bethel and naive in his understanding of how the Community Action Grant Committee functions. Immediately after the Community Action Grant Technical Review Board was formed, I was assigned by the City Manager, my direct supervisor, to serve as recorder and ex-officio for the board. The Board was later termed Committee. I have consistently served as ex-officio for the board and committee since inception (November 2018) due to my role as Grant Manager for the City, which is ironic because I seek to obtain funding my job, not give money away. The Community Action Grant Committee reviews applications and decides how much money to give away.

I have served as recorder for the whole time also, minus a few months when Ed Flores served as recorder. As recorder, I prepare the agenda, post the agenda, arrange for the meeting on zoom and at City Hall, take meeting minutes, provide packets of applications and other documents to committee members, and prepare the action memorandum for city council approval. I also prepare the check requests after council approves the action memorandum for awards.

See duties of Ex-officio list of duties attached.

I do the work of the committee. I do not have a vote. The committee members discuss the Community Action Grant applications, engage with applicants during the two meeting held every quarter, score the applications, and decide how much money each will be awarded.

The Bethel Evangelical Covenant Church did prepare and submit three applications for CAG funding. Their applications were discussed, promoted live by a representative of the church, scored, and voted on by the group. I carried out the decision of the committee and put the required documentation before City Council for their vote of approval.

In my role as recorder and ex-officio, I have no conflict of interest with my affiliation with the church. My work at the church part-time for 2-3 hours a week doing janitorial services does not interfere with my role as recorder and ex-officio. I have no vote on the committee. My ability to influence the decision of committee members is nil.

How does a CAG award to the church benefit me in my role doing janitorial work for three hours on Saturday night? It does NOT. The church sought money for and was awarded money to buy things associated with three projects: (1) a new coffee espresso machine, cart, and other furniture for its Coffee House teen program, (2) Quayana Cafe food truck improvements, and (3) gravel parking lot improvements. If I was an espresso machine seller or a restaurant equipment purveyor, or a gravel provider, then I would benefit. I am just a mild, mannered janitor man.

I sign all checks put in front of me by the City Manager or Accounts Payable Accounting Specialist on Friday after the checks are cut for the week. I am an authorized check-signer.

BMC 2.05.070 - Outside Employment Restricted

Once again, Mr. Wright is barking up the wrong tree with insufficient knowledge to back up his words. I have told City Manager Peter Williams on several occasions over our five years of working together that I work part-time at the church. One time, we even discussed the useful features of certain vacuum cleaners relative to other features. Mr. Williams knew that I cleaned the church on the weekends and it was never an issue. NEVER.

Through his overt acknowledgement and tacit acquiescence through the five years I have known and worked for Mr. Williams, he has only expressed his approval, convivial conversation about cleaning commercial buildings, and related unremarkable banter.

BMC 2.05.160 - Conflict of Interest - Municipal Employee

As stated previously herein, there is no conflict of interest in me performing church-cleaning services for a couple of hours a week. It does not interfere with my duties as Grant Manager. I have brought in solely and with the help of others, over \$180 million in grant/loan funds for the City. My high performance is noteworthy. I have secured private foundation funding and State and Federal funding for a multitude of projects, including the YK Fitness Center (\$24 million), the institutional corridor piped water project (\$7 million), and most recently, the Bethel Heights Water and Sewer Improvements project (\$14 million).

With City Manager Peter Williams fully informed of my limited-hour cleaning job at the church, there is no conflict of interest. The only conflict is Mr. Wright attacking me again and again in retaliation for his hurt feelings. The only interest is Mr. Wright's desire to use his ability to write, read and misapply the law, in an effort to harm a colleague at City Hall.

Summary Judgment and Recommendation to Ethics Judge

The true time-waster is Mr. Wright. He is like a little kid who pouts when he does not get his way or the bully who must best others. In this case, he used his talents, skills, and abilities to clobber me with his interpretation of events and the Bethel Municipal Code. The Code was never meant to be used as a club to bludgeon fellow employees like he had done. He is abusive and must be stopped.

The Ethics Judge should recommend that Mr. Wright cease and desist all persecution activities toward John and Elizabeth Sargent. He shall not be allowed to file any more malicious ethics complaints, fabricate business ventures and levy ridiculous charges, or falsely accuse John Sargent of a conflict of interest in his conduction of recorder and ex-officio Community Action Grant duties, and not criticize John Sargent for his service to the Bethel Evangelical Covenant Church, and related religious affiliation.

22-01 EC

Communications from Office of Administrative Hearings

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
FROM THE CITY OF BETHEL**

In the Matter of	)	
	)	
CITY OF BETHEL ETHICS COMPLAINT	)	OAH No. 22-0717-MUN
NO. EC 22-01	)	

NOTICE OF REFERRAL AND ASSIGNMENT

On August 29, 2022, pursuant to Bethel Municipal Code 2.06, the Bethel City Clerk referred the above-captioned matter to the Office of Administrative Hearings (OAH) for appointment of an Administrative Law Judge to serve as the hearing examiner in this matter.

Administrative Law Judge Lisa M. Toussaint is hereby assigned to serve as the hearing examiner in this matter as described in 2.06.040 and .050. Future filings regarding the hearing examiner's review in this matter should refer to OAH Case. No. 22-0717-MUN, and should be directed to Judge Toussaint's attention at the following address:

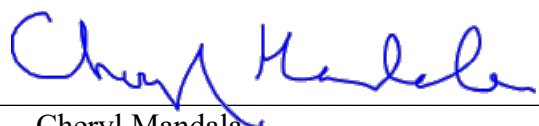
Office of Administrative Hearings
550 W. 7th Ave., Suite 1940
Anchorage, AK 99501

You may also file documents by email to doa.oah@alaska.gov. If you have questions about filing procedures or scheduling, you may contact OAH staff at that email address or at 907-269-8170.

The proceedings in this matter shall be governed by Bethel Municipal Code 2.06. Judge Toussaint will contact the parties to arrange scheduling matters required to conduct a preliminary screening under BMC 2.06.040 and, if appropriate, proceedings necessary for a probable cause determination under BMC 2.06.050.

A copy of the complaint has been provided to respondent by the Bethel City Clerk. The parties are reminded that the existence and contents of the complaint, and all related proceedings, are to remain confidential unless respondent waives such protections in writing or until such time that the hearing examiner determines probable cause, if that occurs. The parties are cautioned that BMC 2.06.030(F) mandates dismissal of the complaint with prejudice if the confidentiality requirements are violated by anyone other than respondent or respondent's witnesses.

DATED August 29, 2022.

By: 
Cheryl Mandala
Deputy Chief Administrative Law Judge

I certify that on August 29, 2022, this document was distributed by email to: Respondent; Complainant; City Attorney Libby Bakalar; and City Clerk Lori Strickler.

Sarah Marshall
Office of Administrative Hearings

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
BY THE BEFORE THE CITY OF BETHEL BOARD OF ETHICS**

In the Matter of	)	
	)	
CITY OF BETHEL ETHICS COMPLAINT	)	OAH No. 22-0717-MUN
NO. EC 22-01	)	Agency No. EC 22-01

ORDER

On August 29, 2022, the City Clerk for the City of Bethel (City) referred the above-referenced complaint to the Office of Administrative Hearings for the appointment of an administrative law judge to serve as a hearing examiner to screen the complaint for potential violations of the City’s Code of Ethics in accordance with Bethel Municipal Code (BMC) 2.06.040 and 2.06.050.¹ The first step in that process is an initial screen of the complaint and supporting information, to be completed within seven days of the hearing examiner’s receipt of the complaint, to determine whether the allegations in the complaint, if true, would constitute a violation of the Ethics Code such that some or all of the allegations should be accepted for further investigation.²

Based on the results of the assessment during the initial screening process, the complaint in this case is accepted in part and rejected in part, as set forth below.

I. The Complaint

The complaint concerns allegations by Duane Wright, the City’s Chief Financial Officer, that John Sargent, the City’s Grants Manager, committed multiple violations of the Code of Ethics. The specific allegations are as follows: (1) Mr. Sargent had and continues to have an improper conflict of interest under of BMC 2.05.040 due to his operation of a rental property in violation of the sales tax and business licensing requirements of Title 4 and Title 5 of the BMC, respectively; (2) Mr. Sargent violated BMC 2.05.050 by exercising improper influence over grants issued by the City to the Bethel Evangelical Convent Church (BECC) while he was employed by BECC; (3) Mr. Sargent violated BMC 2.05.070 concerning restrictions on outside employment of municipal employees by failing to disclose that he was employed by BECC while

¹ BMC 2.06.010.C.
² BMC 2.06.040(A) and (C).

serving as the City Grants Manager; and (4) Mr. Sargent violated BMC 2.05.160 generally by failing to disclose conflicts of interest to the City Manager.

II. Findings of Initial Screen

A. Allegations regarding potential sales tax and business licensing requirements

Based on the information in the complaint and the supporting documents from Mr. Wright, the allegations in the first claim above – that Mr. Sargent operated rental property in violation of the City’s sales tax and business licensing codes – even if true, would not constitute a violation of the Ethics Code. BMC 2.05.040 concerns a municipal employee’s use of his or her official position for the purpose of obtaining personal financial or private gain or to influence the decisions of others for the employee’s benefit. Although the information supplied by Mr. Wright involves potentially serious matters, it does not contend that Mr. Sargent used or attempted to manipulate his municipal position, as contemplated by BMC 2.05.040, to avoid paying taxes or compliance with business licensing requirements. Thus, while Mr. Sargent’s actions could conceivably constitute violations of Title 4 and Title 5, they do implicate the Code of Ethics. Accordingly, the complaint is rejected with respect to the allegations concerning the sales tax and license matters, and these allegations will not be investigated further in this forum.³

B. Allegations concerning grants to BECC

I reach a different conclusion regarding the remaining allegations concerning Mr. Sargent’s potential role in the issuance of grants to BECC. The information in the complaint and supporting documents allege that Mr. Sargent, as the City Grants Manager, participated in the awarding of various municipal grants to the BECC while he was employed by BECC – employment he did not previously disclose to the City. These allegations, if true, could potentially violate several provisions of the Ethics Code: BMC 2.05.050(A), which prohibits a municipal employee from taking official action that may affect the award or execution of a municipal grant in which he or she has a substantial personal or financial interest; BMC 2.05.050(C), which requires a municipal employee to report any personal or financial interests he or she may have in a potential grant or contract awarded, executed or administered by the employee’s department; and BMC 2.05.05.070, which requires a municipal employee to obtain

³ Potential violations of Title 4 and Title 5 should be referred to the City Finance Department for investigation.

the approval of the City Manager prior to engaging in outside employment for a determination of whether the employment would be incompatible with the employee's municipal duties.⁴ Accordingly, the complaint is accepted for further investigation regarding the allegations concerning the grants issued to BECC.

In accordance with the investigation process set forth in BMC 2.06.040(C)(1), Mr. Sargent shall have ten days to disclose to the hearing examiner, through the City Clerk, all facts and circumstances concerning the alleged violations regarding the grants issued to BECC.⁵ After the ten-day period has ended, the hearing examiner will determine whether additional information is necessary to complete the investigation, and a determination will be made as to whether the information in the record establishes probable cause to believe that a violation of the Code of Ethics exists.

DATED: September 6, 2022.

By: Lisa M. Toussaint
Lisa M. Toussaint
Administrative Law Judge

Certificate of Service: I certify that on September 6, 2022, a true and correct copy of this order was distributed as follows: Lori Strickler (by email); Libby Bakalar (by email).

By: Sarah Marshall
Office of Administrative Hearings

⁴ BMC 2.05.160, the provision referenced in the fourth claim of the complaint, generally prohibits an employee from taking official action in which he or she has a substantial personal or financial interest. It is similar to BMC 2.05.050 but not limited to official action regarding the issuance of grants or contracts. Because the allegations in the complaint here focus on Mr. Sargent's role in grants issued to BECC, the specific violation in BMC 2.05.050 appears to be more potentially applicable than the general violation in BMC 2.05.160.

⁵ Mr. Sargent has already submitted multiple documents to the hearing examiner, through the City Clerk.

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
BY THE BEFORE THE CITY OF BETHEL BOARD OF ETHICS**

In the Matter of	)	
	)	
CITY OF BETHEL ETHICS COMPLAINT	)	OAH No. 22-0717-MUN
NO. EC 22-01	)	Agency No. EC 22-01

**NOTICE OF INTENT TO CONDUCT ADDITIONAL INVESTIGATION
WITH RESPONDENT, JOHN SARGENT**

The undersigned hearing examiner in this case intends to conduct additional investigation with the Respondent, John Sargent. Towards that end, Mr. Sargent shall contact the City of Bethel City Clerk to identify his availability during September 13 through 16, 2022, to speak telephonically with the hearing examiner. The discussion is estimated to approximately 30 to 45 minutes. Mr. Sargent should be prepared to discuss the nature and timing of his work for the Bethel Evangelical Convent Church (BECC), including when he started working for BECC and whether he is an employee or a contractor; the role of the Grants Manager generally in the issuance of Community Action Grants (CAGs); his involvement in the process that resulted in the three CAGs issued to BECC; and any other matters pertinent to the complaint in this case.

DATED: September 12, 2022.

By: Lisa M. Toussaint
Lisa M. Toussaint
Administrative Law Judge

Certificate of Service: I certify that on September 12, 2022, a true and correct copy of this order was distributed as follows: Lori Strickler (by email); Libby Bakalar (by email); John Sargeant (by email).

By: Haley Canfield
Office of Administrative Hearings

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
BY THE BEFORE THE CITY OF BETHEL BOARD OF ETHICS**

In the Matter of	)	
	)	
CITY OF BETHEL ETHICS COMPLAINT	)	OAH No. 22-0717-MUN
NO. EC 22-01	)	Agency No. EC 22-01

NOTICE OF CORRECTED ORDER¹

On August 29, 2022, the City Clerk for the City of Bethel (City) referred the above-referenced complaint to the Office of Administrative Hearings for the appointment of an administrative law judge to serve as a hearing examiner to screen the complaint for potential violations of the City’s Code of Ethics in accordance with Bethel Municipal Code (BMC) 2.06.040 and 2.06.050.² The first step in that process is an initial screen of the complaint and supporting information, to be completed within seven days of the hearing examiner’s receipt of the complaint, to determine whether the allegations in the complaint, if true, would constitute a violation of the Ethics Code such that some or all of the allegations should be accepted for further investigation.³

Based on the results of the assessment during the initial screening process, the complaint in this case is accepted in part and rejected in part, as set forth below.

I. The Complaint

The complaint concerns allegations by Duane Wright, the City’s Chief Financial Officer, that John Sargent, the City’s Grants Manager, committed multiple violations of the Code of Ethics. The specific allegations are as follows: (1) Mr. Sargent had and continues to have an improper conflict of interest under of BMC 2.05.040 due to his operation of a rental property in violation of the sales tax and business licensing requirements of Title 4 and Title 5 of the BMC, respectively; (2) Mr. Sargent violated BMC 2.05.050 by exercising improper influence over grants issued by the City to the Bethel Evangelical Convent Church (BECC) while he was employed by BECC; (3) Mr. Sargent violated BMC 2.05.070 concerning restrictions on outside

¹ After the original September 6, 2022 Order was issued in this case, a material error was discovered in the second to last sentence of Section II.A of the Order. The sentence incorrectly stated that while Mr. Sargent’s actions could conceivably constitute violations of Title 4 and Title 5, “they do implicate the Code of Ethics.” The quoted language should have stated that “they do not implicate the Code of Ethics.” This Notice of Corrected Order is being issued to correct this inadvertent error and replaces the September 6, 2022 Order.

² BMC 2.06.010.C.

³ BMC 2.06.040(A) and (C).

employment of municipal employees by failing to disclose that he was employed by BECC while serving as the City Grants Manager; and (4) Mr. Sargent violated BMC 2.05.160 generally by failing to disclose conflicts of interest to the City Manager.

II. Findings of Initial Screen

A. Allegations regarding potential sales tax and business licensing requirements

Based on the information in the complaint and the supporting documents from Mr. Wright, the allegations in the first claim above – that Mr. Sargent operated rental property in violation of the City’s sales tax and business licensing codes – even if true, would not constitute a violation of the Code of Ethics. BMC 2.05.040 concerns a municipal employee’s use of his or her official position for the purpose of obtaining personal financial or private gain or to influence the decisions of others for the employee’s benefit. Although the information supplied by Mr. Wright involves potentially serious matters, it does not contend that Mr. Sargent used or attempted to manipulate his municipal position, as contemplated by BMC 2.05.040, to avoid paying taxes or compliance with business licensing requirements. Thus, while Mr. Sargent’s actions could conceivably constitute violations of Title 4 and Title 5, they do not implicate the Code of Ethics. Accordingly, the complaint is rejected with respect to the allegations concerning the sales tax and license matters, and these allegations will not be investigated further in this forum.⁴

B. Allegations concerning grants to BECC

I reach a different conclusion regarding the remaining allegations concerning Mr. Sargent’s potential role in the issuance of grants to BECC. The information in the complaint and supporting documents allege that Mr. Sargent, as the City Grants Manager, participated in the awarding of various municipal grants to the BECC while he was employed by BECC – employment he did not previously disclose to the City. These allegations, if true, could potentially violate several provisions of the Ethics Code: BMC 2.05.050(A), which prohibits a municipal employee from taking official action that may affect the award or execution of a municipal grant in which he or she has a substantial personal or financial interest; BMC 2.05.050(C), which requires a municipal employee to report any personal or financial interests he

⁴ Potential violations of Title 4 and Title 5 should be referred to the City Finance Department for investigation.

or she may have in a potential grant or contract awarded, executed or administered by the employee's department; and BMC 2.05.05.070, which requires a municipal employee to obtain the approval of the City Manager prior to engaging in outside employment for a determination of whether the employment would be incompatible with the employee's municipal duties.⁵ Accordingly, the complaint is accepted for further investigation regarding the allegations concerning the grants issued to BECC.

In accordance with the investigation process set forth in BMC 2.06.040(C)(1), Mr. Sargent shall have ten days to disclose to the hearing examiner, through the City Clerk, all facts and circumstances concerning the alleged violations regarding the grants issued to BECC.⁶ After the ten-day period has ended, the hearing examiner will determine whether additional information is necessary to complete the investigation, and a determination will be made as to whether the information in the record establishes probable cause to believe that a violation of the Code of Ethics exists.

DATED: September 8, 2022.

By: Lisa M. Toussaint
Lisa M. Toussaint
Administrative Law Judge

Certificate of Service: I certify that on September 9, 2022, a true and correct copy of this order was distributed as follows: Lori Strickler (by email); Libby Bakalar (by email).

By: Sarah Marshall
Office of Administrative Hearings

⁵ BMC 2.05.160, the provision referenced in the fourth claim of the complaint, generally prohibits an employee from taking official action in which he or she has a substantial personal or financial interest. It is similar to BMC 2.05.050, but it is not limited to official action regarding the issuance of grants or contracts. Because the allegations in the complaint here focus on Mr. Sargent's role in grants issued to BECC, the specific violation in BMC 2.05.050 appears to be more potentially applicable than the general violation in BMC 2.05.160.

⁶ Mr. Sargent has already submitted multiple documents to the hearing examiner, through the City Clerk.

**NOTE: This Order was amended by Judge Toussaint.
The Updated Order follows this 12 page document and
relate to the trainings listed on page 7.**

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
FROM THE CITY OF BETHEL**

In the Matter of	)	
	)	
CITY OF BETHEL ETHICS COMPLAINT	)	OAH No. 22-0717-MUN
NO. EC 22-01	)	

ORDER ON PROBABLE CAUSE

A complaint was filed against City of Bethel (City) Grant Manager John Sargent alleging various violations of the City Ethics Code set out in BMC Chapter 2.05. The City referred the complaint to the Office of Administrative Hearings to assign a hearing examiner to conduct the Code's preliminary probable cause screening process.

Following an initial screening in accordance with BLM 2.06.040(C), allegations concerning Mr. Sargent's part-time employment with the Bethel Evangelical Covenant Church and his involvement in the City's approval of three Community Action grants to the church were accepted for further investigation and a probable cause determination under BMC 2.06.050.

During the investigation, Mr. Sargent, Community Action Grant Committee Member and former City Council Member Leif Albertson, City Manager Peter Williams, and City Clerk Lori Strickler were interviewed, and documents provided by the complainant, Mr. Sargent, and Ms. Strickler were reviewed. Based on the investigation, the undersigned finds that there is probable cause to believe that Mr. Sargent committed a technical violation of the disclosure requirement in BMC 2.05.070 concerning outside employment, but not that he had an impermissible conflict of interest under that section. Additionally, there is probable cause to believe that Mr. Sargent committed a technical violation of the disclosure requirement in BMC 2.05.050(C) concerning financial interests in City grants, but not that he improperly influenced grants to the church in violation of BMC 2.05.050(A). The reasons for these conclusions, as well as my recommendations, follow.

I. Factual Background

A. The Community Action Grant Program

The City established the Community Action Grant (CAG) program in November 2017. The purpose of the program is to allow organizations and individuals to apply for funding from the City "for civic programs or events that contribute to the health, welfare and overall lives of the

residents of Bethel, especially its most vulnerable populations.”¹ Funding for the program comes from a percentage of the revenue generated from the City’s alcohol tax.²

Pursuant to BMC 2.60.140 and .150, a CAG committee (Committee) was established to provide advice to the City Council on funding CAGs.³ Applications are accepted by the Committee on a quarterly basis, and the Committee meets at least twice each fiscal quarter to evaluate the proposals.⁴ Applications are numerically scored by each voting member using specific criteria, including the number of people the project will impact, community support for the project, how the impacts will be measured, the availability of matching funds or services, and the reasonableness of the estimated expenses.⁵ The Committee strives to reach consensus on the scores for each proposal. If a consensus is not reached, a final score is determined for each project based on the average of the individual committee members’ scores.⁶ Using the project scores for guidance, the CAG Committee makes a recommendation to the City Council about which projects to approve for funding and how much funding to allocate, and the City Council makes the final decision.⁷

The composition of the Committee is established by BMC 2.60.040. The Committee shall consist of up to seven adult voting members, including one member of the City Council, and up to two alternative members and one youth member may be appointed.⁸ The Committee also has an ex officio, nonvoting member appointed by the City Manager to provide staff support to the Committee.⁹ The code describes the duties of the ex officio member generally as preparing and posting agendas, packet materials, meeting minutes, and other documents, and providing subject

¹ City of Bethel Community Action Grant Overview, p. 1.

² The City Council has committed to budget an amount equal to 20% of alcohol tax revenues to health, public safety and social services that offset the effects of alcohol in the community. City of Bethel Community Action Grant Overview, p. 1.

³ The Committee was originally called the Community Action Grant Technical Review Board, but the name was eventually changed in the interest of simplicity. Interview of John Sargent September 15, 2022; Interview of Leif Albertson, September 23, 2022.

⁴ BMC 2.60.150(A)(2); City of Bethel Community Action Grant Review Process, pp.1-2. Applicants typically appear and present their project proposals at the first meeting and answer questions from the Committee members, and the members score and vote on the projects at the second meeting. Interview of John Sargent September 15, 2022.

⁵ BMC 2.60.150(a)(4); City of Bethel Community Action Grant Score Sheet; City of Bethel Community Action Grant Review Process, pp. 2-3.

⁶ Community Action Grant Review Process.

⁷ Interview of Mr. Sargent, September 15, 2022; Interview of Leif Albertson, September 23, 2022.

⁸ BMC 2.60.040(E).

⁹ BMC 2.60.040(E).

matter expertise to the Committee. The ex officio member may not vote but may participate in discussions.¹⁰

B. Mr. Sargent's Employment

1. City Employment

John Sargent has worked as the City Grant Manager since 2004.¹¹ In that capacity, he prepares and submits grant applications by the City for outside funding and he administers grants to ensure funds are being properly spent.¹² He reports to the City Manager, who currently is Peter Williams. Mr. Williams has been the City Manager since 2017, with the exception of the seven-month period from October 2019 to April 2020 when William Howell was Acting City Manager and a five-month period when Vinny Corraza was Acting City Manager.¹³

One of Mr. Sargent's additional duties is serving as the ex officio member of the Committee. He has been the ex officio member since the Commission's inception in 2017, when Mr. Williams assigned him to the role based on his grant experience.¹⁴ Consistent with the ex officio's duties described in the code, Mr. Sargent does not score or vote on CAG applications; rather, he provides administrative support and expertise to the Committee.¹⁵ Besides preparing agendas and application packages, he serves as the recorder for the Committee, monitors the amount of available funding, tracks the scoring of applications, performs "parliamentarian type" duties at Committee meetings (i.e. taking roll call, ensuring that the agenda is followed, keeping minutes, etc.), and receives exit reports from grant recipients to document how funds have been spent.¹⁶ He also drafts action memoranda (AM) for the City Council to adopt if they approve of the Committee's funding recommendations.¹⁷

If a grant is approved, Mr. Sargent initiates an accounting document called a "check request" – i.e., a request that the City issue a check to the project applicant to carry out the City

¹⁰ BMC 2.60.040(E); *see also* City of Bethel Ex Officio Guide, Committee & Commission Meetings, prepared by City Clerk's Office.

¹¹ The title of the position was originally City Grant Development Manager, but it was eventually changed to City Grant Manager. Interview of John Sargent, September 15, 2022.

¹² Interview of John Sargent, September 15, 2022.

¹³ Interview of Peter Williams, September 23, 2022; Letter dated September 6, 2022 from William Howell to Administrative Law Judge (ALJ) Lisa Toussaint.

¹⁴ Interview of Peter Williams, September 23, 2022.

¹⁵ Mr. Sargent reviews the CAG applications to ensure they have been timely submitted, but he does not review them for content. Interview of John Sargent, September 15, 2022.

¹⁶ Interview of John Sargent, September 15, 2022.

¹⁷ According to Mr. Sargent, the City Council has almost always approved of the Committee's funding recommendations.

Council's funding decision.¹⁸ The signed check request and accompanying AM are then sent to the City Manager and the Finance Department for signature, after which a check to the grant recipient is cut and signed by one of several city employees with authority to serve as a check signer, including Mr. Sargent.¹⁹

2. Outside Employment

Mr. Sargent has provided custodial services for the Bethel Evangelical Covenant Church (BECC) since January 2009.²⁰ He spends approximately two to three hours per week cleaning the church, and he receives a set amount of \$700.00 per month for the services. He performed this work as a contractor from 2009 until January 2021, when he became a part-time employee of BECC.²¹

Mr. Sargent acknowledged that he did not request formal approval from the City Manager to do the custodial work, although he claimed it is generally known and understood within the City that he has been doing the work for some time.²² Indeed, former Acting City Manager William Howell said he knew Mr. Sargent worked as a part-time custodian for the BECC, and he approved of the work because it was not incompatible with Mr. Sargent's duties as the Grant Manager.²³ However, current City Manager Peter Williams claims not to have known that Mr. Sargent worked for the BECC until the Complainant in this case told him so.²⁴

C. *CAGs Issued to the BECC*

Since the Committee was first established, the BECC applied for and received three CAGs: one in 2018, one in 2021, and one in 2022. These CAGs, as well as Mr. Sargent's involvement in the process resulting in their approval, are described below.

1. The BECC CAG Applications

a. *The 2018 CAG*

On November 18, 2018, Justine Chamberlain prepared and submitted a CAG application for the purchase of an espresso machine, recreational equipment, and related supplies for Coffee

¹⁸ Mr. Sargent said other people could initiate the check requests, but he has been doing it a long time, understands the process, and likes to "keep the ball rolling." Interview of John Sargent, September 15, 2022.

¹⁹ Interview of John Sargent September 15, 2022.

²⁰ Mr. Sargent's ex-wife, Ronda Sargent, initially began cleaning the church in November 2008. Mr. Sargent took over the cleaning duties from her after several months. Interview of John Sargent, September 15, 2022; Letter dated September 15, 2022 from Reverend Adam London of BECC to Administrative Law Judge Lisa Toussaint.

²¹ Interview of John Sargent, September 15, 2022. Mr. Sargent is not a member of the BECC, but he attends church services there roughly once a month.

²² Interview of John Sargent, September 15, 2022.

²³ Letter dated September 6, 2022 from William Howell to ALJ Toussaint.

²⁴ Interview of Peter Williams, September 23, 2022.

House, an after-school program staffed by volunteers and held at the church for at-risk teenagers to combat teenage suicide, addiction, and violence.²⁵ The application was one of three applications received during the open application period. It received the highest average score of the three projects from the Committee and was approved for \$9,700 in funding. The other two applications were also approved, and one of the projects received more funding than the Coffee House project.²⁶

b. The 2021 CAG

On February 28, 2021, BECC Reverend Adam London submitted a CAG application for upgrades to a food truck for the Quiana Café program, a seasonal program held at the church to provide job skills and life coaching to community members seeking to enter the work force.²⁷ The application was one of eight received during the open application period.²⁸ Of the eight applications, BECC's application again received the Committee's highest average score, and it was approved for \$10,000 in funding. Six of the other seven applications were also approved for funding.²⁹ Two of those projects received more funding than the Quiana Café project.

c. The 2022 CAG

On May 30, 2022, Reverend London submitted a CAG application for improvements to the BECC parking lot to enhance community access to outreach services provided by the church, including a soup kitchen, addiction recovery services, and the Coffee House program.³⁰ Three applications were received during the open period, and two were scored. Of the two applications scored, BECC's application received the highest rating from the Committee. The application was approved for \$15,000 in funding. The other scored project was also approved for funding, but it did not receive as much funding as the BECC project.³¹

2. Mr. Sargent's Involvement in the BECC CAGs

Mr. Sargent did not assist Ms. Chamberlain or Reverend London in preparing any of the CAG applications. He did not know Ms. Chamberlain was applying for the CAG for the Coffee House until she submitted her application to the Committee in 2018. Nor did he have advance

²⁵ CAG Application of Justine Chamberlain, November 18, 2021. Ms. Chamberlain volunteered for the Coffee House program at the BECC. Interview of John Sargent, September 15, 2022.

²⁶ AM 18-75 (December 11, 2018).

²⁷ CAG Application of BECC, November 18, 2021.

²⁸ AM 21-07 (April 13, 2021). Although the text of the AM states that seven applications were received during the open period, the project ranking and scoring summary in the AM shows that eight applications were submitted.

²⁹ AM 21-07 (April 13, 2021).

³⁰ CAG Application of BECC, May 30, 2022.

³¹ AM 22-19 (July 12, 2022).

knowledge that Reverend London would be applying for the CAG to expand the church parking lot in 2022. Mr. Sargent believes Reverend London may have mentioned that he intended to apply for the CAG for the Qu yana Café in 2021, but he did not ask Mr. Sargent any questions about the application nor ask for any assistance, nor did Mr. Sargent provide any.³²

As for the Committee meetings addressing the three CAG applications, the 2018 CAG was discussed at two meetings, the 2021 CAG was discussed at three, and the 2022 CAG was discussed at two meetings.³³ Mr. Sargent was present at each of those meetings, which he said followed the usual course: he provided staff support as the ex officio member, and the voting members evaluated and rated the applications.

Although the meetings were not recorded, there is nothing in the meeting minutes contradicting Mr. Sargent's description of the meetings or suggesting that the review process for the CAGs deviated from the typical course. Indeed, Leif Albertson, who attended six of the seven Committee meetings covering the BECC CAGs, recalled that there was nothing unusual about Mr. Sargent's participation in those meetings.³⁴ Mr. Albertson was aware that the BECC was Mr. Sargent's church, and he would have remembered if Mr. Sargent had said anything unusual about the projects or tried to influence the scoring. He recalled Committee members, including himself, having questions about the projects, but the applicants did a good job answering the questions and articulating how the projects would meet important community needs rather than serving just the BECC congregation.³⁵ He said the projects were evaluated based on their merits, and he was emphatic that Mr. Sargent did not try to steer the Committee to a particular outcome.

For context, Mr. Albertson described Mr. Sargent as "attentive and engaged" at Committee meetings generally. He said Mr. Sargent is "not a robot" during the meeting and is sometimes asked by the voting members to provide background or input on a project based on his personal knowledge.³⁶ But Mr. Albertson said the Committee has very strong leadership and

³² Interview of John Sargent, September 15, 2022; Letter dated September 2, 2022 from Reverend London to ALJ Toussaint. Mr. Sargent said he does not assist grant applicants with their proposals, but he routinely informs applicant that the Committee is interested in projects that would benefit the community broadly. Interview of John Sargent, September 15, 2022.

³³ City of Bethel Community Action Grant Technical Review Board Meeting Minutes of the Committee meetings on November 20, 2018; November 28, 2018; March 3, 2021; March 10, 2021; March 18, 2021; June 16, 2022; and June 23, 2022.

³⁴ Interview of Leif Albertson, September 23, 2022.

³⁵ Mr. Albertson described that BECC as a particularly service-oriented church that provides outreach to underserved populations in the community.

³⁶ Mr. Albertson said the Committee generally follows Robert's Rules but often suspends the Rules for portions of the meetings to allow for greater dialogue about the applications.

members with strong opinions who tend to discuss projects thoroughly before making their own decisions. He was clear that Mr. Sargent does not “lead the charge” at the meetings, as “the power dynamic in the room is just not like that.”³⁷

Regarding Mr. Sargent’s involvement in the process after the three CAGs were approved for funding, Mr. Sargent initiated the check requests for each of the grants consistent with his standard practice.³⁸ He also signed the check for the 2022 CAG, along with Peter Williams.³⁹ He did not sign the checks for the other two CAGs.

Exit memos from the CAG recipients documenting the manner in which the funds for the three CAGs were spent do not indicate that any funds were directed to Mr. Sargent or spent on any custodial services at the church.⁴⁰

When interviewed, Mr. Williams seemed to be aware of only the most recent CAG to BECC. He believed (erroneously) that the CAG was for custodial services at the church, recalling that that is what the Complainant told him.⁴¹

D. Ethics Training

The City Clerk’s Office provides annual ethics training to members of committees and commissions. The training is approximately one hour in length and covers a variety of different ethics topics, including conflicts of interest.⁴² Ex officio members of committees and commissions also receive an Ex Officio Guide, which contains a section on conflicts of interest. The guide describes conflicts of interest generally and informs ex officios of the need to help identify potential conflicts of interests so voting members do not deliberate or vote on matters on which they have a conflict.⁴³ The City has also adopted a script about conflicts of interest, which is read at committee meetings to remind members of their ethical obligations and the process to be followed if they have a conflict.⁴⁴

³⁷ Interview of Leif Albertson, September 23, 2022; *see also* Letter dated September 2, 2022 from Reverend London to ALJ Toussaint.

³⁸ Check Request, December 12, 2018; Check Request, May 7, 2021; Check Request, August 5, 2022.

³⁹ Check #228341 for \$15,000.00 from City of Bethel to BECC, August 5, 2022.

⁴⁰ City of Bethel Community Action Grant Exit Reports from Ms. Chamberlain for Coffee House project, Reverend London for Quayana Café project, and Reverend London for parking lot upgrades; *see also* Letter dated September 2, 2022 from Reverend London to ALJ Toussaint.

⁴¹ Interview of Peter Williams, September 23, 2022.

⁴² Interview of Lori Strickler, September 23, 2022.

⁴³ City of Bethel Ex Officio Guide, Committee & Commission Meetings, prepared by City Clerk’s Office, pp. 8-9.

⁴⁴ Interview of Lori Strickler, September 23, 2022.

In terms of additional ethics training, when City employees are hired, they receive a copy of a 37-page employee handbook containing roughly one page of ethics information. The handbook informs employees that they may only pursue outside employment that does not conflict with their municipal duties and asks that employees inform their supervisors of their interest in outside employment to confirm that no conflict exists. The handbook also informs employees that they must avoid conflicts of interest and situations that could create the appearance of a conflict. Employees are required to sign and confirm that they have received the handbook and will read it.⁴⁵

II. Discussion

A. *Did Mr. Sargent Violate the Ethics Code Regarding Restrictions on Outside Employment?*

The current version of the City's Ethics Code was adopted on October 8, 2019.⁴⁶ This version contains a provision, BMC 2.05.070, imposing restrictions on outside employment as follows:

Municipal employees shall not engage in any employment or self-employment which is **incompatible with or in conflict with** their current employment. A public employee who wishes to engage in other employment or self-employment shall request **prior approval from the city manager**. If the manager determines that the employment is not incompatible and is not in conflict with the proper discharge of official duties, the manager may give **written approval**. . . .
(Emphasis supplied)

Thus, under the current Code an employee wishing to engage in outside employment must seek a determination from the City Manager as to whether the employment poses a conflict and must receive a written determination from the City Manager that no conflict exists.

This language also existed in the prior version of the Ethics Code, which was adopted in 2013.⁴⁷ But the language did not exist in the version before 2013, which was the version in place when Mr. Sargent first started working for the BECC as a contractor.⁴⁸ Nor did the pre-2013 version contain any provision regarding outside employment of City employees.⁴⁹ Thus, Mr. Sargent did not commit a violation of the Ethics Code in 2009 when he neglected to obtain his supervisor's prior written approval for the custodial work.

⁴⁵ City of Bethel Employee Handbook, adopted by City Council on December 8, 2015, pp. 21-22 and 37.

⁴⁶ Ordinance 19-19 (October 8, 2019).

⁴⁷ Ordinance 13-04 (March 26, 2013).

⁴⁸ See copy of Ordinance 13-04 showing stricken language from prior code.

⁴⁹ That version focused primarily on restricting employees and public officials from voting or taking action on matters in which they have a financial interest.

When the language restricting outside employment was adopted in 2013, however, Mr. Sargent should have notified his supervisor about his ongoing part-time custodial work for a determination of whether the work was incompatible or would interfere with Mr. Sargent's municipal duties. Mr. Sargent believes his part-time work for the BECC was generally known by others, but he admits that he did not request formal approval from his supervisor.

Of note, although this constitutes a technical violation of BMC 2.05.070 under the current Code and the version adopted in 2013, this conclusion is tempered by the practical reality that Mr. Sargent's outside employment was not incompatible or in conflict with his municipal duties. This is because part-time work cleaning a church on the weekend, outside municipal work hours, has no bearing on Mr. Sargent's performance of his municipal duties as the Grant Manager.

B. Did Mr. Sargent Violate the Ethics Code By Exercising Improper Influence in the CAGs Issued to BECC?

The City's Ethics Code contains a general rule regarding a municipal employee's participation in city grants. The rule, set forth in BMC 2.05.050(A), states in pertinent part:

A municipal officer or municipal employee, or immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a **substantial personal or financial interest in a city grant**. . . if the municipal officer or public employee **may take or withhold official action** that affects the award, execution, or administration of the city grant. . . . (Emphasis supplied).

Although this language is somewhat awkwardly phrased, the essence of the rule is that a municipal employee may not take "official action" affecting the award, execution, or administration of a city grant in which the employee has a "substantial personal or financial interest."

The rule also contains a disclosure requirement in BMC 2.05.050(C) that states:

A municipal employee shall report in writing to their supervisor any personal or financial interest held by the employee, or an immediate family member, in a city grant. . . awarded, executed, or administered by the department or division served by the employee.

Once a personal or financial interest is disclosed, a determination of whether the interest is substantial is to be made by the City Manager, based on the consideration of specific factors.⁵⁰ If the interest is substantial, the employee is barred from taking official action on the matter.

⁵⁰ BMC 2.05.160. The factors for consideration are: (1) Whether the financial interest is a substantial part of the consideration; (2) Whether the financial interest directly and substantially varies with the outcome of the official action; (3) Whether the financial interest is immediate and known or conjectural and dependent on the factors beyond the official action; (4) Whether the financial or private interest is monetarily significant; and (5) Other factors deemed appropriate by the presiding officer under the specifics of the disclosure and the nature of the action taken before the council body, or commission.

1. Whether Mr. Sargent Had a Financial Interest in the CAGs

In light of the framework above, the first question is whether Mr. Sargent had a “financial interest” in the three CAGs awarded to the BECC. Under the Ethics Code, a person has a financial interest if the person receives or has the expectation of receiving a pecuniary benefit.⁵¹ Further, a person has a financial interest in an organization if the person has an ownership interest in the organization or “is a director, officer, or employee of the organization.”⁵²

Applying these definitions to the facts here, BECC had a financial interest in the CAGs because it received a pecuniary benefit from them, and Mr. Sargent had a financial interest in the BECC after January 1, 2021, when he became an employee of the church.

It follows logically that Mr. Sargent had a financial interest in the 2021 and 2022 CAGs issued to the BECC, but not the 2018 CAG when he was a contractor rather than a church employee. Thus, he should have reported to his supervisor in writing his interest in the 2021 and 2022 grants for a determination of whether the interests were substantial.⁵³ Because he did not report his financial interests in those two grants to his supervisor, a violation of the disclosure requirement in BMC 2.05.050(C) occurred.

2. Whether Mr. Sargent Took Official Action Affecting the CAGs

The next question is whether Mr. Sargent took “official action” affecting the award, execution, or administration of the CAGs. Although “official action” is not defined in the general rule regarding participation in municipal grants, the general conflicts of interest section in the Ethics Code clarifies the meaning of that term. BMC 2.05.040(A)(7), which prohibits municipal employees from engaging in any official action in which they have a substantial financial interest, defines prohibited action to include “voting as a member of the city council, taking part in debate, soliciting the vote of a member of the city council, or encouraging any municipal officer to act in a certain way.”

Applying that definition here, Mr. Sargent did not take official action affecting the three CAGs issued to BECC. He did not draft the applications or assist in preparing them; review or

⁵¹ BMC 2.05.010(E).

⁵² BMC 2.05.010(E)(2).

⁵³ Although the issue of whether Mr. Sargent’s financial interest was substantial for the City Manager to decide, several of the factors in BMC 2.05.160 suggest that the financial interest was not substantial. Mr. Sargent’s financial interest was not a substantial part of the official action under consideration (i.e., whether to approve the applications for funding), because the applications were not for custodial services at the BECC, contrary to Mr. Williams’ understanding. Nor did Mr. Sargent’s financial interest vary directly and substantially with the outcome on the applications, as his custodial work was not contingent on whether the BECC received the grants. Likewise, Mr. Sargent’s interest was not monetarily significant because he only receives \$700.00 per month from the BECC, and there was no evidence that the amount would change if the CAGs were not awarded.

rate the applications; steer the voting members to approve the applications; or vote on which applications to recommend for funding. Rather, he provided staff support to the Committee consistent with his ex officio duties under the code and in the Ex Officio Guide. As for his initiation of the check requests for the three CAGs and signing the 2022 CAG, these were largely ministerial actions for the purpose of carrying out the City Council's approval of the CAGs, rather than discretionary acts that influenced the outcome of the awards. These actions could have been done by other City employees. Mr. Sargent did not improperly influence the CAGs in violation of BMC 2.05.050(A).

In short, Mr. Sargent had a financial interest in 2021 and 2022 CAGs when he was an employee of the church. Because he had a financial interest, he should have reported the interest to his supervisor, Mr. Williams, as required by BMC 2.05.050(C). But because his involvement in the CAGs did not rise to the level of official action that affected the award, execution, or administration of the grants, he did not improperly influence the grants under BMC 2.05.050(A).

III. Conclusions and Recommendations

Based on the evidence obtained during the course of the investigation, the undersigned finds there is probable cause to believe that Mr. Sargent committed a technical violation of the disclosure requirement of BMC 2.05.070 by failing to request and obtain his supervisor's approval regarding his outside employment with the BECC. But there is not probable cause to believe he violated the substantive, conflicts of interest prohibition in that section, because his part-time custodial work for the BECC was not incompatible or in conflict with his municipal duties as the Grant Manager. Thus, his work for the BECC did not create an impermissible conflict of interest with his municipal duties.

Further, the undersigned ALJ finds there is probable cause to believe that Mr. Sargent committed a technical violation of the disclosure requirement of BMC 2.05.050(C) by failing to report his financial interest in the 2021 and 2022 CAGs to his supervisor for a determination of whether the interests were substantial. But there is not probable cause to believe that he violated the substantive, conflict of interest prohibition under BMC 2.05.050(A), because he did not take official action on the CAGs and thus, did not improperly influence them.

In light of these findings, the City Clerk shall schedule a hearing with the Board of Ethics within forty-five days of this order in accordance with BMC 2.06.050(C). The undersigned recommends that in assessing the facts and deciding on an appropriate remedy, the Board

consider whether Mr. Sargent was aware of his disclosure obligations under the current and prior versions of the Ethics Code, as conflict of interest questions can be complex and confusing, especially in close-knit communities where citizens often wear many hats and interact with each other in different capacities. The undersigned also recommends that the Board take into account the amount of time that has passed since some of the events occurred.

To prevent future ethics problems and the appearance of impropriety, the Board may wish to consider (1) having individuals with check signing authority other than Mr. Sargent sign any checks for any future CAGs issued to the BECC, (2) having Mr. Sargent recuse himself from answering questions or engaging in discussions at Committee meetings regarding CAG applications by the BECC, (3) providing specific conflict of interest training for all City employees, (4) designating an employee with ethics expertise to answer employees' questions that may arise about conflicts of interest or other ethics topics, and (5) ensuring that audio recordings are made of all future CAG meetings.

DATED: October 13, 2022.

By: Lisa M. Toussaint
Lisa M. Toussaint
Administrative Law Judge

Certificate of Service: I certify that on October 13, 2022, a true and correct copy of this order was distributed as follows: Lori Strickler, City Clerk (by email); John Sargent (by email and mail); Libby Bakalar, City Attorney (by email).

By: Halley Canfield
Office of Administrative Hearings

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
FROM THE CITY OF BETHEL**

In the Matter of)
)
CITY OF BETHEL ETHICS COMPLAINT) OAH No. 22-0717-MUN
NO. EC 22-01)

ORDER ON PROBABLE CAUSE

A complaint was filed against City of Bethel (City) Grant Manager John Sargent alleging various violations of the City Ethics Code set out in BMC Chapter 2.05. The City referred the complaint to the Office of Administrative Hearings to assign a hearing examiner to conduct the Code's preliminary probable cause screening process.

Following an initial screening in accordance with BLM 2.06.040(C), allegations concerning Mr. Sargent's part-time employment with the Bethel Evangelical Covenant Church and his involvement in the City's approval of three Community Action grants to the church were accepted for further investigation and a probable cause determination under BMC 2.06.050.

During the investigation, Mr. Sargent, Community Action Grant Committee Member and former City Council Member Leif Albertson, City Manager Peter Williams, and City Clerk Lori Strickler were interviewed, and documents provided by the complainant, Mr. Sargent, and Ms. Strickler were reviewed. Based on the investigation, the undersigned finds that there is probable cause to believe that Mr. Sargent committed a technical violation of the disclosure requirement in BMC 2.05.070 concerning outside employment, but not that he had an impermissible conflict of interest under that section. Additionally, there is probable cause to believe that Mr. Sargent committed a technical violation of the disclosure requirement in BMC 2.05.050(C) concerning financial interests in City grants, but not that he improperly influenced grants to the church in violation of BMC 2.05.050(A). The reasons for these conclusions, as well as my recommendations, follow.

I. Factual Background

A. The Community Action Grant Program

The City established the Community Action Grant (CAG) program in November 2017. The purpose of the program is to allow organizations and individuals to apply for funding from the City "for civic programs or events that contribute to the health, welfare and overall lives of the

residents of Bethel, especially its most vulnerable populations.”¹ Funding for the program comes from a percentage of the revenue generated from the City’s alcohol tax.²

Pursuant to BMC 2.60.140 and .150, a CAG committee (Committee) was established to provide advice to the City Council on funding CAGs.³ Applications are accepted by the Committee on a quarterly basis, and the Committee meets at least twice each fiscal quarter to evaluate the proposals.⁴ Applications are numerically scored by each voting member using specific criteria, including the number of people the project will impact, community support for the project, how the impacts will be measured, the availability of matching funds or services, and the reasonableness of the estimated expenses.⁵ The Committee strives to reach consensus on the scores for each proposal. If a consensus is not reached, a final score is determined for each project based on the average of the individual committee members’ scores.⁶ Using the project scores for guidance, the CAG Committee makes a recommendation to the City Council about which projects to approve for funding and how much funding to allocate, and the City Council makes the final decision.⁷

The composition of the Committee is established by BMC 2.60.040. The Committee shall consist of up to seven adult voting members, including one member of the City Council, and up to two alternative members and one youth member may be appointed.⁸ The Committee also has an ex officio, nonvoting member appointed by the City Manager to provide staff support to the Committee.⁹ The code describes the duties of the ex officio member generally as preparing and posting agendas, packet materials, meeting minutes, and other documents, and providing subject

¹ City of Bethel Community Action Grant Overview, p. 1.

² The City Council has committed to budget an amount equal to 20% of alcohol tax revenues to health, public safety and social services that offset the effects of alcohol in the community. City of Bethel Community Action Grant Overview, p. 1.

³ The Committee was originally called the Community Action Grant Technical Review Board, but the name was eventually changed in the interest of simplicity. Interview of John Sargent September 15, 2022; Interview of Leif Albertson, September 23, 2022.

⁴ BMC 2.60.150(A)(2); City of Bethel Community Action Grant Review Process, pp.1-2. Applicants typically appear and present their project proposals at the first meeting and answer questions from the Committee members, and the members score and vote on the projects at the second meeting. Interview of John Sargent September 15, 2022.

⁵ BMC 2.60.150(a)(4); City of Bethel Community Action Grant Score Sheet; City of Bethel Community Action Grant Review Process, pp. 2-3.

⁶ Community Action Grant Review Process.

⁷ Interview of Mr. Sargent, September 15, 2022; Interview of Leif Albertson, September 23, 2022.

⁸ BMC 2.60.040(E).

⁹ BMC 2.60.040(E).

matter expertise to the Committee. The ex officio member may not vote but may participate in discussions.¹⁰

B. Mr. Sargent's Employment

1. City Employment

John Sargent has worked as the City Grant Manager since 2004.¹¹ In that capacity, he prepares and submits grant applications by the City for outside funding and he administers grants to ensure funds are being properly spent.¹² He reports to the City Manager, who currently is Peter Williams. Mr. Williams has been the City Manager since 2017, with the exception of the seven-month period from October 2019 to April 2020 when William Howell was Acting City Manager and a five-month period when Vinny Corraza was Acting City Manager.¹³

One of Mr. Sargent's additional duties is serving as the ex officio member of the Committee. He has been the ex officio member since the Commission's inception in 2017, when Mr. Williams assigned him to the role based on his grant experience.¹⁴ Consistent with the ex officio's duties described in the code, Mr. Sargent does not score or vote on CAG applications; rather, he provides administrative support and expertise to the Committee.¹⁵ Besides preparing agendas and application packages, he serves as the recorder for the Committee, monitors the amount of available funding, tracks the scoring of applications, performs "parliamentarian type" duties at Committee meetings (i.e. taking roll call, ensuring that the agenda is followed, keeping minutes, etc.), and receives exit reports from grant recipients to document how funds have been spent.¹⁶ He also drafts action memoranda (AM) for the City Council to adopt if they approve of the Committee's funding recommendations.¹⁷

If a grant is approved, Mr. Sargent initiates an accounting document called a "check request" – i.e., a request that the City issue a check to the project applicant to carry out the City

¹⁰ BMC 2.60.040(E); *see also* City of Bethel Ex Officio Guide, Committee & Commission Meetings, prepared by City Clerk's Office.

¹¹ The title of the position was originally City Grant Development Manager, but it was eventually changed to City Grant Manager. Interview of John Sargent, September 15, 2022.

¹² Interview of John Sargent, September 15, 2022.

¹³ Interview of Peter Williams, September 23, 2022; Letter dated September 6, 2022 from William Howell to Administrative Law Judge (ALJ) Lisa Toussaint.

¹⁴ Interview of Peter Williams, September 23, 2022.

¹⁵ Mr. Sargent reviews the CAG applications to ensure they have been timely submitted, but he does not review them for content. Interview of John Sargent, September 15, 2022.

¹⁶ Interview of John Sargent, September 15, 2022.

¹⁷ According to Mr. Sargent, the City Council has almost always approved of the Committee's funding recommendations.

Council's funding decision.¹⁸ The signed check request and accompanying AM are then sent to the City Manager and the Finance Department for signature, after which a check to the grant recipient is cut and signed by one of several city employees with authority to serve as a check signer, including Mr. Sargent.¹⁹

2. Outside Employment

Mr. Sargent has provided custodial services for the Bethel Evangelical Covenant Church (BECC) since January 2009.²⁰ He spends approximately two to three hours per week cleaning the church, and he receives a set amount of \$700.00 per month for the services. He performed this work as a contractor from 2009 until January 2021, when he became a part-time employee of BECC.²¹

Mr. Sargent acknowledged that he did not request formal approval from the City Manager to do the custodial work, although he claimed it is generally known and understood within the City that he has been doing the work for some time.²² Indeed, former Acting City Manager William Howell said he knew Mr. Sargent worked as a part-time custodian for the BECC, and he approved of the work because it was not incompatible with Mr. Sargent's duties as the Grant Manager.²³ However, current City Manager Peter Williams claims not to have known that Mr. Sargent worked for the BECC until the Complainant in this case told him so.²⁴

C. *CAGs Issued to the BECC*

Since the Committee was first established, the BECC applied for and received three CAGs: one in 2018, one in 2021, and one in 2022. These CAGs, as well as Mr. Sargent's involvement in the process resulting in their approval, are described below.

1. The BECC CAG Applications

a. *The 2018 CAG*

On November 18, 2018, Justine Chamberlain prepared and submitted a CAG application for the purchase of an espresso machine, recreational equipment, and related supplies for Coffee

¹⁸ Mr. Sargent said other people could initiate the check requests, but he has been doing it a long time, understands the process, and likes to "keep the ball rolling." Interview of John Sargent, September 15, 2022.

¹⁹ Interview of John Sargent September 15, 2022.

²⁰ Mr. Sargent's ex-wife, Ronda Sargent, initially began cleaning the church in November 2008. Mr. Sargent took over the cleaning duties from her after several months. Interview of John Sargent, September 15, 2022; Letter dated September 15, 2022 from Reverend Adam London of BECC to Administrative Law Judge Lisa Toussaint.

²¹ Interview of John Sargent, September 15, 2022. Mr. Sargent is not a member of the BECC, but he attends church services there roughly once a month.

²² Interview of John Sargent, September 15, 2022.

²³ Letter dated September 6, 2022 from William Howell to ALJ Toussaint.

²⁴ Interview of Peter Williams, September 23, 2022.

House, an after-school program staffed by volunteers and held at the church for at-risk teenagers to combat teenage suicide, addiction, and violence.²⁵ The application was one of three applications received during the open application period. It received the highest average score of the three projects from the Committee and was approved for \$9,700 in funding. The other two applications were also approved, and one of the projects received more funding than the Coffee House project.²⁶

b. The 2021 CAG

On February 28, 2021, BECC Reverend Adam London submitted a CAG application for upgrades to a food truck for the Quiana Café program, a seasonal program held at the church to provide job skills and life coaching to community members seeking to enter the work force.²⁷ The application was one of eight received during the open application period.²⁸ Of the eight applications, BECC's application again received the Committee's highest average score, and it was approved for \$10,000 in funding. Six of the other seven applications were also approved for funding.²⁹ Two of those projects received more funding than the Quiana Café project.

c. The 2022 CAG

On May 30, 2022, Reverend London submitted a CAG application for improvements to the BECC parking lot to enhance community access to outreach services provided by the church, including a soup kitchen, addiction recovery services, and the Coffee House program.³⁰ Three applications were received during the open period, and two were scored. Of the two applications scored, BECC's application received the highest rating from the Committee. The application was approved for \$15,000 in funding. The other scored project was also approved for funding, but it did not receive as much funding as the BECC project.³¹

2. Mr. Sargent's Involvement in the BECC CAGs

Mr. Sargent did not assist Ms. Chamberlain or Reverend London in preparing any of the CAG applications. He did not know Ms. Chamberlain was applying for the CAG for the Coffee House until she submitted her application to the Committee in 2018. Nor did he have advance

²⁵ CAG Application of Justine Chamberlain, November 18, 2021. Ms. Chamberlain volunteered for the Coffee House program at the BECC. Interview of John Sargent, September 15, 2022.

²⁶ AM 18-75 (December 11, 2018).

²⁷ CAG Application of BECC, November 18, 2021.

²⁸ AM 21-07 (April 13, 2021). Although the text of the AM states that seven applications were received during the open period, the project ranking and scoring summary in the AM shows that eight applications were submitted.

²⁹ AM 21-07 (April 13, 2021).

³⁰ CAG Application of BECC, May 30, 2022.

³¹ AM 22-19 (July 12, 2022).

knowledge that Reverend London would be applying for the CAG to expand the church parking lot in 2022. Mr. Sargent believes Reverend London may have mentioned that he intended to apply for the CAG for the Quyana Café in 2021, but he did not ask Mr. Sargent any questions about the application nor ask for any assistance, nor did Mr. Sargent provide any.³²

As for the Committee meetings addressing the three CAG applications, the 2018 CAG was discussed at two meetings, the 2021 CAG was discussed at three, and the 2022 CAG was discussed at two meetings.³³ Mr. Sargent was present at each of those meetings, which he said followed the usual course: he provided staff support as the ex officio member, and the voting members evaluated and rated the applications.

Although the meetings were not recorded, there is nothing in the meeting minutes contradicting Mr. Sargent's description of the meetings or suggesting that the review process for the CAGs deviated from the typical course. Indeed, Leif Albertson, who attended six of the seven Committee meetings covering the BECC CAGs, recalled that there was nothing unusual about Mr. Sargent's participation in those meetings.³⁴ Mr. Albertson was aware that the BECC was Mr. Sargent's church, and he would have remembered if Mr. Sargent had said anything unusual about the projects or tried to influence the scoring. He recalled Committee members, including himself, having questions about the projects, but the applicants did a good job answering the questions and articulating how the projects would meet important community needs rather than serving just the BECC congregation.³⁵ He said the projects were evaluated based on their merits, and he was emphatic that Mr. Sargent did not try to steer the Committee to a particular outcome.

For context, Mr. Albertson described Mr. Sargent as "attentive and engaged" at Committee meetings generally. He said Mr. Sargent is "not a robot" during the meeting and is sometimes asked by the voting members to provide background or input on a project based on his personal knowledge.³⁶ But Mr. Albertson said the Committee has very strong leadership and

³² Interview of John Sargent, September 15, 2022; Letter dated September 2, 2022 from Reverend London to ALJ Toussaint. Mr. Sargent said he does not assist grant applicants with their proposals, but he routinely informs applicant that the Committee is interested in projects that would benefit the community broadly. Interview of John Sargent, September 15, 2022.

³³ City of Bethel Community Action Grant Technical Review Board Meeting Minutes of the Committee meetings on November 20, 2018; November 28, 2018; March 3, 2021; March 10, 2021; March 18, 2021; June 16, 2022; and June 23, 2022.

³⁴ Interview of Leif Albertson, September 23, 2022.

³⁵ Mr. Albertson described that BECC as a particularly service-oriented church that provides outreach to underserved populations in the community.

³⁶ Mr. Albertson said the Committee generally follows Robert's Rules but often suspends the Rules for portions of the meetings to allow for greater dialogue about the applications.

members with strong opinions who tend to discuss projects thoroughly before making their own decisions. He was clear that Mr. Sargent does not “lead the charge” at the meetings, as “the power dynamic in the room is just not like that.”³⁷

Regarding Mr. Sargent’s involvement in the process after the three CAGs were approved for funding, Mr. Sargent initiated the check requests for each of the grants consistent with his standard practice.³⁸ He also signed the check for the 2022 CAG, along with Peter Williams.³⁹ He did not sign the checks for the other two CAGs.

Exit memos from the CAG recipients documenting the manner in which the funds for the three CAGs were spent do not indicate that any funds were directed to Mr. Sargent or spent on any custodial services at the church.⁴⁰

When interviewed, Mr. Williams seemed to be aware of only the most recent CAG to BECC. He believed (erroneously) that the CAG was for custodial services at the church, recalling that that is what the Complainant told him.⁴¹

D. Ethics Training

The City Clerk’s Office provides annual training to members of committees and commissions. The training is approximately one hour in length and covers a variety of different topics, including ethics. The ethics portion is a small part of the general training.⁴² Ex officio members of committees and commissions also receive an Ex Officio Guide, which contains a section on conflicts of interest. The guide describes conflicts of interest generally and informs ex officios of the need to help identify potential conflicts of interests so voting members do not deliberate or vote on matters on which they have a conflict.⁴³ The City has also adopted a script about conflicts of interest, which is read at committee meetings to remind members of their ethical obligations and the process to be followed if they have a conflict.⁴⁴

³⁷ Interview of Leif Albertson, September 23, 2022; *see also* Letter dated September 2, 2022 from Reverend London to ALJ Toussaint.

³⁸ Check Request, December 12, 2018; Check Request, May 7, 2021; Check Request, August 5, 2022.

³⁹ Check #228341 for \$15,000.00 from City of Bethel to BECC, August 5, 2022.

⁴⁰ City of Bethel Community Action Grant Exit Reports from Ms. Chamberlain for Coffee House project, Reverend London for Quayana Café project, and Reverend London for parking lot upgrades; *see also* Letter dated September 2, 2022 from Reverend London to ALJ Toussaint.

⁴¹ Interview of Peter Williams, September 23, 2022.

⁴² Interview of Lori Strickler, September 26, 2022.

⁴³ City of Bethel Ex Officio Guide, Committee & Commission Meetings, prepared by City Clerk’s Office, pp. 8-9.

⁴⁴ Interview of Lori Strickler, September 26, 2022.

In terms of additional ethics training, when City employees are hired, they receive a copy of a 37-page employee handbook containing roughly one page of ethics information. The handbook informs employees that they may only pursue outside employment that does not conflict with their municipal duties and asks that employees inform their supervisors of their interest in outside employment to confirm that no conflict exists. The handbook also informs employees that they must avoid conflicts of interest and situations that could create the appearance of a conflict. Employees are required to sign and confirm that they have received the handbook and will read it.⁴⁵

II. Discussion

A. *Did Mr. Sargent Violate the Ethics Code Regarding Restrictions on Outside Employment?*

The current version of the City's Ethics Code was adopted on October 8, 2019.⁴⁶ This version contains a provision, BMC 2.05.070, imposing restrictions on outside employment as follows:

Municipal employees shall not engage in any employment or self-employment which is **incompatible with or in conflict with** their current employment. A public employee who wishes to engage in other employment or self-employment shall request **prior approval from the city manager**. If the manager determines that the employment is not incompatible and is not in conflict with the proper discharge of official duties, the manager may give **written approval**. . . .
(Emphasis supplied)

Thus, under the current Code an employee wishing to engage in outside employment must seek a determination from the City Manager as to whether the employment poses a conflict and must receive a written determination from the City Manager that no conflict exists.

This language also existed in the prior version of the Ethics Code, which was adopted in 2013.⁴⁷ But the language did not exist in the version before 2013, which was the version in place when Mr. Sargent first started working for the BECC as a contractor.⁴⁸ Nor did the pre-2013 version contain any provision regarding outside employment of City employees.⁴⁹ Thus, Mr. Sargent did not commit a violation of the Ethics Code in 2009 when he neglected to obtain his supervisor's prior written approval for the custodial work.

⁴⁵ City of Bethel Employee Handbook, adopted by City Council on December 8, 2015, pp. 21-22 and 37.

⁴⁶ Ordinance 19-19 (October 8, 2019).

⁴⁷ Ordinance 13-04 (March 26, 2013).

⁴⁸ See copy of Ordinance 13-04 showing stricken language from prior code.

⁴⁹ That version focused primarily on restricting employees and public officials from voting or taking action on matters in which they have a financial interest.

When the language restricting outside employment was adopted in 2013, however, Mr. Sargent should have notified his supervisor about his ongoing part-time custodial work for a determination of whether the work was incompatible or would interfere with Mr. Sargent's municipal duties. Mr. Sargent believes his part-time work for the BECC was generally known by others, but he admits that he did not request formal approval from his supervisor.

Of note, although this constitutes a technical violation of BMC 2.05.070 under the current Code and the version adopted in 2013, this conclusion is tempered by the practical reality that Mr. Sargent's outside employment was not incompatible or in conflict with his municipal duties. This is because part-time work cleaning a church on the weekend, outside municipal work hours, has no bearing on Mr. Sargent's performance of his municipal duties as the Grant Manager.

B. Did Mr. Sargent Violate the Ethics Code By Exercising Improper Influence in the CAGs Issued to BECC?

The City's Ethics Code contains a general rule regarding a municipal employee's participation in city grants. The rule, set forth in BMC 2.05.050(A), states in pertinent part:

A municipal officer or municipal employee, or immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a **substantial personal or financial interest in a city grant**. . . if the municipal officer or public employee **may take or withhold official action** that affects the award, execution, or administration of the city grant. . . . (Emphasis supplied).

Although this language is somewhat awkwardly phrased, the essence of the rule is that a municipal employee may not take "official action" affecting the award, execution, or administration of a city grant in which the employee has a "substantial personal or financial interest."

The rule also contains a disclosure requirement in BMC 2.05.050(C) that states:

A municipal employee shall report in writing to their supervisor any personal or financial interest held by the employee, or an immediate family member, in a city grant. . . awarded, executed, or administered by the department or division served by the employee.

Once a personal or financial interest is disclosed, a determination of whether the interest is substantial is to be made by the City Manager, based on the consideration of specific factors.⁵⁰ If the interest is substantial, the employee is barred from taking official action on the matter.

⁵⁰ BMC 2.05.160. The factors for consideration are: (1) Whether the financial interest is a substantial part of the consideration; (2) Whether the financial interest directly and substantially varies with the outcome of the official action; (3) Whether the financial interest is immediate and known or conjectural and dependent on the factors beyond the official action; (4) Whether the financial or private interest is monetarily significant; and (5) Other factors deemed appropriate by the presiding officer under the specifics of the disclosure and the nature of the action taken before the council body, or commission.

1. Whether Mr. Sargent Had a Financial Interest in the CAGs

In light of the framework above, the first question is whether Mr. Sargent had a “financial interest” in the three CAGs awarded to the BECC. Under the Ethics Code, a person has a financial interest if the person receives or has the expectation of receiving a pecuniary benefit.⁵¹ Further, a person has a financial interest in an organization if the person has an ownership interest in the organization or “is a director, officer, or employee of the organization.”⁵²

Applying these definitions to the facts here, BECC had a financial interest in the CAGs because it received a pecuniary benefit from them, and Mr. Sargent had a financial interest in the BECC after January 1, 2021, when he became an employee of the church.

It follows logically that Mr. Sargent had a financial interest in the 2021 and 2022 CAGs issued to the BECC, but not the 2018 CAG when he was a contractor rather than a church employee. Thus, he should have reported to his supervisor in writing his interest in the 2021 and 2022 grants for a determination of whether the interests were substantial.⁵³ Because he did not report his financial interests in those two grants to his supervisor, a violation of the disclosure requirement in BMC 2.05.050(C) occurred.

2. Whether Mr. Sargent Took Official Action Affecting the CAGs

The next question is whether Mr. Sargent took “official action” affecting the award, execution, or administration of the CAGs. Although “official action” is not defined in the general rule regarding participation in municipal grants, the general conflicts of interest section in the Ethics Code clarifies the meaning of that term. BMC 2.05.040(A)(7), which prohibits municipal employees from engaging in any official action in which they have a substantial financial interest, defines prohibited action to include “voting as a member of the city council, taking part in debate, soliciting the vote of a member of the city council, or encouraging any municipal officer to act in a certain way.”

Applying that definition here, Mr. Sargent did not take official action affecting the three CAGs issued to BECC. He did not draft the applications or assist in preparing them; review or

⁵¹ BMC 2.05.010(E).

⁵² BMC 2.05.010(E)(2).

⁵³ Although the issue of whether Mr. Sargent’s financial interest was substantial for the City Manager to decide, several of the factors in BMC 2.05.160 suggest that the financial interest was not substantial. Mr. Sargent’s financial interest was not a substantial part of the official action under consideration (i.e., whether to approve the applications for funding), because the applications were not for custodial services at the BECC, contrary to Mr. Williams’ understanding. Nor did Mr. Sargent’s financial interest vary directly and substantially with the outcome on the applications, as his custodial work was not contingent on whether the BECC received the grants. Likewise, Mr. Sargent’s interest was not monetarily significant because he only receives \$700.00 per month from the BECC, and there was no evidence that the amount would change if the CAGs were not awarded.

rate the applications; steer the voting members to approve the applications; or vote on which applications to recommend for funding. Rather, he provided staff support to the Committee consistent with his ex officio duties under the code and in the Ex Officio Guide. As for his initiation of the check requests for the three CAGs and signing the 2022 CAG, these were largely ministerial actions for the purpose of carrying out the City Council's approval of the CAGs, rather than discretionary acts that influenced the outcome of the awards. These actions could have been done by other City employees. Mr. Sargent did not improperly influence the CAGs in violation of BMC 2.05.050(A).

In short, Mr. Sargent had a financial interest in 2021 and 2022 CAGs when he was an employee of the church. Because he had a financial interest, he should have reported the interest to his supervisor, Mr. Williams, as required by BMC 2.05.050(C). But because his involvement in the CAGs did not rise to the level of official action that affected the award, execution, or administration of the grants, he did not improperly influence the grants under BMC 2.05.050(A).

III. Conclusions and Recommendations

Based on the evidence obtained during the course of the investigation, the undersigned finds there is probable cause to believe that Mr. Sargent committed a technical violation of the disclosure requirement of BMC 2.05.070 by failing to request and obtain his supervisor's approval regarding his outside employment with the BECC. But there is not probable cause to believe he violated the substantive, conflicts of interest prohibition in that section, because his part-time custodial work for the BECC was not incompatible or in conflict with his municipal duties as the Grant Manager. Thus, his work for the BECC did not create an impermissible conflict of interest with his municipal duties.

Further, the undersigned ALJ finds there is probable cause to believe that Mr. Sargent committed a technical violation of the disclosure requirement of BMC 2.05.050(C) by failing to report his financial interest in the 2021 and 2022 CAGs to his supervisor for a determination of whether the interests were substantial. But there is not probable cause to believe that he violated the substantive, conflict of interest prohibition under BMC 2.05.050(A), because he did not take official action on the CAGs and thus, did not improperly influence them.

In light of these findings, the City Clerk shall schedule a hearing with the Board of Ethics within forty-five days of this order in accordance with BMC 2.06.050(C). The undersigned recommends that in assessing the facts and deciding on an appropriate remedy, the Board

consider whether Mr. Sargent was aware of his disclosure obligations under the current and prior versions of the Ethics Code, as conflict of interest questions can be complex and confusing, especially in close-knit communities where citizens often wear many hats and interact with each other in different capacities. The undersigned also recommends that the Board take into account the amount of time that has passed since some of the events occurred.

To prevent future ethics problems and the appearance of impropriety, the Board may wish to consider (1) having individuals with check signing authority other than Mr. Sargent sign any checks for any future CAGs issued to the BECC, (2) having Mr. Sargent recuse himself from answering questions or engaging in discussions at Committee meetings regarding CAG applications by the BECC, (3) providing specific conflict of interest training for all City employees, (4) designating an employee with ethics expertise to answer employees' questions that may arise about conflicts of interest or other ethics topics, and (5) ensuring that audio recordings are made of all future CAG meetings.

DATED: October 13, 2022.

By: Lisa M. Toussaint
Lisa M. Toussaint
Administrative Law Judge

Certificate of Service: I certify that on October 13, 2022, a true and correct copy of this order was distributed as follows: Lori Strickler, City Clerk (by email); John Sargent (by email and mail); Libby Bakalar, City Attorney (by email).

By: Haley Canfield
Office of Administrative Hearings

22-01 EC

Record B.1.

Documents Reviewed/Considered by OAH

B.1.a. Community Action Grant Committee

B.1.b. Outside Employment

22-01 EC

RECORD B.1.a

Documents Reviewed/Considered by Office
of Administrative Hearings

Community Action Grant Committee



City of Bethel

EX OFFICIO GUIDE

Committee & Commission Meetings

PREPARED BY
CITY CLERK'S OFFICE

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INTRODUCTION

This Guide is published by the City of Bethel Municipal Clerk's Office to help ex-officio members of their responsibilities in supporting the City's volunteer bodies. The City of Bethel appreciates the volunteers who give their time to facilitate interaction between the municipal government and the citizens it serves. Our job is to help support these volunteers and to ensure that our volunteers follow municipal processes and laws.

DEFINITIONS

Ad Hoc Committee: means a temporary advisory committee appointed by the city council for a specific term to accomplish a specific task or project.

Alternate member: means a member appointed by the city council to an advisory committee, commission or ad hoc committee. The Alternate members have the same rights as voting members except, may only participate in voting when one of the seven voting members is absent or has a conflict of interest on the matter.

COB: City of Bethel, a second-class municipality with a manager form of government.

Committees, Commissions and Ad Hoc Committees: The City Council has seven standing committees/commissions: Finance Committee, Parks, Recreation, Aquatic Health and Safety Committee, Public Works Committee, Community Action Grant Committee, Planning Commission, Port Commission, Public Safety and Transportation Commission. The City of Bethel also has a Board of Ethics which does not fall under the standard of law the other municipal bodies fall under.

Committee: means an advisory committee appointed by the council to advise and make recommendations to the council regarding topics as specified in the committee's duties.

Commission: means a standing advisory committee that is required by state law or to which the Council has delegated final decision-making authority.

Quorum: means the minimum number of members of a committee, commission, and ad hoc committee that must be present at any meeting to make the proceedings of the meeting valid. For a body with seven full member seats, four members shall constitute a quorum. The City of Bethel does have alternate seats on their committees and commissions. Alternate seats are only recognized if a full seated member is absent or unable to vote because of a conflict of interest. All the City's committees and commissions have a quorum requirement of four. All votes must carry with a minimum of four votes. A meeting must have a quorum in order to hold a meeting. If the meeting lacks a quorum, no business may take place and the only action allowed is to try to obtain a quorum or schedule a new meeting date/time/location and adjourn.

OMA: stands for the Open Meetings Act- Alaska Statutes 44.62.310. OMA provides restrictions to

governmental bodies to ensure the public's right to know is protected.

APPLICATION, APPOINTMENT OF MEMBERS, OATH OF OFFICE, TERMS AND VACANCIES

Applications (BMC 2.60.030 A). People interested in applying for a committee or commission are required to submit an application to the City Clerk's Office. Applications are available at www.cityofbethel.org, under applications and forms. Once an application is submitted to the City Clerk's Office, the application is reviewed for eligibility.

Member's Appointment (BMC 2.60.030 C). Following the confirmation of the applications eligibility, the City Clerk's Office presents an Action Memorandum to the City Council, sponsored by the Mayor on the agenda for the Council's appointment.

Member's Oath of Office (BMC 2.60.030 D). Following the Council's appointment, new members and reappointed members should complete their oath of office within 45 days. The City Clerk's Office will coordinate the conducting of the Oath of Office with the newly appointed or reappointed member. If the timeline for the oath is too short, the City Clerk's Office may request the ex officio member conducting the oath at the next available committee/commission meeting.

Oath of Offices are permanent records held with the City Clerk's Office.

Member's Terms (BMC 2.60.030 E). Unless a vacancy occurs before a term expiration, each term of appointed members is three years and shall expire December 31, on the third year. If a vacancy occurs on the body before term expiration, the City Clerk's Office may modify the term limit for a newly appointed member, to ensure there are staggered terms on the body.

Prior to members' term expiration, the City Clerk's Office will provide notice of term expiration and include instructions to the members for their application for reappointment. Reappointed members must do an oath of office for their new term. The City Clerk's Office will follow the process mentioned under Oaths.

The Clerk's office advertises vacancies. Applications are accepted at any time.

Vacancies of Members (BMC 2.60.030 F).

If one of the following things occur, the committee/commission or ad hoc shall declare a vacancy on the body:

- A member is absent from the city for more than 90 days without first being excused by the body;
- A member fails to attend three regularly scheduled meetings or three special meetings within any calendar year without being excused by the body;
- A member submits a written resignation which is accepted by the body;
- A member dies;
- An applicant fails to qualify and give the oath of office within 45 days of appointment;
- A member ceases to be a resident of the city;
- A member is convicted of a felony or an offense violating the oath of office; or

- Becomes disqualified from holding the seat under other provisions of this code.

A declaration of vacancy may be declared by the committee, commission, ad hoc committee or council when a member:

- Fails to attend a minimum of 65% of regular meetings or special meetings held within any calendar year whether excused or unexcused;

Vacancies may be declared by the city council for any reason, however the member whose seat is being considered for vacancy, shall be provided an opportunity to address the Council at the public meeting for which the vacancy is being considered.

Attendance Records. Ex officio members are responsible for maintaining current and accurate attendance record for the committee/commission. When a member meets the maximum number of absences, the ex officio member should, following consultation with the City Clerk's Office, provide notice to the chair of the body of the requirements for declaration of vacancy.

Notice of the Committee/Commission Consideration of Vacancy (2.06.030F). Following consultation with the City Clerk's Office and the chair, the ex officio member shall with the chair's sponsorship, add the declaration of vacancy to the next available agenda. In addition, the ex officio member shall provide written notice to the member whose seat is being declared vacant. The notice shall be similar to:

In accordance with BMC 2.60.030 F, the [name of body] will be considering a declaration of vacancy of your seat at their [date of meeting]. According to our records, you have not met the attendance requirements outlined in BMC 2.60.030 F1. [or alternative cause and code reference]

ROLE OF OFFICERS AND STAFF

Ex Officio Member Appointment (BMC 2.60.040 E). The city manager is responsible for appointing ex-officio members to support the operation of all committees and commissions. Ideally the appointment by the city manager will be of the department head that is in charge of the department most closely associated with the committee/commission. This relationship is important to help ensure the best advisement on issues are provided. Although ex-officio members do not work for or at the direction of the committee/commission they are still responsible for supporting the body in their carrying out of their duties.

Duties of Ex Officio (BMC 2.60.040 E). The duties of the ex officio member include but are not limited to:

- Acting as the primary communicator with committee/commission members in the general operation of the committee/commission meetings and functions.
- Preparing agendas and packet materials.
- Ensuring that meeting notifications and record keeping occurs consistent with applicable State laws and City of Bethel practice (preparation of agendas and packets, posting and distribution

of agendas and packet materials to members and the public).

- Preparing meeting minutes.
- Maintaining attendance records of the members.
- Maintaining the committee/commission webpage.
- Acting as parliamentary advisor to the body.
- Preparing documents on behalf of the body.
- Serving as a communication link between the committee/commission, City Administration, Departments, and the Council as appropriate.
- Providing professional guidance and support to the body, to ensure the body understands municipal policy and procedures relevant to the committee/commission action or recommendation.
- Making sure the intent of the committee/commission is not lost after a decision, and that it is conveyed to the Council in a timely manner.
- Maintaining a positive working relationship with the committee/commission members.

Recorder. The city manager appointed ex officio member may appoint and delegate duties to one of their staff. Often this staff member is referred to as the recorder. If the ex officio does not have the staff or resources to delegate this duty, the City Manager may provide or designate staff to fulfill these duties. Although tasks and duties may be delegated to the recorder, the ex officio is still responsible for ensuring the requirements are met.

Committee/Commission Chair. The chair's responsibilities include presiding at the meeting and conducting the meeting in a fair manner. The chair makes determinations on excused and unexcused absences as well as conflict of interest rulings during the meetings. The chair also is the official representative of the committee/commission to the council and any other groups/agencies. The chair, as the body's representative, conveys only those recommendations the body has approved by majority vote. The only other power held by the chair is the ability to call special meetings of the body or making determinations on conflicts of interest and meetings excusals (which may be overruled by a super majority).

Committee/Commission Vice-Chair (BMC 2.60.040 D). The vice-chair carries out the duties of the chair when the chair is absent.

Annual Election of Chair and Vice-Chair (BMC 2.60.040 D). When preparing the agenda for January, the ex officio will place under Special Orders of Business (just before Unfinished Business) the election of Chair and Vice-Chair.

Council Representative (BMC 2.60.040 A): Is appointed by the mayor annually in October. The council representative acts as the link between the council and the committee/commission. Provides explanation on any committee/commission recommendation to the city council and provides explanation on any referral of item to the committee/commission from the council. Provides guidance to the

committee/commission on city council's procedures.

CONFLICTS OF INTEREST

The City of Bethel has a Conflict of Interest Code, which applies to members of all committees and commission as well as the council and city employees. BMC 2.05 provides that any committee/commission member who has a conflict of interest shall disclose the conflict on the record prior to the body taking up the debate/discussion on the matter. The presiding officer will rule on the conflict of interest based on an evaluation. The ex officio will provide support and guidance for the chair concerning BMC 2.05 if needed before they make their ruling.

Each ex officio member should evaluate agenda items prior to the committee/commission meeting to help identify any potential conflict the members may have in advance of the meeting to help work through the potential conflict with the City Clerk's Office or the Attorney's Office if necessary.

Primary point- A person on council, on a committee/commission or under employment may not use their official position or office for the primary purpose of obtaining personal financial gain or financial gain for an immediate family member of business with which the person is associated or in which the person owns stock. This means no city official may participate in any action if the official has a direct or indirect substantial financial interest. Direct and indirect include: the member, the member's immediate family member or if the member has an ownership interest in the organization, is a director, officer or employee of the organization. Substantial financial interest is determined through the following questions which if not apparent may be asked by the chair:

Whether the financial interest is a substantial part of the consideration;

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

A board member with a conflict of interest shall not deliberate or vote on any matter in which they have a conflict and is asked to step away from the table during the discussion of the issue. There may be criminal penalties for violation. The ex officio shall identify in the meeting minutes (the record of the meeting), the disclosure of the conflict of interest, the reasons for the disclosure, the presiding officer's ruling on the conflict and when the individual with the conflict returned to the meeting's discussion and debate.

The full Conflict of Interest Code is extensive. Ex officio members should review the full text of the Conflict of Interest Code to help ensure our volunteer boards and their members operate within the framework of the law.

AGENDAS AND PACKET MATERIAL

Reasonable public notice is required by the Open Meetings Act as well as the City of Bethel Municipal Code. For all regular meetings, the agenda must be posted for six days before the meeting date. Special meeting agendas shall be posted for a minimum of three days prior to the meeting date.

Agenda Content (BMC 2.60.060 C). The agenda must contain:

- The Date of the Meeting.
- Time and location the meeting will be held.
- Agenda items to be considered at the meeting.
- Agenda posting date, locations where the agendas are posted and the person posting shall confirm the posting by signing the agenda.
- Contact information for the ex officio member(s).
- An opportunity for people to be heard
- Name of Body that is Meeting

Drafting of the Agenda. Using the same agenda template for all your agendas helps consistency in formatting and ensures the required content from your last agenda remains. Your agenda format will be:

Call to Order

Roll Call

People to be Heard

Approval of the Agenda.

Approval of the Meeting Minutes

Unfinished Business

New Business

Reports from Ex Officio Members

Member Comments

Adjournment

Special Orders of Business: There may be times where there is a presentation by a group or staff which, out of courtesy should fall early on in the meeting. These items should be included under a non-standard heading titled Special Orders of Business. Special Orders of Business will be listed above Unfinished Business.

Prepare the Draft Regular Meeting Agenda. When preparing the agenda for the next meeting, you should review the agenda from the previous meeting to determine if any agenda items would need to be continued at the next meeting. It will be important when working with the recommending bodies to make sure they identify if an agenda item is complete and not needed for the next meeting as sometimes the bodies do not make motions to indicate completion of the agenda topic. You will add the draft meeting minutes from

the previous meeting as an agenda item under “Approval of the Meeting Minutes.”

Email the draft agenda to the members at least 11 days in advance of the regular meeting and provide the deadline for agenda and packet material submission. Your deadline for agenda and packet material is 7 days prior to the regular meeting date.

Agenda Items. When adding items to the agenda, it is important to make sure the agenda item language provides a clear explanation of the topic to be discussed/considered by the body. Be descriptive and specific with the agenda item title to ensure that the members and the public know what will be discussed at the meeting and to help limit the discussion to the particular issue.

Preparing the Regular Packet. As agenda items come in, the ex officio member should review the agenda material and include relevant supporting documentation to help the members evaluate the issue. The committee/commission members are not experts in the processes of the City. The ex officio members should use good judgement in the creation of the packet to not overwhelm the members but to provide content to help support effective discussion at the meeting.

Agenda and Packet Posting and Distribution (BMC 2.60.060 D). The finalized regular meeting agenda and packet shall be posted at least 5 days in advance of the meeting. The City posts their agendas at AC main store, Swanson’s, the Post Office and City Hall. We also place the agenda and the packet on the City’s website and link the packet page to the city’s calendar of events. Separate instructions are available for the posting of items on the website. Email cityclerk@cityofbethel.net the agenda on the posting day.

Special Meeting Agenda and Packets (BMC 2.60.060 D). The finalized special meeting agenda shall be posted at least 3 days in advance of the meeting. Special meetings are called by the chair or three members of the body. They would reach out to the ex officio member to coordinate the meeting which may include getting the availability of the other members.

When a special meeting is called, the ex officio should, if the timelines for posting the agenda allows, send the notice of the special meeting, and the deadline for agenda items/packet material to the other members. The agenda and corresponding packet material must be posted and distributed in the same manner as the regular meeting material however only three days will be required for the notice. Email cityclerk@cityofbethel.net the agenda on the posting day.

Cancellation of Meetings. If the ex officio member does not post the agenda or packet material in accordance with the code, the City Manager shall cancel the meeting. The ex officio shall call each of the members to inform them that the meeting was not noticed in accordance with the law and the meeting may not be held. The other way a meeting can be cancelled is in advanced at a regular or special meeting.

If there is an expected lack of a quorum at a meeting, all members still available to meet shall participate in roll call, (remember the ex officio member is keeping attendance) and when there is determined to be a

lack of a quorum to conduct the meeting, the meeting will adjourn.

Less than a quorum of Members. If the body does not have enough appointed members to hold a meeting, the ex officio shall post a notice to the public that corresponds with the standard meeting agendas to inform the public, a meeting is unable to be held because there are not enough members to hold a meeting. The notice should also include information for people interested in volunteering on the committee/commission.

CONDUCTING OF MEETINGS

Steps for Preparing for the Start of the Meeting.

The ex officio member shall:

- Unlock the front door at least 15 minutes before the start of the meeting.
- Have printed the people to be heard sign up sheet.
- Have copies of the agenda available for the public.
- Have a copy of the meeting minutes, single sided for the chair to sign following the approval by the body.
- Have an audio recorder with sufficient battery life to record the meeting.

The ex officio member may:

- Have on hand extra packet material the committee/commission is considering.
- Have laptop or computer for the completing of the meeting minutes. It is suggested to have a meeting minutes template prepared in advance of the meeting for easy note taking.
- Prepare coffee for the members and public.

Quorum Required. A meeting must have a quorum of four members present in order to meet. If the meeting lacks a quorum, no other business may take place and the only action allowed is to seek a quorum or schedule a new meeting date/time/location and adjournment. Meeting minutes must still be completed by the ex officio member when there is a lack of a quorum.

Steps for Starting the Meeting. The chair of each body is the presiding officer and is responsible for conducting the meeting. Council and the committees and commissions are governed by Robert's Rules of Order. The Chair must ensure the body closely follows the publicly provided agenda during the meeting.

- Prior to the meeting being called to order, the ex officio member will collect the people to be heard sign-up sheet and start the recorder.
- The chair will call the meeting to order, state the name of the body, date and time of the meeting.
- The chair will ask the ex officio member to conduct the roll call.
- If members are absent, the chair must confirm if the members are excused or unexcused.
- The chair will continue to move through the agenda.

People to be Heard. This is an opportunity for any member of the public to present their concerns and

views. The City of Bethel & Alaska Statutes require that members of the public be provided "a reasonable opportunity to be heard" at regular and special meetings.

When documenting the people to be heard testimony, the ex officio must make sure the name is spelled correctly and the summary of the testimony reflects what the individual stated.

Guiding the Body in Effective and Legal Meetings. The ex officio member is responsible for helping to ensure compliance with relevant laws in the conducting of the meetings with our committees and commissions. It is also necessary for the ex officio to provide parliamentary procedure guidance as this will help make sure the record (meeting minutes) accurately reflects what happened at the meeting.

- Discussion/debate must be limited to the items on the agenda and on the record (members should avoid texting each other during the meeting). During People to be Heard, Ex Officio Member Reports, and Member Comments, members may briefly ask clarifying questions under the ex officio member report and under people to be heard.
- The majority (4) must be allowed to rule.
- The minority have rights that must be respected. Diversity of thoughts is essential for good decision-making. The body must allow for discussion from each member.
- Members have a right to information. You have the obligation to make sure the members have what they need to make good decisions.
- Courtesy and respect for others. If things get heated, it would be okay for you to request the chair take a brief at ease.
- Members have a right to an efficient meeting.

Decorum in debate. Debate and discussion are not the same. Discussion is general and does not necessarily lead to closure of an issue- it is more characteristic of committee of the whole and work sessions. Debate applies to discussion on the merits of a motion. Until a matter has been brought before the body in the form of a motion proposing a specific action, seconded, and stated by the chair, the issue cannot be debated. Immediately after stating the question, the chair should turn toward the maker of the motion to see if he/she wishes to be assigned the floor first in debate. The maker of the motion has the right to be recognized first. Every member of the body has the right to speak on every debatable motion up to two times with a time limit of 10 minutes each time. Additionally, Robert's Rules suggests the group agrees that no one may speak a second time until everyone who wishes to do so has spoken once. Following this rule has the potential to transform your meetings, allows everyone to contribute, and ensures much wiser decision-making. It gives everyone a voice and broadens the diversity and inclusiveness of the group's deliberations. If a member is making a motion that is more than ten words, the member should write it down.

Debate Etiquette. Ex Officio members should help ensure members:

- Confine remarks to the merits of the pending question (motion or amendment)
- Refrain from attacking a member's motives.

- Address all remarks through the chair.
- Avoid the use of members' names.
- Refrain from speaking adversely on a prior action not pending.
- Refrain from speaking against one's own motion.
- Discussion of another member's motives is out of order.
- Refrain from disturbing the body by whispering, etc.

Steps Following the Ending of the Meeting.

Following the adjournment of the meeting, the ex officio member will:

- Stop the recorder.
- Ask the chair to sign the meeting minutes approved at that meeting.
- Reorganize the meeting room, removing trash and papers.
- Turn off coffee pot.
- Walk through the building to make sure it is empty.
- Turn off the lights.
- Lock the front door.

Steps Following the Meeting Day

- Within five business days from the day of the meeting, email cityclerk@cityofbethel.net the draft meeting minutes and any documents approved by the committee/commission for the council's action or recommendation.

MEETING MINUTES

The ex officio is responsible for the preparation and distribution of the committee/commission regular and special meeting minutes. Draft minutes should be completed within five business days of the meeting and emailed to cityclerk@cityofbethel.net for inclusion in the Council's next meeting packet. The minutes of all committees/commission are permanent records of the City and constitute the record of the committee/commission actions. Approved and signed meeting minutes shall be scanned by the ex officio member and saved on the City's website then filed with the Clerk's Office for permanent retention.

Meeting minutes must include:

- Date, time, location of meeting.
- The members and ex officio members present and those excused/unexcused.
- People to be heard names and their summary statements.
- All agenda items listed on the agenda.
- Motions or actions taken on each of the agenda items.
- Committee/commission member comment summary.

TYPES OF CITY DOCUMENTS

Ex officio members are responsible for drafting legislation and documents on behalf of the committee/commission. The city has required formatting with each type of document, make sure you have a clean template to start from. Prior to any ordinance or resolution being presented to the committee/commission for their consideration of recommendation to the council, the City Manager, City Attorney and City Clerk's Office must have an opportunity to review it so plan accordingly.

If an ex officio member is requested to draft a document on behalf of the recommending body, the body should review and approve the final draft at a meeting prior to it being sent to the council.

Ordinances (BMC 2.04.160). An ordinance is a law that governs behavior and may be enforced through fines or penalties or establishes a procedure. All adopted ordinances are permanent records of the City. We have codified ordinance (that are adopted into the Bethel Municipal Code) and non-codified ordinance such as our annual budget (that are not adopted into the Bethel Municipal Code).

Bethel Municipal Code modifications are reflected by using "strike outs," ~~example~~, which identifies language being removed from the code, or "underline" example, which identifies new language being inserted into the code.

If a committee/commission considers an ordinance, they will be doing so in an advisory capacity and provide a recommendation to the Council for their adoption. Committees and commissions cannot adopt ordinances.

- Ex officio members may be requested to draft legislation on behalf of a recommending body.
- Ordinances that are considered by the committee/commission can be recommended to the Council for adoption. The Ex Officio member will forward the draft committee approved document to the City Clerk's Office, the City Clerk's Office will list the recommending committee/commission as the sponsor and add it to the next regular council meeting agenda.
- The council will first hold an introduction of the ordinance, if it is introduced the council will hold a public hearing on an ordinance. Usually, the public hearing is set for the council's next regular meeting.
- The council must take public testimony from everyone wishing to be heard.
- When the public hearing is closed, the council takes action either to reject, adopt, or amend and adopt the ordinance.
- Ordinances take effect upon adoption by the council unless a later effective date is specified in the ordinance.
- The City Clerk's Office processes the Ordinance as amended and prepares it for codification and publishing.

Emergency Ordinances. Occasionally, the council may need to adopt an ordinance to address an

emergency situation quickly under unusual or extreme circumstances. An emergency ordinance may be adopted without public hearing at the same meeting it is introduced by the affirmative vote of all members present or $\frac{3}{4}$'s of the total membership, whichever is less. Emergency ordinance have a limited duration (60 days).

Bethel Municipal Code. The Bethel Municipal Code is the city's book of ordinances. It contains all of the ordinances that are of a general and permanent nature that are in effect over time. Go to www.cityofbethel.org and look for the Bethel Municipal Code link.

Non-codified Ordinances. A non-codified ordinance is one that is not going to be placed in the BMC. They are not general and permanent in nature. Examples would include an ordinance adopting the fiscal year budget, authorizing a special election, or authorizing the sale or disposal of city land.

All approved ordinances of the municipality are permanent records.

Resolutions (BMC 2.04.150). Resolutions are considered statements of the council's opinion or intent. A resolution may be presented to the council by a council member, by a committee of the council, or by the city manager. All adopted resolutions are permanent records of the City.

The Planning Commission is asked to adopt resolutions specific to formal approvals, this is the only body other than the council that considers and adopts resolutions.

All approved resolutions are permanent records of the municipality.

Action Memorandums. Action Memorandums (AMs) are glorified motions. The action title will list the motion/action the Council is taking. They are helpful because they provide details associated with the action such as why the action is requested, funds needed for the action and a summary of any other supporting documentation that may be associated with the action. Action memorandums are helpful in their intent to provide a summary statement to the council. They are retained as a City record for five years. An Action Memorandum provides an easy way to track actions by the Council not found in Ordinances or Resolutions.

Informative Memorandums. Informative Memorandums (IMs), are used to provide an update to the Council on projects within the City. IM's require and indicate no action by the Council will take place. IMs are retained for five years.

Recommendations. Recommendations are submitted by the committee/commission to the council typically under reports of standing committees. These recommendations focus on a particular issue and provide support or opposition from a committee/commission to the council for council's consideration. A recommendation should include a summary of the issue along with a solution to the issue to help narrow down the council's deliberative process. Recommendations are included in the packet under Reports of

Standing Committees. If the committee/commission desires council immediate action on an item as opposed to consideration of the item, the committee/commission and ex officio shall consider presenting an AM, Ordinance or Resolution depending on the desired outcome.

OPEN MEETINGS AND EXECUTIVE SESSIONS

Notice of Public Meeting. All Council, committee/commission meetings are open to the public and must be advertised with reasonable public notice. Refer to BMC Title 2 for public notice of meetings. In order to fulfill the OMA requirements, the notice must state the date, time, location, and agenda items.

Executive Sessions. There are times council may need to go into executive session. The allowable reasons for an executive session are: matters that would clearly have an immediate adverse impact on the finances of the City; subjects that tend to prejudice the reputation and character of any person, provided the person to be discussed must be notified and may request a public discussion; and matters that are required to be confidential by law, Charter, or ordinance.

The appeal boards when serving in a quasi-judicial capacity may go into a closed deliberative session to discuss evidence or a decision in an adjudicatory proceeding.

QUASI-JUDICIAL PROCEEDINGS

Quasi-judicial proceedings for the commissions and the council involve decisions that have a direct effect on the rights and liabilities of a single person or, occasionally, a small group of identified persons. When acting as a quasi-judicial body, the commission is acting as the judge and jury.

Quasi-judicial proceedings deal with matters in which a determination will be made on whether a person has shown that they have met all the established requirements that give them a right to a permit or other entitlement. The commission must determine whether, from all the evidence presented (called the record), the required standards have been met.

Quasi-judicial procedures should be governed by principles of administrative law and its findings must be based on fact.

Quasi-Judicial Process. As soon as an ex officio member finds out their body will be acting on a matter under quasi-judicial authority, the ex officio member should contact the Attorney, City Clerk's Office and City Manager immediately if the ex officio member is unfamiliar with the quasi-judicial procedure.

1. A matter that is within the body's authority is requested to be put on the agenda.
2. The ex officio provides the appropriate notice of the hearing to the public and the parties involved to include the deadline for the record. The record is the packet of

material/evidence that will be the basis of the quasi-judicial hearing.

3. The body hears the information presented to it.
4. The body renders a decision, called a finding which is binding upon the parties involved in the matter. The decision must be in writing.

Ex Parte Communication. Ex parte communication is influential communication that relates to the matter that will come before a quasi-judicial body and is between a member and someone else. that may influence the decision or provide details on the issue. Ex parte must be avoided.

As an ex officio member and a likely party (involved with the cause of the quasi-judicial procedure) in the proceedings, you must limit communication with the members to the record. If a member or appealing party attempts to talk to you, you must inform them that you are unable to speak with them on the issue. The only communication that is permissible for ex officio members and seated members of the body are between the City Attorney or City Clerk, unless otherwise authorized by the City Attorney or the City Clerk.

* There may be times the City Attorney is representing the administration/the ex officio member in the matter. The City Clerk's Office will help with procedure rules in quasi-judicial hearings and will provide guidance through the entire process if necessary.

CITY OF BETHEL

COMMUNITY ACTION GRANT

Overview

Purpose

The City of Bethel has established a Community Action Grant (CAG) Program to allow community organizations and individuals to request financial support from the City for civic programs or events that contribute to the health, welfare and overall lives of the residents of Bethel, especially its most vulnerable populations.

The purpose of the grant program is to advance and enhance the community's opportunities, sustainability, and wellbeing. The City encourages projects and programs with components that foster community wellness, directly impact the community's vulnerable populations and/or provide civic engagement of Bethel residents and project beneficiaries.

Funding

The City Council has certain statutory and fiscal limitations on the aggregate amount of municipal funds it can set aside for donations to community projects. The amount of grant awards available to disseminate on behalf of all the applicants is dictated by the amount which is set aside by the City Council during the annual budget preparation process. The Council has committed to budget an amount equal to 20% of the revenue generated from the alcohol tax to health, public safety, and social services that offset the effects of alcohol in the community.

The amounts contributed shall be accounted for in the Community Action Grant Fund, a special revenue fund. Annual distributions to grantees from the Community Action Grant Fund cannot exceed the available resources of the Fund or other limits established by City Council.

Funding Exclusions

- Indirect costs that are not traceable to a program, product, or activity; application of an indirect rate to cover overhead costs;
- In-kind donations, including gift cards;
- Nationally-sponsored organizations (such as, but not limited to, American Cancer Society, American Diabetes Association, American Heart Association, Children's Miracle Network and United Way);
- Memberships, including association/chamber memberships;
- Organizations that deny service, membership or other involvement on the basis of race, religion, color, sex, sexual orientation, age, national origin, ancestry, citizenship, veteran, disability or any other protected status;
- Organizations whose programming or policies may portray the City of Bethel in a negative light;
- Political causes, candidates, organizations or campaigns;
- Projects that send products or people to foreign countries or on domestic travel;
- Registration fees;

- Projects or programs that sponsor, endorse or provide in-kind services for any programs or events that will or may promote tobacco or marijuana products, gambling, sexually related products or services, the sale or manufacturing of firearms or weapons, or products or services that are contrary to the interest of public health, safety or welfare;
- Requests made on behalf of another organization or by an unauthorized representative of the recipient organization;
- Scholarships and/or the payment of tuition, room, board, other expenses for college/university/vocational school or conference/training attendance;
- Third-party giving, including funds that are re-allocated to fiscally sponsored organizations;
- Tickets for contests, raffles, prizes or any games of chance or skill.

Application Process

The City of Bethel will accept applications for the Community Action Grant on a quarterly basis, per the following 2019 schedule:

Quarter 1: January 29 to February 28

Quarter 2: May 1 to May 30

Quarter 3: August 1 to August 30

Quarter 4: October 14 to November 13

Submission deadline is 11:59 pm Alaska Time.

Applicants must submit the CAG application packet to cag@cityofbethel.net on or before the deadline. Late submissions will not be accepted. Incomplete submissions will be given a due date to provide missing items. If the due date is not met, the proposal will be rejected. Applications will not be carried over from one quarter to the next.

The application packet must include completed:

- Community Action Grant Cover Page Form
- Community Action Grant Project Summary
- If applicable, verification of the organization's or fiscal agency's tax exempt status.
- If applicable, current and prior-year operating budgets, including expenses and revenues, sources of revenue received and those pending, to include in-kind;
- If applicable, most recent annual financial statement (audited, if available);
- List of key project/program staff members responsible for overseeing and carrying out the grant and a one-paragraph resume for each one.

Funding Priority

Funding priority will be given to applications that demonstrate one or more of the following:

1. Advancement to or enhancement of the community of Bethel and its residents
2. Direct impact to populations impacted by substance abuse in the community

3. Community engagement
4. Healthy community activities

Review, Evaluation and Selection

All applications, regardless of amount, will be reviewed by the Community Grant Technical Review Board (Board). The Board will hold public meetings to discuss and evaluate the grant applications. Application representatives are invited to attend the application review meetings in order to make a presentation supporting their request and respond to questions from the Board.

After review of all eligible applications, the Board will make funding recommendations to the City Council. These funding recommendations may be less than the amount requested and may be adjusted by the Council without prior notice to the applicant.

Upon receipt of the Board's recommendations, the City Council will make a final determination regarding the distribution, if any, of grant funds. City Council action will be by Action Memorandum. In making their final determination, the City Council may make amendments to the recommendations of the Board, including, but not limited to, amending the recommended amounts, and/or imposing limitations or special conditions that will appear in the grant agreement.

Applicants will be notified of any decision by e-mail within three (3) business days following City Council review. All funding decisions are final. If an Applicant is approved, grant checks will be mailed directly to the awardee within three weeks of the City Council's approval.

Agreement Requirements and Monitoring

Awardees will be required to enter into a Community Action Agreement that outlines the responsibilities of both parties. Applicants should note that liability insurance might be required. Awardees will agree to hold the City and the CAG Board harmless from the awardee's actions.

All approved grant award winners shall maintain detailed documentation of the expenditures of grant money expenditures. In addition to the requirement to submit the documentation at the completion of the grant, Applicants shall make the documentation available to the City Clerk's Office upon request. Awardees who fail to maintain such documentation or to provide documentation upon request may be disqualified from future grant awards.

Exit Report

Awardees will be required to present a written exit report to the Community Action Grant Board within thirty days of completion of the project/program. Awardees must complete an exit report prior to submitting another request for funds. If project/program is not completed at the time another funding request is prepared, a spending plan may be submitted in lieu of an exit report. The spending plan must describe how the remaining expenditures will be made to complete the project/program.

CITY OF BETHEL

COMMUNITY ACTION GRANT

Review Process

The Community Action Grant Technical Review Board's role is critical to ensuring the selection of strong grant proposals. Their primary responsibility is to read grant applications, review them for scope, and determine how best to allocate the limited resources available to those programs or projects that must serve the goals and needs of the Bethel Community and its most vulnerable citizens.

General Process

Applications will be submitted to the City, per the Application Instructions. Following the submission deadline, the Ex Officio will email the complete application submissions, the individual score sheets, and the requirements of the application to each Board member.

The Board members are strongly encouraged to review the application packets, identify any questions to ask the applicants and provide individual scores for each application submitted prior to the quarterly initial review meeting.

During the quarterly initial review meeting, the applicants will be invited to attend and provide information to the Board to assist the Board in finalizing the scores. This will be an opportunity for the Board to ask for any clarifying information and to request any supplemental information that may support an application.

The Board will hold at least one additional public meeting to consider any supplemental information and finalize their individual scores. At this meeting, the members will discuss and deliberate individual scores in order to make a final recommendation to the City Council for funding. In the event a consensus is not met between the Board members, an average of the scores may be applied as the consensus score.

Guidelines for Reviewers

Scores must be assigned based on criteria provided in the application directions. The scores should reflect the Board member's opinion on the applicant's ability to meet each criterion provided on the Grant Review Score Sheet. The reviewer cannot make assumptions about missing background or project information, only what was provided can be evaluated. Additionally, it is important that the scores be based on substance. A high-quality application is not always going to be grammatically perfect. A reviewer should judge the substance of an idea, rather than the manner in which it is presented.

When individually reviewing the application submissions, reviewers should make thoughtful comments to justify their individual score, commenting on both strengths and weaknesses.

Steps for the Board in Reviewing and Rating the Applications

1. Read the application guidelines and instructions.
 - It may be difficult to fairly evaluate a proposal unless you have an understanding of what has been asked.

2. Review the Grant Review Score Sheet.
3. Skim all of the applications before you begin scoring.
 - Understand how the applications relate to one another in terms of general strengths and weaknesses.
4. You will rate the applications on a numerical scale.
 - Assign a score for each question on the score sheets.
 - Provide specific comments about strengths and weaknesses on the score sheet that justify your score and identify any issues that may need to be clarified.
 - Bring the completed score sheets to the initial review meeting where representatives of the applicants will be available to provide clarification on any questions or concerns.
5. Consensus Scoring and Recommendation to Council.
 - Consensus scores and final recommendations will be determined at the second meeting.
 - If the Board cannot come to a consensus, then scoring will be based on averages of score totals.
 - The Recommendation to Council shall include the suggested funding amount as well as the project summary and scores.

Review Criteria

Description of Criteria	Score
Request Summary & Project Details	Total 80
Project is clearly described	10
Application includes a statement of need	10
Estimated number of people this project will impact	10
Documented community support for the project	10
Explanation on how the impacts of the project will be measured	10
Goals are clear and objectives measurable	10
Matching dollars/in-kind services/donated labor/ etc.	10
Identify individuals involved with the project with their roles and relevant experiences.	10

Budget For Project	Total 30
Is budget complete, clear and detailed	10
Proposed expenses are reasonable	10
Income and expenses balance on project budget including matching funds if applicable	10
Subjective Criteria	Total 60
Meets community needs	10
Strength of the plan and idea	10
Applicant appears capable	10
Project meets funding priorities	30

CITY OF BETHEL COMMUNITY ACTION GRANT Application

COVER PAGE

Applicant Information

Applicant Name: _____

Business License #s (if applicable): _____

Applicant Address: _____

Contact Person: _____ Email Address: _____

Daytime Phone: _____ Cell Phone: _____

Grant Request Information

Grant Amount Requested:	\$	
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Will you accept less funding than the amount you requested? If so, tell us what a reduction would look like for your planned program. ☐ Yes ☐ No

Program/Project Title and Summary:

Date When Funds Are Needed: _____

Project Beginning and End Date: _____

Submission for: ☐ Quarter 1 ☐ Quarter 2 ☐ Quarter 3 ☐ Quarter 4

I affirm that if my organization, group, or self is granted funding, I (we) will be required to adhere to City guidelines related to the use of those funds, and will be required to provide timely reporting on the use of the granted funds. I affirm that grant funds will be used for the intended purposes outlined for this program.

Signature: _____ Date: _____

Authorized Officer/Applicant

PROJECT SUMMARY

Please provide a comprehensive, clear and concise response to each of the questions below. If a question does not apply to your application, indicate by responding "Not Applicable."

1. Substantiating Community Need

- a. Identify and describe existing needs in the community to be addressed by the proposed activity.

- b. Specifically describe how the activities to be carried out directly address identified needs in the community.

2. Project/Activity Goals and Outcomes

- a. Describe the overall goals, objectives, and activities to be accomplished by the proposed project.

- b. Provide measurable outcomes for your project and how those outcomes will be measured.

3. Coordination and Collaboration

- a. Describe current efforts to collaborate and coordinate services with other community organizations regarding the proposed project.
- b. Explain how you will develop any needed collaborative relationships that are not already in place.
- c. Does any community organization, other than your own, offer the type of services proposed under this program design? If so, describe how your program will enhance these efforts.

4. Implementation Plan

- a. If this is a new project/activity, describe specific steps to be taken to implement the activity. Identify target dates for each phase of implementation.
- b. If this is an existing project/activity, describe how this funding will be used to expand the scope of the existing activity. Identify target dates for each phase of implementation.

5. Demonstrated Experience and Financial Information

- a. Describe the applicant's (or the principal staff as it relates to the project) background, and experience in implementing the proposed activity or similar activities.

- b. Provide a proposed budget breakdown with the following information:

Item & Description	Funding Source	Amount
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Total

- c. Have you ever received funding from the City of Bethel before? If so, provide 1) dates, 2) amounts, 3) project descriptions, and 4) Exit Report status. ☐ No

6. Exit Report Due

- a. Awardees will be required to present a written Exit Report to the Community Action Grant Board within 30 days of completion of the project/program. See Report on City's website (www.cityofbethel.org).
- b. Identify the timeframe in which you anticipate providing an Exit Report to the Board on the use of the grant funds.
- c. If applicant has a current Community Action Grant in progress, provide a spending plan that clearly shows how the remaining funds will be spent to complete the project/program.

CITY OF BETHEL

COMMUNITY ACTION GRANT

Score Sheet

Applicant Information

Applicant Name: _____

Contact Person: _____

Submission for: Quarter 1 Quarter 2 Quarter 3 Quarter 4

Grant Request Information

Grant Amount Requested:	\$	
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Program/Project Title and Summary:

Criteria	Points Possible	Score
Request Summary & Project Details	80	
Project is clearly described	10	
Application includes a statement of need	10	
Estimated number of people this project will impact	10	
Documented community support for the project	10	
Explanation on how the impacts of the project will be measured	10	
Goals are clear and objectives measurable	10	
Matching dollars/in-kind services/donated labor	10	
Identify individuals involved with the project with their roles and relevant experiences.	10	
NOTES		

Total Points	170	
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Community Action Grant

Calendar for Application Periods in 2022

Quarter	Application Period Opens	Application Deadline	Board Meetings	Council Meeting	Payment Made
1 January - March	January 29	February 28	March 9 7 pm	April 12	April 15
			March 17 7 pm		
2 April - June	May 1	May 30	June 8 7 pm	July 12	July 15
			June 16 7 pm		
3 July - September	August 1	August 30	September 8 7 pm	October 11	October 14
			September 14 7 pm		
4 October - December	October 12	November 11	November 17 7 pm	December 13	December 16
			November 23 7 pm		

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

March 3, 2021

Regular Meeting 7 p.m.

Bethel, Alaska

I. CALL TO ORDER

MEETING CALLED TO ORDER AT 7:16 pm.

II. ROLL CALL

BOARD MEMBERS PRESENT:
Leif Albertson, Vice Chair
Louise Russell
Jennifer Dobson
Lucinda Alexie
BOARD MEMBERS ABSENT:
Perry Barr
S. Grady Deaton, Chair
ALSO IN ATTENDANCE:
John Sargent, Recorder & Ex Officio

III. PEOPLE TO BE HEARD

Shane Iverson spoke in favor of Brian Lefferts' proposal to purchase a lawnmower and trail grooming equipment. Shane and Brian are soccer coaches.

Silas Lefferts spoke in favor of Brian Lefferts' proposal. He plays soccer on the field to be maintained.

IV. APPROVAL OF AGENDA

MOVED:	J. Dobson	Approve Agenda.
SECONDED:	L. Russell	
VOTE ON MAIN MOTION	4-0 Motion Passes	

V. APPROVAL OF MINUTES

MOVED:	J. Dobson	Approve November 30, 2020 Meeting Minutes.
SECONDED:	L. Russell	
VOTE ON MAIN MOTION	4-0 Motion Passes	

VI. UNFINISHED BUSINESS

A. Review amount of CAG funding available.

John summarized the memorandum in the packet on the funding available and the accompanying spreadsheet. The City Manager is limiting CAG awards to the figure in the FY 21 Budget, which is \$84,000. Administration will put forward Budget Modification Ordinances to council, if sufficient alcohol use tax revenue is available.

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

March 3, 2021

Regular Meeting 7 p.m.

Bethel, Alaska

- B. Review and score applications and responses received (may include questions to applicants in attendance).

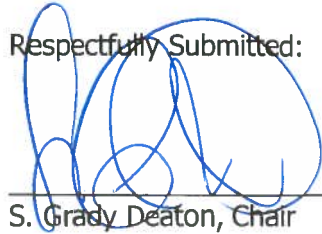
MOVED:	L. Russell	Move into Committee as a Whole.
SECONDED:	J. Dobson	
VOTE ON MAIN MOTION	4-0 Motion Passes	

Three applicants presented their projects and answered questions from the board before the Vice-Chair recognized that one member was no longer on the zoom call. An effort was made to contact the board member. The Vice-Chair discontinued the meeting and apologized to those in attendance.

Meeting Adjourned at 9:05 pm.

APPROVED THIS 10th day of March 2021.

Respectfully Submitted:



S. Grady Deaton, Chair

ATTEST:



John Sargent, Recorder

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

March 10, 2021

Regular Meeting 7 p.m.

Bethel, Alaska

I. CALL TO ORDER

MEETING CALLED TO ORDER AT 7:04 pm.

II. ROLL CALL

BOARD MEMBERS PRESENT:
S. Grady Deaton, Chair
Leif Albertson, Vice Chair
Jennifer Dobson
Louise Russell
BOARD MEMBERS ABSENT:
Perry Barr
Lucinda Alexie
ALSO IN ATTENDANCE:
John Sargent, Recorder & Ex Officio

III. PEOPLE TO BE HEARD

None.

IV. APPROVAL OF AGENDA

MOVED:	L. Albertson	Approval of Agenda.
SECONDED:	L. Russell	
VOTE ON MAIN MOTION	4-0 Motion Passes	

V. APPROVAL OF MINUTES

MOVED:	J. Dobson	Approve March 3, 2021 Meeting Minutes.
SECONDED:	L. Russell	
VOTE ON MAIN MOTION		

VI. UNFINISHED BUSINESS

A. Review amount of CAG funding available.

Chair G. Deaton introduced the memorandum in the packet. J. Sargent explained the funding available from alcohol use tax revenue collected and the City Manager's preference to only distribute CAG funding that appears in the FY 2021 Budget. A budget modification can be introduced to Bethel City Council to coincide with the CAGTRB recommendation so that both can be approved by Council simultaneously.

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

March 10, 2021

Regular Meeting 7 p.m.

Bethel, Alaska

- B. Review and score applications and responses received (may include questions to applicants in attendance).

MOVED:	J. Dobson	Move into Committee as a Whole at 7:26 pm.
SECONDED:	L. Albertson	
VOTE ON MAIN MOTION	4-0 Motion Passes	

L. Albertson explained that three applications were discussed during the last meeting. Four applications have yet to be discussed.

Applicants were given a chance to speak on their applications and answered questions from board members.

Board members devised a list of questions for five of the seven applicants. Recorder took notes on questions in order to prepare and disseminate the questions to applicants by email.

- G. Deaton moved the board out of Committee as a Whole at 9:21 pm.

MOVED:	J. Dobson	Request that Recorder prepare and disseminate letters by email to applicants containing the questions board members devised when in Committee as a Whole.
SECONDED:	L. Albertson	
VOTE ON MAIN MOTION	4-0 All in favor	

- C. Review/revise applications, forms, & processes.

A board member said that Recorder should put this item on every agenda, but do not include the materials in the packet. No other discussion on this item occurred.

- D. Update on previous award recipients, projects funded, final reports, and other follow-up issues.

A board member expressed that a review of all email exit report submissions should be conducted by Recorder.

VII. NEW BUSINESS

- A. Declaration of Vacant Seat on CAGTRB as a result of City Council appointment of Olivia Guy on March 26, 2019, but no signed oath

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

March 10, 2021

Regular Meeting 7 p.m.

Bethel, Alaska

returned within 45 days thereafter. Reference BMC 2.52.070. (A)8
[https://bethel.municipal.codes/BMC/2.52.070\(A\)\(8\)](https://bethel.municipal.codes/BMC/2.52.070(A)(8))

MOVED:	J. Dobson	Declare a vacant seat on CAGTRB as a result of City Council appointment of Olivia Guy on March 26, 2019, but no signed oath returned within 45 days thereafter.
SECONDED:	L. Russell	
VOTE ON MAIN MOTION	4-0 All in favor	

- B. Resolution of Ordinance stipulations guiding procedures, practices, and protocol of the Community Action Grant Technical Review Board.

MOVED:	L. Albertson	Support CAGTRB Council Representative Perry Barr putting new CAG resolution on City Council agenda for March 23, 2021 meeting.
SECONDED:	L. Russell	
VOTE ON MAIN MOTION	4-0 All in favor	

VIII. BOARD MEMBER COMMENTS

- J. Dobson: Its good to see a lot of applications. That will help us to be discriminating in our funding allocation.
- L. Albertson: I appreciate everyone's time tonight. It was a very productive meeting.
- L. Russell: I appreciate everyone's participation in the meeting.
- J. Sargent: Seven applications were submitted this time. Our record for a quarter.
- S. Grady Deaton: I'm sorry I missed the meeting last week. I think we might want to include exit reports in our scoring somehow.

IX. ADJOURNMENT

MOVED:	L. Russell	Adjourn the meeting.
SECONDED:	J. Dobson	
VOTE ON MAIN MOTION	4-0 All in favor	

Meeting Adjourned at 9:40 pm.

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

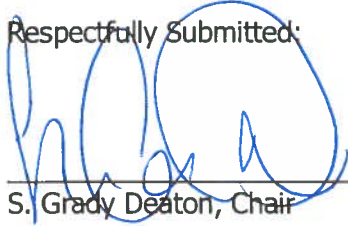
March 10, 2021

Regular Meeting 7 p.m.

Bethel, Alaska

APPROVED THIS _____ day of _____ 2021.

Respectfully Submitted:



S. Grady Deaton, Chair

ATTEST:



John Sargent, Recorder

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

March 18, 2021

Regular Meeting 7 p.m.

Bethel, Alaska

I. CALL TO ORDER

MEETING CALLED TO ORDER AT 7:01 pm.

II. ROLL CALL

BOARD MEMBERS PRESENT: S. Grady Deaton, Chair Leif Albertson, Vice Chair	Jennifer Dobson Louise Russell
BOARD MEMBERS ABSENT: Perry Barr	Lucinda Alexie
ALSO IN ATTENDANCE: John Sargent, Recorder & Ex Officio	

III. PEOPLE TO BE HEARD

None.

IV. APPROVAL OF AGENDA

MOVED:	L. Russell	Approval of Agenda.
SECONDED:	L. Albertson	
VOTE ON MAIN MOTION	4-0 Motion Passes	

V. APPROVAL OF MINUTES

MOVED:	J. Dobson	Approve March 10, 2021 Meeting Minutes.
SECONDED:	L. Russell	
VOTE ON MAIN MOTION	4-0 Motion Passes	

VI. UNFINISHED BUSINESS

MOVED:	L. Russell	Move into Committee as a Whole.
SECONDED:	L. Albertson	
VOTE ON MAIN MOTION	4-0 Motion Passes	

A. Review amount of CAG funding available.

Chair G. Deaton introduced the topic and turned it over to J. Sargent to summarize the memorandum included in the packet. J. Sargent said that the amount available in the budget for CAG distribution is \$45,366.53. The estimated amount available from a review of alcohol use taxes collected and

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

March 18, 2021

Regular Meeting 7 p.m.

Bethel, Alaska

expressed in the memorandum provided at the March 10, 2021 meeting was \$143,214.55.

B. Review and score applications and responses received (may include questions to applicants in attendance).

G. Deaton introduced the applicants present and allowed them to summarize their responses submitted. CAGTRB members asked questions and listened to applicant responses.

CAGTRB members scored all seven applications. Scores were reported on a spreadsheet on the screen for all to see. A discussion was held about how much money the board would recommend for each project (application). The final table of scores and funding recommendations appears below.

	CAGTRB members				Request	Recommended	
	#1	#2	#3	#4		Award	Average
Quyana Café	164	151	143	151	10,000.00	10,000.00	152
Gladys J. Wrestling	170	135	121	160	34,974.93	34,974.93	147
Brian Lefferts- lawnmower	120	147	146	144	5,550.00	5,550.00	139
BCSF-Food Security	120	114	131	137	23,000.00	10,000.00	126
Brian Lefferts- Groomer	100	118	126	116	35,350.00	35,350.00	115
YPCC First Fridays	104	90	94	115	2,600.00	2,600.00	101
Friends of Canines	109	66	93	120	19,425.00	3,000.00	97
Winterhouse	96	59	78	87	50,000.00	0.00	80
				Total	180,899.93	101,474.93	

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

March 18, 2021

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Bethel, Alaska

G. Deaton moved the board out of Committee as a Whole at 10:03 pm.

MOVED:	J. Dobson	Recorder develop and submit an Action Memorandum to City Council that recommends funding the applicant projects based on the scoring results and discussion held during Committee as a Whole.
SECONDED:	L. Albertson	
VOTE ON MAIN MOTION	4-0 Motion Passes	

MOVED:	L. Albertson	Reconsider motion for Recorder to develop and submit Action Memorandum to City Council to recommend funding.
SECONDED:	L. Russell	
AMENDMENT #1	L. Albertson	Develop and submit Action Memorandum and Budget Modification Ordinance to account for CAGTRB recommended funding amount that is over budgeted amount.
	L. Russell	
VOTE ON AMENDMENT #1	3-1 Motion Fails.	
AMENDMENT #2	L. Albertson	Develop and submit Action Memorandum and Budget Modification Ordinance to account for CAGTRB recommended funding amount that is over budgeted amount.
	L. Russell	
VOTE ON AMENDMENT #2	4-0 Motion Passes.	
VOTE ON MAIN MOTION	4-0 Motion Passes.	

C. Review/revise applications, forms, & processes.

G. Deaton expressed his wish that the exit report become part of the score sheet and would like to discuss this at a future meeting.

D. Update on previous award recipients, projects funded, final reports, and other follow-up issues.

This item was discussed briefly during Committee as a Whole. No action taken.

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

March 18, 2021

Regular Meeting 7 p.m.

Bethel, Alaska

VII. NEW BUSINESS

- A. Resolution of Ordinance stipulations guiding procedures, practices, and protocol of the Community Action Grant Technical Review Board.

No discussion. No action taken.

VIII. BOARD MEMBER COMMENTS

- L. Russell: I appreciate the effort everyone made. It's great when we have tough decisions to make. I hope we get more good applications next time.
- L. Albertson: Thank you for your time, everyone. I appreciate all of you. I feel good about how we are spending these dollars.
- J. Dobson: I appreciate everyone who participated in the meeting. Thank you for joining us.
- S. Grady Deaton: This is the largest amount of non-board participation we have had during our meetings. I want coffee.
- J. Sargent: I am sorry about not including the participant responses in your packet, It was a big packet and I had the responses ready to include. I could not mail it to you because it was so big. I had to send you a link to download it.

IX. ADJOURNMENT

MOVED:	J. Dobson	Adjourn the meeting.
SECONDED:	L. Albertson	
VOTE ON MAIN MOTION	4-0 All in favor	

Meeting Adjourned at 10:20 pm.

APPROVED THIS 7th day of June 2021.

Respectfully Submitted:



S. Grady Deaton, Chair

ATTEST:


John Sargent, Recorder

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

June 8, 2022

Regular Meeting 7 p.m.

Bethel, Alaska

I. CALL TO ORDER

MEETING WAS NOT CALLED TO ORDER BY 7:15 pm DUE TO LACK OF A QUORUM.

In Attendance: Lucinda Alexie and Jenni Dobson.

APPROVED THIS June 16th day of June 2022.

Respectfully Submitted:



Louise Russell, Chair

ATTEST: 

John Sargent, Recorder

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

June 16, 2022

Regular Meeting 7 p.m.

Bethel, Alaska

CALL TO ORDER

MEETING CALLED TO ORDER AT 7:02 pm.

I. ROLL CALL

BOARD MEMBERS PRESENT:	
Louise Russell, Chair	Jennifer Dobson
Leif Albertson, Vice Chair	Lucinda Alexie
BOARD MEMBERS ABSENT:	
Perry Barr	Miranda Robb
ALSO IN ATTENDANCE:	
John Sargent, Recorder & Ex Officio	

III. PEOPLE TO BE HEARD

None.

IV. APPROVAL OF AGENDA

MOVED:	J. Dobson	Approval of Agenda.
SECONDED:	L. Alexie	
VOTE ON MAIN MOTION	4-0 Motion Passes	

V. APPROVAL OF MINUTES

MOVED:	J. Dobson	Approve March 17, 2022 Meeting Minutes.
SECONDED:	L. Alexie	
VOTE ON MAIN MOTION	4-0 Motion Passes	

VI. UNFINISHED BUSINESS

A. Review amount of CAG funding available.

Chair L. Russell introduced the topic and turned it over to J. Sargent to summarize the memorandum included in the packet. J. Sargent said that the amount available in the budget for CAG distribution is \$82,382.85.

B. Review and score applications and responses received (may include questions to applicants in attendance).

L. Russell offered a chance for Adam London to speak first on behalf of Bethel Evangelical Covenant Church's application that requested funding to expand the parking lot at the church for community use. Committee members asked a few

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

June 16, 2022

Regular Meeting 7 p.m.

Bethel, Alaska

questions and Adam answered them. Adam explained the inclusion of airline ticket receipts in his effort exit report for the last project that Covenant Church did with CAG funds. Adam's effort saved on shipping costs. All Covenant Church exit reports have been submitted.

MOVED:	L. Albertson	Move into Committee as a Whole.
SECONDED:	L. Alexie	
VOTE ON MAIN MOTION	4-0 Motion Passes	

Jaela Milford addressed her application for Winter House funding for day-time hours during the summer months. Committee members asked a few questions and Jaela answered them.

Susan Taylor briefed the committee on the Lion's Club project to fund a monthly food bank and community pantry. Committee members asked a few questions and Susan answered them.

The Committee went into more detail on the Winter House and Lions Club applications. They came up with questions that they wanted to ask the applicants in writing.

L. Russell took the Committee out of the Whole at 8:26 pm.

MOVED:	L. Alexie	Request Recorder to prepare written letters with questions brought up in discussion during the meeting.
SECONDED:	L. Albertson	
VOTE ON MAIN MOTION	4-0 All in favor	

C. Review/revise applications, forms, & processes.

The Chair asked Committee members if they had any applications, forms, or processes that they wanted to change. A unanimous, "No" emanated from those present.

D. Update on previous award recipients, projects funded, final reports, and other follow-up issues.

The Chair mentioned this agenda item and J. Sargent drew attention to the Status Report of all CAG awards given out that was provided in the meeting packet. J. Sargent also mentioned that the Finance Department has renewed its effort to solicit exit reports from previous awardees.

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

June 16, 2022

Regular Meeting 7 p.m.

Bethel, Alaska

VII. NEW BUSINESS

No New Business was on the agenda.

VIII. BOARD MEMBER COMMENTS

L. Alexie: It was good to have the meeting tonight.

J. Dobson: No comment.

L. Albertson: Thank you very much for your time. I'm concerned and disheartened that we had a meeting without a quorum. All of us need to recruit members. Ask your friends. We need more members on the committee. Thank you again for your participation.

J. Sargent: It was a good meeting. Grow lots of food.

IX. ADJOURNMENT

MOVED:	L. Albertson	Adjourn the meeting.
SECONDED:	J. Dobson	
VOTE ON MAIN MOTION	4-0 All in favor	

Meeting Adjourned at 8:29 pm.

APPROVED THIS 23rd day of June 2022.

Respectfully Submitted:



Leif Albertson, Vice Chair

ATTEST: John Sargent

John Sargent, Recorder

I. CALL TO ORDER

Meeting Called to Order at 7:01 pm.

II. ROLL CALL

BOARD MEMBERS PRESENT: Leif Albertson, Vice Chair Perry Barr		Jennifer Dobson Lucinda Alexie
BOARD MEMBERS ABSENT: Louise Russell, Chair		Miranda Robb
ALSO IN ATTENDANCE: John Sargent, Recorder & Ex Officio		

III. PEOPLE TO BE HEARD

Susan Taylor spoke about the Lion's Club application to support the monthly Food Bank and Food Pantry. She mentioned other funding sources she researched, partnerships with other community organizations, and planned uses of Lion's Club building.

IV. APPROVAL OF AGENDA

MOVED:	J. Dobson	Approval of Agenda.
SECONDED:	P. Barr	
VOTE ON MAIN MOTION	4-0 Motion Passes	

V. APPROVAL OF MINUTES

MOVED:	P. Barr	Approve June 16, 2022 Meeting Minutes.
SECONDED:	J. Dobson	
VOTE ON MAIN MOTION	4-0 Motion Passes	

VI. UNFINISHED BUSINESS

A. Review amount of CAG funding available.

L. Albertson introduced the topic and drew committee members attention to the Memo in the packet. The CAG balance for award is \$82,382.85.

B. Review and score applications and responses received (may include questions to applicants in attendance).

MOVED:	L. Alexie	Move into Committee as a Whole.
SECONDED:	J. Dobson	
VOTE ON MAIN MOTION	4-0 Motion Passes	

Susan Taylor briefed the committee on the Lion's Club project to fund a monthly food bank and community food pantry. Committee members asked a few questions and Susan answered them.

The Committee discussed all three applications, two of them in depth. The committee scored the applications submitted by the Bethel Evangelical Covenant Church (BECC) and the one submitted by the Lion's Club. The application submitted by Winter House was not scored because the committee did not have enough information to score it. The Winter House applicant did not submit a response to the questions asked in writing of the applicant. The average scores of the two applications were:

1. Bethel Evangelical Covenant Church > 123
2. Lion's Club > 99

The Committee recommended a CAG award to BECC in the amount of \$15,000 and to Lion's Club in the amount of \$13,500.

L. Albertson took the Committee out of the Whole at 8:33 pm.

MOVED:	J. Dobson	Direct Recorder to prepare and submit to Bethel City Council an Action Memorandum containing the CAG Committee’s funding recommendation.
SECONDED:	L. Alexie	
VOTE ON MAIN MOTION	4-0 All in favor	

C. Review/revise applications, forms, & processes.

This item mentioned by Chair. No comments from Committee members.

D. Update on previous award recipients, projects funded, final reports, and other follow-up issues.

The Chair mentioned this agenda item and J. Sargent drew attention to the Status Report of all CAG awards given out that was provided in the meeting packet. No change to report since the last CAG Committee meeting.

VII. EX OFFICIO REPORT

Ex Officio Report in the form of a memorandum was contained in packet. J. Sargent mentioned this when the Chair brought up the agenda item.

VIII. BOARD MEMBER COMMENTS

J. Dobson: Bethel's Half Marathon starts on Saturday at 8 pm. It is a 13 mile race. This is the 20th year of the event surrounding Summer Solstice.
P. Barr: No comment.
L. Albertson: Thank you for being here.
L. Alexie: No comment.
J. Sargent: I'm glad we had a quorum to hold this meeting.

IX. ADJOURNMENT

MOVED:	P. Barr	Adjourn the meeting.
SECONDED:	J. Dobson	
VOTE ON MAIN MOTION	4-0 All in favor	

Meeting Adjourned at 8:38 pm.

APPROVED THIS 8th day of September 2022.

Respectfully Submitted:

Leif Albertson, Vice Chair

ATTEST: _____
John Sargent, Recorder

City of Bethel Action Memorandum

Action memorandum No.	21-07		
Date action introduced:	April 13, 2021	Introduced by:	Peter A. Williams, Interim City Manager
Date action taken:		Approved	Denied
Confirmed by:			

Action Title: Authorize and direct City Administration to issue checks totaling \$101,474.93 to Year 4, Quarter 1 Community Action Grant awardees based on the Community Action Grant Technical Review Board's (CAGTRB) work on scoring applications and deciding how much to award each applicant.

Attachment(s): None.

Amount of fiscal impact:	Source	Account information:
\$101,474.93	Funds in FY 2021 Budget plus funds proposed in budget modification ordinance.	10-72-760

Summary Statement

The City of Bethel established the Community Action Grant Program (CAG) to allow community and individuals to request financial support for programs or events that contribute to the health, welfare, and overall quality of life for residents of Bethel, especially its most vulnerable populations. Funding for the program comes from 20% of the Alcohol Tax collected by the City. City Administration directed Carmen Jackson, CPA, LLC to determine the balance of funds available for CAG distribution.

The Community Action Grant Technical Review Board is a volunteer group of citizens who meet quarterly to review CAG applications, score them, and provide funding recommendations to City Council. Bethel City Council must approve the recommendations before checks are issued. Each recipient of CAG funds signs a grant agreement with the City and is responsible for spending the funds appropriately and producing an exit report at the end of the performance period.

The Board received seven applications during the open application period from January 29, 2021 to February 28, 2021. The seven applicants requested a total of \$180,899.93, the largest amount in any of the previous 12 quarters.

The Board held three meetings in March 2021 to listen to the applicants, ask questions of the applicants, discuss the proposals, score them, and decide how much to award each project. The Board split Delta Recreation's application into two parts for scoring and funding: lawnmower and groomer. The Board recommended that City Council fund the following projects at the amounts indicated:

Applicant Rank, Score and Project Summary	Requested	Award Recommended
1. Qu yana Café – Bethel Evangelical Covenant Church Avg. Score: 152 Upgrades to food service truck to operate Qu yana Café an enterprise to provide job skills and life coaching for first time or newly employed individuals.	\$10,000.00	\$10,000.00
2. Wrestling mat and hoist - Gladys Jung Elementary Wrestling Avg. Score: 147 Purchase wrestling mat, hoist and installation hardware for use at Gladys Jung Elementary School. Shipping cost included.	\$34,974.93	\$34,974.93
3. Lawnmower – Delta Recreation Avg. Score: 139 Purchase riding lawnmower and gasoline for use by volunteers to cut grass on Big Dipper field in Pinky’s Park. Purchase paint for grass lines to facilitate organized sports.	\$5,550.00	\$5,550.00
4. Food Security Coalition - Bethel Community Services Foundation Avg. Score: 126 Food security coordinator salary, food, supplies, electricity, and housing support as a way to help those in need; numbers have increased due to the COVID-19 pandemic.	\$23,000.00	\$10,000.00
5. Ski Trail Groomer – Delta Recreation Avg. Score: 115 Purchase cross country ski trail grooming apparatus. Cost includes barge shipment to Bethel. Volunteers in Bethel will operate it to groom ski trails for school youth and adults. Equipment will revert to City ownership, if volunteers capitulate.	\$35,350.00	\$35,350.00
6. First Fridays – Yupiit Piciryarait Cultural Center Avg. Score: 101 Sponsor live performances and displays of artwork at the cultural center on collaboration with community organizations. Funds pay for musical performances, art supplies, and food.	\$2,600.00	\$2,600.00
7. Animal Shelter Employee Salary - Bethel Friends of Canines Avg. Score: 97 Salary for contract employee(s) to work at City’s Animal Shelter currently operated by Bethel Friends of Canines through Memorandum of Agreement with City. Funds also to pay for water and sewer services delivered by City.	\$19,425.00	\$3,000.00
8. Senior Center Renovation – Winterhouse Avg. Score: 80 Renovation project to replace wall on side of senior center where glass greenhouse used to be attached.	\$50,000.00	\$0
Total	\$180,899.93	\$101,474.93

City of Bethel Action Memorandum

Action memorandum No.	22-19		
Date action introduced:	7-12-2022	Introduced by:	Peter A. Williams, City Manager
Date action taken:	7-12-2022	☒ Approved	☐ Denied
Confirmed by:	<i>K M</i>		

Action Title: Authorize and direct City Administration to issue checks totaling \$28,500 to Year 5, Quarter 2 Community Action Grant (CAG) awardees based on the recommendation of the Community Action Grant Committee.

Attachment(s): None.

Amount of fiscal impact:	Source	Account information:
\$28,500	Funds in FY 2022 Budget. Balance available in CAG fund: \$82,382.85.	100-72-6430

Summary Statement

The City of Bethel established the Community Action Grant Program (CAG) to allow community and individuals to request financial support for programs or events that contribute to the health, welfare, and overall quality of life for residents of Bethel, especially its most vulnerable populations. Funding for the program comes from 20% of the Alcohol Tax collected by the City.

The Community Action Grant Committee is a volunteer group of citizens who meet quarterly to review CAG applications, score them, and provide funding recommendations to City Council. Bethel City Council must approve the recommendations before checks are issued. Each recipient of CAG funds signs a grant agreement with the City and is responsible for spending the funds appropriately and producing an exit report at the end of the performance period.

Three community action grant applications were received during the May 2022 open period and reviewed. Two applicants answered questions of the Committee verbally and in writing; one did not. Two applications were scored because the committee did not feel like they had sufficient information to score the third application. The applicant not scored was invited to reapply in August 2022.

The Committee recommends that City Council fund two projects: (1) Bethel Evangelical Covenant Church's (BECC) parking lot improvement project (\$15,000), and (2) Bethel Lion's Club (BLC) request for financial assistance to support their community food bank and food pantry projects (\$13,500). The CAG Grant Agreement for BECC will contain provisions that BECC not use the money for travel and that they obtain a site plan permit from the City of Bethel prior to construction. The CAG Grant Agreement for BLC will contain provisions that BLC use the money only to cover utility costs (e.g., electricity, propane, water & sewer, heating fuel) and not use the money for salaries or benefits.

Table of CAG Committee Scores and Award Allocations

	BECC Parking Lot Improvements	Bethel Lion's Club Food Bank & Food Pantry Support
Committee Member #1	148	87
Committee Member #2	116	148
Committee Member #3	122	106
Committee Member #4	104	56
Total	490	397
Average	123	99

Requested Amount	\$15,000	\$50,000
Funding Recommendation	\$15,000	\$13,500

PUBLIC NOTICE
REGULAR MEETING OF THE
Community Action Grant Technical Review Board
Wednesday, March 3, 2021, 7:00 p.m.
Council Chambers, 300 State Highway, Bethel, Alaska



AGENDA

Members

S. Grady Deaton, Chair
Leif Albertson, Vice-Chair
Perry Barr, Council Rep.
Jennifer Dobson
Louise Russell
Lucinda Alexie

Ex-Officio

John Sargent

Recorder

John Sargent

THE CITY OF BETHEL IS HOLDING ALL PUBLIC MEETINGS VIRTUALLY.

Join Zoom Meeting

<https://zoom.us/j/94551864382?pwd=bm0vc2YyV09IR1BRS1lyaWEzVVd0Zz09>

Meeting ID: 945 5186 4382

Passcode: 554407

One tap mobile

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+1 312 626 6799 US (Chicago)

877 853 5257 US Toll-free

888 475 4499 US Toll-free

833 548 0276 US Toll-free

833 548 0282 US Toll-free

Meeting ID: 945 5186 4382

Passcode: 554407

Find your local number: <https://zoom.us/u/aCJ7XsaBR>

I. CALL TO ORDER

II. ROLL CALL

III. PEOPLE TO BE HEARD

IV. APPROVAL OF AGENDA

V. APPROVAL OF MINUTES

A. November 30, 2020 Regular Meeting.

VI. UNFINISHED BUSINESS

- A. Review amount of CAG funding available.
- B. Review, discuss, and score applications and responses received (may include questions to applicants in attendance).
- C. Update on previous award recipients, projects funded, final reports, CAG award agreements, and other follow-up issues.

VII. NEW BUSINESS

- A. Declaration of Vacant Seat on CAGTRB as a result of City Council appointment of Olivia Guy on March 26, 2019, but no signed oath returned within 45 days thereafter. Reference BMC 2.52.070.(A)8 [https://bethel.municipal.codes/BMC/2.52.070\(A\)\(8\)](https://bethel.municipal.codes/BMC/2.52.070(A)(8))

VIII. COMMISSION MEMBER COMMENTS

IX. ADJOURNMENT

POSTED: Post Office, AC, AC Quickstop, Swanson's, and City Hall

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

November 30, 2020

Regular Meeting 7 p.m.

Bethel, Alaska

I. CALL TO ORDER

MEETING CALLED TO ORDER AT 7:06 pm.

II. ROLL CALL

BOARD MEMBERS PRESENT:

S. Grady Deaton, Chair
Leif Albertson, Vice Chair

Jennifer Dobson
Lucinda Alexie

BOARD MEMBERS ABSENT:

Perry Barr

Louise Russell

ALSO IN ATTENDANCE:

John Sargent, Recorder & Ex Officio

III. PEOPLE TO BE HEARD

Applicants addressed the nature of the projects they submitted.

IV. APPROVAL OF AGENDA

MOVED:	J. Dobson	Approval of Agenda
SECONDED:	L. Albertson	
VOTE ON MAIN MOTION	4-0 Motion Passes	

V. APPROVAL OF MINUTES

G. Deaton mentioned that November 17, 2020 Meeting Minutes should contain a statement that each applicant addressed his or her proposal during People to be Heard.

MOVED:	J. Dobson	Approval of November 17, 2020 Meeting Minutes, as amended by G. Deaton.
SECONDED:	L. Albertson	
VOTE ON MAIN MOTION	4-0 Motion Passes	

VI. UNFINISHED BUSINESS

G. Deaton asks for unanimous consent to move into Committee as a whole. Lack of objections signify consent.

A. Review amount of CAG funding available.

Grady Deaton summarized the memo on funding available for CAG awards.

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

November 30, 2020

Regular Meeting 7 p.m.

Bethel, Alaska

B. Review and score applications and responses received (may include questions to applicants in attendance).

G. Deaton moved out of Committee as a Whole.

Board members discussed each application and broke the Library request into two projects: (1) Library Jesuit Volunteer (JV), and (2) JV tutor. The four board members present scored the three projects:

Board Member	X-Country Project	Library JV	JV Tutor
1	143	152	130
2	159	155	129
3	142	160	112
4	141	140	130
Average	146	152	125

It was suggested that board member agree to send out emails to former awardees to remind them to complete exit reports.

MOVED:	J. Dobson	Fully fund reimbursement request of \$1,557.47 from Madelene Reichard.
SECONDED:	L. Albertson	
VOTE ON MAIN MOTION	4-0 Motion Passes	

MOVED:	J. Dobson	Fund JV Library project at \$18,000 and JV Tutor project at \$15,680.
SECONDED:	L. Albertson	
AMENDMENT 1		
MOVED:	J. Dobson	Split and score JV Library and Tutoring project separately so that the record reflects two projects, two scores, and two funding segments.
SECONDED:	L. Alexie	
VOTE ON AMENDMENT 1	4-0 Motion Passes	
VOTE ON MAIN MOTION	4-0 Motion Passes	

MOVED:	L. Albertson	Request that Theresa Quiner be notified that the board does not approve her request for an extension of the CAG-funded Library project and
SECONDED:	L. Alexie	

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

November 30, 2020

Regular Meeting 7 p.m.

Bethel, Alaska

		that the board wants unspent funds returned to the City.
VOTE ON MAIN MOTION	4-0 Motion Passes	
MOVED:	L. Albertson	Direct CAGTRB Chair to seek out Library contact person to inform her that her request for a project extension was denied
SECONDED:	L. Alexie	
VOTE ON MAIN MOTION	4-0 Motion Passes	

C. Review/revise applications, forms, & processes.

The Board members had no changes to make in the application, forms, or processes.

D. Update on previous award recipients, projects funded, final reports, and other follow-up issues.

The status report document was discussed during Committee as a Whole. No motions were made on the topic.

VIII. BOARD MEMBER COMMENTS

Community Action Grant Technical Review Board member comments:

L. Alexie – Good to be back.

J. Dobson – Wants packets sent out early to board members and posted online.

L. Albertson – Thank you for your time. I enjoyed the discussion tonight.

G. Deaton – We need more applicants. We should all reach out to potential applicants. We need to market this program. We should make a pitch to City Council to see if we can garner a percent of marijuana sales for CAG use. Thank you for putting up with me.

IX. ADJOURNMENT

MOVED:	J. Dobson	Adjourn the meeting at 8:40 pm.
SECONDED:	L. Alexie	
VOTE ON MAIN MOTION	5-0 All in favor	

Meeting Adjourned on or about 9:00 pm.

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

November 30, 2020

Regular Meeting 7 p.m.

Bethel, Alaska

APPROVED THIS 3rd day of March 2020.

Respectfully Submitted:

S. Grady Deaton, Chair

ATTEST: _____
John Sargent, Recorder



City of Bethel
P.O. Box 1388, Bethel, AK 99559
907-543-1386
Website: www.cityofbethel.org

To: Community Action Grant Technical Review Board

From: John Sargent, Grant Manager

Subject: Funding Available for CAG Awards

Date: March 3, 2021

City Manager Peter Williams decided that the total amount of CAG funds available in any given year is the amount in the fiscal year budget. The City's current Fiscal Year 2021 Budget has \$84,000 in it for Community Action Grant awards. The City has given out \$38,633.47 so far this fiscal year, leaving a balance of **\$45,366.53**.

City Administration is willing to put forth a budget modification ordinance in order to raise the amount in the FY 21 Budget for CAG awards, but not by more than the total amount of 20% of alcohol use taxes collected since program inception (\$406,412.55) minus the CAG award amount given out in total thus far (\$263,198.00). In other words, the amount in the budget is used as an estimate until actual alcohol use tax figures can be determined. There is no guarantee that City Council will pass a budget modification.

These figures were derived from City of Bethel Caselle Accounting System data obtained by month from Alcohol Use Tax revenue collected and recorded (GL# 10-40-408). See spreadsheet attached.

Alcohol Use Tax Revenue

20% of Alcohol Sales Taxes Collected FY19 (12/1/17 to 6/30/18):	\$89,218.68
20% of Alcohol Sales Taxes Collected FY19 (7/1/18 to 6/30/19):	\$121,331.94
20% of Alcohol Sales Taxes Collected FY20 (7/1/19 to 6/30/20):	\$141,386.09
20% of Alcohol Sales Taxes Collected FY21 (7/1/20 to 1/31/21):	\$54,475.83
Subtotal	\$406,412.55

Community Action Grant Distributions

Year 1 Q3-Q4 awards:	\$75,467.50
Year 2 Q1-Q4 awards:	\$111,898.03
Year 3 Q1-Q4 awards:	\$75,832.47
Subtotal	\$263,198.00

CAG Funds Balance:	\$143,214.55
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All figures herein subject to review and revision by the Finance Department, Carmen Jackson, CPA, LLC, or other City sanctioned and qualified individuals and firms.

CAGTRB established by Ordinance #17-21 on April 25, 2017.
 Resolution #17-18 affirmed vote to raise alcohol use tax from 12% to 15% and establish CAG funds (20% thereof) > effective 11/25/17.

Alcohol Use Tax Collected

	Jul 2017 to Jun 2018		Jul 2018 to Jun 2019		Jul 2019 to Jun 2020		Jul 2021 to Jan 2021	
	FY 2019	Amount	FY 2019	Amount	FY 2020	Amount	FY 2021	Amount
	Jul 2017		Jul 2018	5,156	Jul 2019	69,989	Jul	27,833
	Aug 2017		Aug 2018	14,584	Aug 2019	74,870	Aug	73,041
	Sep 2017		Sep 2018	20,328	Sep 2019	77,249	Sep	36,716
	Oct 2017		Oct 2018	26,556	Oct 2019	70,099	Oct	29,213
	Nov 2017		Nov 2018	28,777	Nov 2019	83,575	Nov	54,770
	Dec 2017	55,332	Dec 2018	1,259	Dec 2019	71,663	Dec	24,710
	Jan 2018	74,806	Jan 2019	99,905	Jan 2020	16,684	Jan	26,097
	Feb 2018	70,033	Feb 2019	54,012	Feb 2020	13,373	Feb	
	Mar 2018	75,710	Mar 2019	2,573	Mar 2020	19,996	Mar	
	Apr 2018	93,358	Apr 2019	140,669	Apr 2020	26,404	Apr	
	May 2018	73,876	May 2019	61,969	May 2020	30,843	May	
	Jun 2018	57,906	Jun 2019	72,583	Jun 2020	74,925	Jun	
	Per 13/18	-54,927	Per 13/19	78,288	Per 13/20	0	Period 13	
	Per 14/18	0	Per 14/19	0	Per 14/20	77,262	Period 14	
Total	446,093		Total	606,660	Total	706,930	Total	272,379
CAG	20%	89,219	20%	121,332	20%	141,386	20%	54,476
Budget		10,000		15,000		120,000		84,000
Audited		28,300		83,988				
Mods			9/11/18	72,454				72,454
CAG Awards by Fiscal Year								
3/27/2018	28,300		10/9/2018	7,770	9/24/2019	30,831	7/28/2020	3,396
6/26/2018	13,873		12/11/2018	25,525	12/16/2019	32,075	12/8/2020	35,237
			3/26/2019	37,992	3/24/2020	37,199		
			6/25/2019	11,000				
Total	42,173			82,287		100,105		38,633.47
+/- Budget	-32,173			5,167		19,895		45,367
								263,198

CITY OF BETHEL COMMUNITY ACTION GRANT Application

COVER PAGE

Applicant Information

Applicant Name: Bethel Community Services Foundation: Food Security Collaboration

Business License #s (if applicable): 9054

Applicant Address: PO Box 2189 Bethel AK 99559

Contact Person: Michelle DeWitt Email Address: michelle@bcsfoundation.org

Daytime Phone: 907-543-1812 Cell Phone: 907-545-6052

Grant Request Information

Grant Amount Requested:	\$	23,000
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Will you accept less funding than the amount you requested? If so, tell us what a reduction would look like for your planned program.

Our main goal is to help provide a stronger food safety net through the pandemic, which has exposed significant gaps in our local food security systems. Reduced funding will help and we will utilize it; it will impact the length of time the program will operate.

Program/Project Title and Summary:

Since April 2020, the Bethel Food Bank has experienced a major increase in food assistance needs. Bethel's safety net for food security is very thin- until October 2020, no one was a paid employee or a full-time volunteer of the Food Bank or Food Pantry. The Bethel Lions Club serves as the physical home of the Food Bank and Food Pantry, but the Lions volunteers largely have other full-time jobs or are members of high-risk groups who must exercise precautions to avoid contracting COVID-19. Food Bank is only available in Bethel once per month, and the point of entry to access the Food Pantry is vague and confusing (no phone number through September 2020, for example). Since March 2020 and the impacts of COVID-19, the combination of extreme food needs, physical distancing needs and increased partnership opportunities with statewide groups has exposed the need for a local, dedicated staff person to focus on food security. The collaboration was able to hire an employee in October 2020 for this work and would like to continue this effort.

Date When Funds Are Needed: 4/15/21

Project Beginning and End Date: 4/15/21-7/15/21

Submission for: Quarter 1 Quarter 2 Quarter 3 Quarter 4

I affirm that if my organization, group, or self is granted funding, I (we) will be required to adhere to City guidelines related to the use of those funds, and will be required to provide timely reporting on the use of the granted funds. I affirm that grant funds will be used for the intended purposes outlined for this program.

Signature: Michelle DeWitt Date: 02/26/21
Authorized Officer/Applicant

PROJECT SUMMARY

1. Substantiating Community Need

As a result of the increase in food security needs in Bethel as a result of the COVID-19 public health emergency, the Bethel Food Security Collaboration has emerged. This collaboration functions as a subcommittee of the Bethel Housing & Homelessness Coalition. Bethel Community Services Foundation is the fiscal sponsor for the Bethel Housing & Homeless Coalition.

As stated I the Summary on the cover page, since April 2020 the Bethel Lions Club Food Bank has experienced a major increase in food assistance needs. The Lions Club has been the longtime host of the local Food Bank and Food Pantry. Additionally, many statewide partners have emerged with the intentions of better serving the Bethel and greater YK Delta community during the pandemic. Bethel's safety net for food security, however, is very thin- until October 2020, the Food Bank and Food Pantry had no paid employees or full-time volunteers.

Historically, Food Bank is only available in Bethel once per month at the Lions Club, and the point of entry to access the Food Pantry is vague and confusing. These two programs are different in the following way: The Food Bank is supplied with "TEFAP" program food from the Food Bank of Alaska. Participating households must income-qualify. Distributions are restricted to the TEFAP food and are offered on a monthly basis and there is a significant enrollment, reporting, inventory and documentation process. Food Pantry, however, can be stocked with donations, with food purchased by the Lions Club, BCSF or its partners, and is available to meet emergent needs of any household.

Since March 2020 and the impacts of COVID-19, the combination of extreme food needs, physical distancing needs and increased partnership opportunities with statewide groups has exposed the need for a local, dedicated staff person to focus on food security.

The Bethel Food Security Collaboration has met multiple times since April 2020 to examine the data and forge a plan to meet increased demand and work with key statewide partners (Food Bank of Alaska, The Salvation Army, Meyers Farm, Alaska Commercial Company, to name a few). Food Bank statistics reveal that in 2018, individuals served only exceeded 400 in November/December. Again in 2019, individuals served only exceeded 400 in the last half of the year. But (after the Food Bank was closed in March 2020 while it tried to comply with health mandates) in April 2020, that number skyrocketed to more than 600 people-and in May 2020, exceeded 1000 people. A volunteer provided delivered distributions until the summer arrived, and then arranged for an outdoor, curbside distribution. That volunteer then moved on, and Food Bank was cancelled for 1-2 months. . When the Collaboration received its first funding and hired staff, staff immediately pivoted to vehicle-based, at-home distributions to ensure that food security needs were being met. **As of February 2021, there are 325 households for a total of 1,325 individual people currently served by the Bethel Lions Club Food Bank each month.**

2. Project Goals and Outcomes

To meet the increased food security demands of some of our community's most vulnerable citizens, the Bethel Food Security Collaboration proposes the following:

- Maintain a dedicated staff to work on Food Bank, Food Pantry, and general food security strategies. BCSF serves as the incubator for this position and is the individual's employer. This person receives some additional assistance from a part-time contractor and the Jesuit Volunteer at the library, among others.
- Coordinate and advertise, including working with the Jesuit volunteer to develop web information and use social media technology, signage and the radio to help people find the food services they need.
- Lay groundwork/identify funding to develop a strategic plan for local food security, to include considering gardening or partnering with the YKHC Diabetes program in order to sustain a fresh produce/other healthy foods food pantry offering.
- increased coordination with the tribe and ANTHC resources.
- Continue Food Bank disbursements, enroll eligible households and expand Food Bank hours. Volunteers offering Food Bank one time per month is not enough to meet local needs.
- Assist with produce box distributions throughout the time period those opportunities exist (spring 2021 unless renewed).
- Develop the distinct identity of and public awareness about the Food Pantry and expand Food Pantry Hours. Identify additional funds/donors to stock Food Pantry.
- Expand the backpack program at Lower Kuskokwim School District- Gladys Jung, Ayaprun and ME Schools (currently The Salvation Army is working with Gladys Jung and 4H to provide this service). This program provides food for youth to take home.
- Partner with the library or another entity to develop a local food insecurity assessment.
- Forge new airline partners to ship food (as a result of RAVN's COVID-related bankruptcy, new partnerships must be developed).
- Consider options for systems to better assist families in villages who are experiencing food insecurity (i.e. how to manage responses when people from villages call for assistance as a first step).
- Organize specific outreach strategies to provide food to people who have difficulty accepting free or Food Bank food but are experiencing food insecurity.
- Sustain the specific Ready-to-Eat food distribution option for people who are unhoused who can't prepare or store food.
- Coordinate with the local tribe's (ONC) Meals on Wheels program which serves elders. That Senior Services program has expressed that we have many elders who experience food insecurity and don't have a way to access food or meals other than that one food delivery one time per day, 5 days per week. We know we need to develop an accommodation to improve the safety net for the elder population.
- Forge local and statewide partnerships to ensure that produce and protein are part of the food offerings. This includes working with the State related to regulations for incorporating subsistence foods into the local food bank, per the work done in Nome.

- Engage additional volunteers- When Food Bank returns at least in part to a curbside model, 10-20 volunteers are needed at every food bank for set up, enforcing physical distancing, traffic control, etc. Several potential partners were named, including Tundra Center, Girl Scouts (current active partner), AVCP TANF, the LDS church and others.
- Recruitment of additional people to hold The Salvation Army food vouchers for emergency food purchases at the store(s).
- Manage key partnership with Bethel Lions Club, which continues to support the Food Bank and Food Pantry through provision of the physical location for these services. If staffing and funding capacity increases, physical location may need to grow/evolve
- Create a Food Security sustainability plan. It is our expectation that the need for this position will outlast the COVID-19 virus- or at least, this funding cycle as it pertains to the virus. BCSF will be the employer for the funded position, but as an incubator- not as a permanent solution. The library (which is located next to the physical space of the Food Bank) will provide supervision and support and the Lions Club will provide physical space for Food Bank activities. It is the Collaboration's goal – if this effort proves to be sustainable- for this employee to find a permanent organizational home and funding streams for food security work.

Measurable Outcomes:

Recruit 20 volunteers when Food Bank returns to curbside pickup.

Meet the Food Bank distribution needs of 300+ households each month.

Name and establish the subsistence food program.

Develop a food security strategic plan.

Update the food insecurity assessment.

Continue existing partnerships and explore potential partnerships with AVCP.

Hold at least one full Food Security Collaboration team meeting between April and July.

Determine process for diapers/formula distribution (Diaper Bank)

Continue to build out the Food Pantry identity and offerings

These activities are tracked through required record-keeping and through weekly team meetings of BCSF and the Library staff and check-ins each month with Lions Club members.

3. Coordination and Collaboration

The main program partners in relationship to the funding received and activities conducted have included BCSF, the Bethel Lions Club, the Library and TWC.

The collaboration itself includes team members from ONC, YKHC, LKSD, Bethel Evangelical Covenant Church, 4H, and others.

Activities are highly collaborative. Vehicle-based, at-home distributions are possible through vehicles from BCSF, TWC, the Library and the City of Bethel transportation system. AHFC and the City both allow distributions at their sites.

Additionally, various vendors (based on a USDA contract award) and Meyers Farm (through a City of Bethel contract) have implemented produce box distributions. All of these vendors have relied on the Food Security Collaboration to assist with distributions. On Friday, July 24, 231 Bethel households were served by that AC box distribution with people forming a line an hour before the distribution began and supplies running out within 30 minutes. On Friday, February 12- boxes were gone in less than 10 minutes. On Friday, February 26 the demand for delivery of boxes (quarantined families, elders, people with no transportation) and partners (4H, the Bethel Evangelical Covenant Church) was so high and the volume of boxes so low that we could not conduct a community distribution event- all boxes were claimed through at-home delivery and through partners to deliver to their stakeholders.

Statewide partners have also emerged- The Salvation Army, Food Bank of Alaska, AC, SeaShare and others continue to contribute through donations of food, vouchers, equipment and other resources.

This program has also been met with interest from individual donors. The Food Bank and Food Pantry set up a fund with BCSF (the Bethel Food Bank and Food Pantry Fund) and received more than \$3,000 in cash donations and \$2,000 more in gift card donations in December. A donor recently met with program staff to discuss further developing the gift card (AC or Swanson's) donation program for households experiencing food emergencies.

Finally, the Collaboration has added subsistence food opportunities under the Bethel Community Services Foundation umbrella. The produce/dairy/protein boxes are quite healthy; the Food Bank food varies and Food Pantry food tends to be low-cost, ready-to-eat products that will stretch as far as possible for food-insecure households. The subsistence program is currently moving forward with a whitefish distribution program. We plan for this program to grow and evolve with moose and other offerings based on the success of and advice from the Nome Food Bank/Food Pantry and expected collaboration with ONC.

While the food security safety net is thin, there are groups doing important and impactful work and we all work together to do our best to meet ongoing and emergent needs. ONC provides subsistence foods to tribal members; the Bethel Evangelical Covenant Church is providing lunches on certain days, a Friday Supper Club and is administering The Salvation Army food vouchers; 4H is providing food to families on certain days, Meyers Farm is partnering with us and various churches and 4H on the produce box project, etc. These are highly supportive/complementary endeavors. There are multiple admins of the Bethel Food Assistance Programs Facebook page that was created this fall, for example, and we share and promote food opportunities. A recent example: an individual has created a snack drive for Bethel Winter House guests who have inadequate access to food during the day; this opportunity was shared from that page. When the program needed refrigeration, Yuut

Elitnaurviat and TWC offered walk-in chill space, when SYSCO had the produce box contract but no refrigeration storage for the boxes (and thus same-day distribution was required when boxes arrived), LKSD, Bethel Family Clinic, the Moravian Church, and so many others stepped forward to help - and so on.

4. Implementation Plan

Because most of these activities were started in October 2020 and we are continuing/expanding, many of these questions were addressed previously in this application.

New plans, however, will include: moving to a hybrid vehicle-based and curbside Food Bank distribution model. The team is discussing how this will impact record-keeping, how to evaluate who has access to vehicles/transportation and who would be unable to receive Food Bank food without at-home distribution, etc. We think we may introduce some of these changes in May or June 2021.

The group also purchased a large amount of diapers and some formula with the goal of developing a diaper bank. We hope to introduce this new offering to the community in May 2021, but first we must determine whether (or not) this will be one-time assistance or if we want to consider planning for it to be a sustainable program.

Subsistence foods program expansion: We expect to develop this aspect of the program through the Fall of 2021. While we are starting with fish, we plan to also introduce moose and other game into this work. We are currently developing a program name and establishing policies.

5. Demonstrated Experience and Financial Information

Carey Atchak has worked as the Food Security Coordinator since October 2020. She has made great progress in developing a program and identifying and utilizing partnerships to accomplish this work. Michelle DeWitt has worked as the BCSF Executive Director since 2013 and is responsible for the funds administration of the Food Security Collaboration and has 20 years of program administrative experience.

Budget: Attached.

6. Exit Report Due

A final report will be issued by 9/1/21. This program does not have a current grant from the CAG; other project funds of BCSF have had those grants in the past (library, Healing Through Music and Dance). It is our understanding that the library has an ongoing/open project as does Healing Through Music and Dance (its project is complete and they are waiting on some closeout information from two partners to develop a final report).

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: APR 15 2002

BETHEL COMMUNITY SERVICES
FOUNDATION, INC.
P O BOX 2188
BETHEL, AK 99559

Employer Identification Number:
92-0146538
DLN:
602105015
Contact Person:
GREGORY WOO ID# 95340
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
June 30
Form 990 Required:
Yes
Addendum Applies:
Yes

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 509(a)(3).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, if you are involved in an excess benefit transaction, that transaction might be subject to the excise taxes of section 4958. Additionally, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please contact your key district office.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(3) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the

Letter 947 (DO/CG)

BETHEL COMMUNITY SERVICES

part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(3) organization.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. See Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, which sets forth guidelines regarding the deductibility, as charitable contributions, of payments made by taxpayers for admission to or other participation in fundraising activities for charity.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete, so be sure your return is complete before you file it.

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

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BETHEL COMMUNITY SERVICES

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

This determination is based on evidence that your funds are dedicated to the purposes listed in section 501(c)(3) of the Code. To assure your continued exemption, you should keep records to show that funds are expended only for those purposes. If you distribute funds to other organizations, your records should show whether they are exempt under section 501(c)(3). In cases where the recipient organization is not exempt under section 501(c)(3), there should be evidence that the funds will remain dedicated to the required purposes and that they will be used for those purposes by the recipient.

If distributions are made to individuals, case histories regarding the recipients should be kept showing names, addresses, purposes of awards, manner of selection, relationship (if any) to members, officers, trustees or donors of funds to you, so that any and all distributions made to individuals can be substantiated upon request by the Internal Revenue Service. (Revenue Ruling 56-304, C.B. 1956-2, page 306.)

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,



Steven T. Miller
Director, Exempt Organizations

Enclosure(s):
Addendum

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BETHEL COMMUNITY SERVICES

ADDENDUM

The effective date of your determination as described under section 501(c)(3) of the Internal Revenue Code is July 1, 1998.

Your application indicates that you will conduct gambling as a part of your fundraising activities. We wish to draw your attention to the following requirements in this area:

---You must file Forms W-2 G on raffle and pull-tab prizes of \$600 or more. For bingo, Forms W-2 G are required only on prizes of \$1,200 or more.

If the winner of a raffle, pull-tab, or bingo game refuses to give you his or her Taxpayer Identification number for a prize which requires the filing of a Form W-2 G, you must withhold income tax from the winnings under the Back-Up Withholding rules.

Even if the winner does furnish the Identification Number, you must still withhold income tax from raffle and pull-tab prizes exceeding \$5,000.

Please refer to the Instructions for Form W-2 G for more information on these matters.

---Sections 4401 and 4411 of the Internal Revenue Code provide for special federal excise taxes on various forms of gambling. Your gross sales from pull-tabs will be subject to these taxes if any of the proceeds are used to benefit your members or officers, or to lower the dues which they would otherwise have to pay. If you are subject to the taxes, you will have to file monthly returns on Form 730, and annual returns on Form 11 C.

---Please be careful to comply with all requirements of state law pertaining to your gambling operations. Violations could lead to the loss of your tax exempt status or to the imposition of the Unrelated Business Income Tax under Section 511 of the Internal Revenue Code.

Letter 947 (DO/CG)

Bethel Food Security Collaboration Program Budget, 10/1/20-7/15/21

		Funding Source					Totals
		ACF CNRF Grant	Rasmuson Foundation	Can Do Fund	Actual Individual Donations 12/1/20-2/28/21	Expected Individual Donations, 3/1/21-7/15/21	
Project Budget	Description						
Personnel/Labor	Food Security Coordinator (direct hire) & Food Security Specialist (p/t contractor, not funded under CAG)	\$ 20,875.14	\$ 9,000.00	\$ 12,000.00	\$ 1,300.00	\$ 15,000.00	\$ 58,175.14
PPE	Personal protective equipment- donated by COB and ONC	\$ -					\$ -
Food Pantry Food	Food for emergencies	\$ 28,249.66		\$ 2,000.00	\$ 550.00	\$ 2,000.00	\$ 35,799.66
Fresh Produce Purchases	Thus far provided by USDA and COB	\$ -					\$ -
Office Supplies	Basic items to conduct food security activities- 3-hole punch, a shovel for snow, paper for printing, trash bags for trash cans, program contact phone, etc.	\$ 5,575.31				\$ 750.00	\$ 6,325.31
Tents	For future curbside distributions to protect from rain	\$ -					\$ -
Safety Vests/Traffic Cones/Signage	For curbside distributions and vests for all distribution activities	\$ 628.94				\$ 250.00	\$ 878.94
Diapers/Formula Bank	To develop safety nets for people in need; items are purchased; will develop program during this grant cycle	\$ 10,000.00			\$ 500.00		\$ 10,500.00
Ready to Eat Food	For people who are unhouseed or who have no cooking facilities (ie no electricity at house, no oven/stove, etc.)	\$ 1,998.91			\$ 1,000.00	\$ 2,000.00	\$ 6,998.91
Subsistence Food Processing	Items purchased; will further develop program during this grant cycle	\$ 3,392.54					\$ 3,392.54
Lions Club Facility Costs	Electricity, heat, water/sewer at Bethel Lions Club where freezer, heated dry storage, office and distribution and distribution prep space is located	\$ 6,000.00				\$ 1,000.00	\$ 7,000.00
Gas (Distribution)	For food security truck- at home deliveries, moving freight, etc.	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00		\$ 1,000.00	\$ 5,000.00
Food Freight	Food Pantry Food freight	\$ 651.10					\$ 651.10
Emergency Freezer Repairs	Lions Club freezer malfunctioned and damaged food; repairs of unit required	\$ 3,067.00					\$ 3,067.00
Produce Freight	For produce freight purchased by BCSF when Bethel was not served by USDA program	\$ 12,651.40					\$ 12,651.40
Fees	Memberships for food purchases	\$ 60.00					\$ 60.00
Gift Cards	to distribute to people in need				\$ 2,000.00	\$ 2,000.00	\$ 4,000.00
TOTALS:		\$ 95,150.00	\$ 10,000.00	\$ 15,000.00	\$ 5,350.00	\$ 6,000.00	\$ 154,500.00

Note: the CNRF Grant is fully expended; the Rasmuson Foundation, Can Do and Individual Donation funds are currently being implemented.

Food Security Collaboration

Key Program Staff Members

Carey Atchak, Food Security Coordinator

Carey began work as the food security coordinator in October 2020. Carey brings years of program delivery experience from her work with Orutsararmiut Native Council and is a graduate of the Rural Human Services program. Carey has worked to plan the delivery-based Food Bank distributions during the COVID-19 pandemic, has partnered with AC and with Meyers Farm on produce box distributions, with Bethel Winter House for ready-to-eat food distributions, recruited volunteers to the program and organized massive distribution activities. Along with team members from BCSF and the library, she has also assisted with communications about the program.

Michelle DeWitt, BCSF ED

Michelle has worked in the nonprofit sector for 23 years and has nearly two decades of experience managing organizations and budgets. Michelle assists with managing the various funding allocations for the program, helps organize team meetings and assists with budgeting/purchasing/logistics and donor communication activities.

For the purpose of the CAG grant, only Carey Atchak will be paid with grant funds to conduct food security activities.

**BETHEL COMMUNITY SERVICES
FOUNDATION, INC**

Audited Financial Statements
Years Ended December 31, 2019 and 2018

BETHEL COMMUNITY SERVICES FOUNDATION, INC.

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Independent Auditor's Report

Board of Directors
Bethel Community Services Foundation
Bethel, Alaska

Report on the Financial Statements – We have audited the accompanying statements of financial position of Bethel Community Services Foundation, Inc., (a nonprofit organization) as of December 31, 2019 and 2018, and the related statements of activities, functional expenses, and cash flows for the years then ended. These financial statements are the responsibility of Bethel Community Services Foundation, Inc.'s management.

Management's Responsibility for the Financial Statements – Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility – Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Bethel Community Services Foundation, Inc., as of December 31, 2019 and 2018, and the changes in its net assets and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

Foster and Company, LLC

Foster and Company, LLC
Wasilla, Alaska

October 23, 2020

PO Box 872194
Wasilla, Alaska 99687
(907) 376-6901 Fax (907) 376-0514

3733 Ben Walters Lane, Ste. 6
Homer, Alaska 99603
(907) 235-6969

BETHEL COMMUNITY SERVICES FOUNDATION, INC.

Statements of Financial Position

December 31, 2019 and 2018

	2019	2018
Assets		
Current assets:		
Cash and cash equivalents, unrestricted	\$ 160,775	\$ 47,302
Cash and cash equivalents, restricted non-investment	-	124,939
Accounts and grants receivable	45,361	-
Prepaid expenses	13,506	13,506
<i>Total current assets</i>	<u>219,642</u>	<u>185,747</u>
 Land	825,000	825,000
Property and equipment, net of accumulated depreciation	2,786,335	2,892,905
<i>Total land, property, and equipment</i>	<u>3,611,335</u>	<u>3,717,905</u>
 Cash in investments, unrestricted	298,017	354,655
Cash in investments, restricted	56,284	20,165
Investments, at fair value, restricted	1,451,778	1,170,779
	<u>1,806,079</u>	<u>1,545,599</u>
<i>Total Assets</i>	<u><u>\$ 5,637,056</u></u>	<u><u>\$ 5,449,251</u></u>
 Liabilities and Net Assets		
Current liabilities:		
Accounts payable	\$ 53,327	\$ 42,106
Accrued liabilities	33,160	43,283
Tenant deposits	5,800	5,300
Deferred revenue	-	173
Current portion of note payable	17,743	16,790
	<u>110,030</u>	<u>107,652</u>
Long-term liabilities:		
Notes payable (less current portion)	449,014	386,632
<i>Total liabilities</i>	<u>559,044</u>	<u>494,284</u>
 Net Assets:		
Without donor restrictions:		
Undesignated	3,505,744	3,644,385
With donor restrictions:		
Restricted for Purpose	1,572,268	1,310,582
<i>Total net assets</i>	<u>5,078,012</u>	<u>4,954,967</u>
<i>Total Liabilities and Net Assets</i>	<u><u>\$ 5,637,056</u></u>	<u><u>\$ 5,449,251</u></u>

See Independent Auditor's Report and accompanying notes to the financial statements

BETHEL COMMUNITY SERVICES FOUNDATION, INC.

Statement of Activities

For Year Ended December 31, 2019

Net Assets With Donor

	Unrestricted	Restrictions			Total
		Restricted for Purpose - Projects	Restricted for Purpose - Investments	Restricted for Purpose - Investments	
Revenues, gains, and other support:					
Contributions, grants and other support	\$ 155,132	\$ 984	\$ 466,191	\$	622,307
Rental	363,504	-	-	-	363,504
Gaming, net of prizes	492,026	-	-	-	492,026
Interest	9	-	-	-	9
Total revenues, gains, and other support	1,010,671	984	466,191		1,477,846
Expenses:					
Program services	951,043	-	-	-	951,043
Supporting activities	572,013	-	-	-	572,013
Total expenses	1,523,056	-	-	-	1,523,056
Excess of public support and revenue (under) over expenses	(512,385)	984	466,191		(45,210)
Other changes to net assets:					
Unrealized gain (loss) on investments	21,293	-	90,949		112,242
Realized gain (loss), net of fees, including investment interest and dividends	29,724	-	26,289		56,013
Total other changes to net assets	51,017	-	117,238		168,255
Net assets released from restriction	322,727	(133)	(322,594)		-
Change in net assets	(138,641)	851	260,835		123,045
Net assets, beginning of year	3,644,385	119,639	1,190,943		4,954,967
Net assets, end of year	\$ 3,505,744	\$ 120,490	\$ 1,451,778	\$	5,078,012

See Independent Auditor's Report and accompanying notes to the financial statements

BETHEL COMMUNITY SERVICES FOUNDATION, INC.

Statement of Activities

For Year Ended December 31, 2018

Net Assets With Donor

	Restrictions				
	Net Assets		Restricted for		
	Without	Restricted for	Purpose -	Restricted for	
	Donor	Projects	Investments	Purpose -	
	Restrictions			Investments	Total
Revenues, gains, and other support:					
Contributions, grants and other support	\$ 194,447	\$ 69,508	\$ 229,330	\$	493,285
Rental	370,576	-	-	-	370,576
Gaming, net of prizes	470,620	-	-	-	470,620
Interest	3	-	-	-	3
Total revenues, gains, and other support	1,035,646	69,508	229,330		1,334,484
Expenses:					
Program services	840,385	-	-	-	840,385
Supporting activities	568,552	-	-	-	568,552
Total expenses	1,408,937	-	-	-	1,408,937
Excess of public support and revenue (under) over expenses	(373,291)	69,508	229,330		(74,453)
Other changes to net assets:					
Unrealized gain (loss) on investments	2,590	-	(85,258)		(82,668)
Realized gain (loss), net of fees, including investment interest and dividends	(5,112)	-	20,486		15,374
Total other changes to net assets	(2,522)	-	(64,772)		(67,294)
Net assets released from restriction	233,304	(42,061)	(191,243)		-
Change in net assets	(142,509)	27,447	(26,685)		(141,747)
Net assets, beginning of year	3,786,894	92,192	1,217,628		5,096,714
Net assets, end of year	\$ 3,644,385	\$ 119,639	\$ 1,190,943	\$	4,954,967

See Independent Auditor's Report and accompanying notes to the financial statements

BETHEL COMMUNITY SERVICES FOUNDATION, INC.

Statement of Functional Expenses

For Year Ended December 31, 2019

	Supporting Activities		Program Services		
	General and Administrative	Fundraising - Gaming Activities	Rental Properties	Grants	Total
Personnel	\$ 35,023	\$ 56,219	\$ 39,775	\$ 64,996	\$ 196,013
Professional and contract fees	127,950	-	-	-	127,950
Travel	38,053	-	-	-	38,053
Facilities and rent	-	33,600	-	-	33,600
Supplies	81,523	71,922	-	-	153,445
Repairs and maintenance	2,353	-	98,342	-	100,695
Insurance	3,073	2,340	17,768	5,702	28,883
Utilities	4,647	-	62,287	-	66,934
Advertising	814	-	-	-	814
Bank fees	12,199	-	-	-	12,199
Dues and subscriptions	5,050	-	-	-	5,050
Taxes and licenses	564	74,438	642	1,049	76,693
Grants and donations	-	-	-	482,395	482,395
Interest	22,245	-	-	-	22,245
Depreciation	-	-	178,087	-	178,087
TOTAL EXPENSES	\$ 333,494	\$ 238,519	\$ 396,901	\$ 554,142	\$ 1,523,056

See Independent Auditor's Report and accompanying notes to the financial statements

BETHEL COMMUNITY SERVICES FOUNDATION, INC.

Statement of Functional Expenses

For Year Ended December 31, 2018

	Supporting Activities		Program Services			Total
	General and Administrative	Fundraising - Gaming Activities	Rental Properties	Grants		
Personnel	\$ 33,850	\$ 75,630	\$ 38,443	\$ 62,819	\$	210,742
Professional and contract fees	193,988	-	-	-		193,988
Travel	12,660	-	-	-		12,660
Facilities and rent	-	33,505	-	-		33,505
Supplies	22,741	55,515	-	-		78,256
Repairs and maintenance	1,511	-	51,548	-		53,059
Insurance	5,667	4,315	6,436	10,516		26,934
Utilities	4,844	-	85,599	-		90,443
Advertising	553	-	-	-		553
Bank fees	533	-	-	-		533
Dues and subscriptions	17,535	-	-	-		17,535
Taxes and licenses	5,899	77,061	6,700	10,948		100,608
Grants and donations	-	-	-	389,137		389,137
Interest	22,745	-	-	-		22,745
Depreciation	-	-	178,239	-		178,239
TOTAL EXPENSES	\$ 322,526	\$ 246,026	\$ 366,965	\$ 473,420	\$	1,408,937

See Independent Auditor's Report and accompanying notes to the financial statements

BETHEL COMMUNITY SERVICES FOUNDATION, INC.

Statements of Cash Flows

For Year Ended December 31, 2019 and 2018

	<u>2019</u>	<u>2018</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Change in net assets	\$ 123,045	\$ (141,747)
Adjustments to reconcile change in net assets to net cash used by operating activities:		
Depreciation	178,087	178,239
Unrealized gains and losses	(112,242)	82,668
(Increase) decrease in assets:		
Receivables	(45,361)	1,529
Increase (decrease) in liabilities:		
Accounts payable	11,221	17,127
Payroll-related liabilities	(10,123)	7,908
Deferred revenue	(173)	(1,483)
Tenant deposits	500	500
CASH PROVIDED BY OPERATING ACTIVITIES	<u>144,954</u>	<u>144,741</u>
CASH FROM INVESTING ACTIVITIES		
Realized gains and losses	98,255	61,036
Purchases of investments	(1,443,997)	(944,421)
Sales of investments	1,176,985	1,034,210
Purchase of equipment	(71,517)	-
NET CASH USED BY INVESTING ACTIVITIES	<u>(240,274)</u>	<u>150,825</u>
CASH FROM FINANCING ACTIVITIES		
Payments on long-term debt	(16,665)	(15,273)
NET CASH USED BY FINANCING ACTIVITIES	<u>63,335</u>	<u>(15,273)</u>
NET CHANGE IN CASH	<u>(31,985)</u>	<u>280,293</u>
CASH, beginning of year	<u>547,061</u>	<u>266,768</u>
CASH, end of year	<u>\$ 515,076</u>	<u>\$ 547,061</u>
Supplemental cash flow disclosure:		
Interest paid	<u>\$ 22,245</u>	<u>\$ 22,745</u>

See Independent Auditor's Report and accompanying notes to the financial statements

BETHEL COMMUNITY SERVICES FOUNDATION, INC.

Notes to the Financial Statements

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Organization

Bethel Community Services Foundation, Inc. (BCSF. The Organization) is a nonprofit organization in Bethel, Alaska. The primary purpose of BCSF is to develop, grow, and enhance community-based programs and services in the Yukon-Kuskokwim delta region.

Basis of Presentation

The financial statements of the Organization have been prepared in accordance with U.S. generally accepted accounting principles ("US GAAP"), which require the Organization to report information regarding its financial position and activities according to the following net asset classifications:

Net assets without donor restrictions: Net assets that are not subject to donor-imposed restrictions and may be expended for any purpose in performing the primary objectives of the organization. These net assets may be used at the discretion of the Organization's management and the board of directors.

Net assets with donor restrictions: Net assets subject to stipulations imposed by donors, and grantors. Some donor restrictions are temporary in nature; those restrictions will be met by actions of the Organization or by the passage of time. Other donor restrictions are perpetual in nature, whereby the donor has stipulated the funds be maintained in perpetuity.

Donor restricted contributions are reported as increases in net assets with donor restrictions. When a restriction expires, net assets are reclassified from net assets with donor restrictions to net assets without donor restrictions in the statements of activities.

Use of Estimates

Management uses estimates and assumptions in preparing financial statements. These estimates and assumptions affect reported amounts of assets and liabilities, disclosures of contingent liabilities, and reported revenues and expenses. Actual financial results may differ from recorded balances.

Basis of Accounting

These statements are prepared using the accrual method of accounting in accordance with Statement of Financial Accounting Standards, *Financial Statements of Not-for-Profit Organizations*.

Cash and Cash Equivalents

The cash activity of BCSF is transacted in an account maintained in local federally insured banking institutions. Cash equivalents are short-term investments and certificates of deposit with original maturity dates of less than 90 days.

Revenue Recognition

Unrestricted contributions are recognized as received.

See Independent Auditor's Report

BETHEL COMMUNITY SERVICES FOUNDATION, INC.

Notes to the Financial Statements, *continued*

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, *continued*

Investments

Under *Accounting for Certain Investments Held by Not-for-Profit Organizations*, marketable securities with readily determinable fair values and all investments in debt securities are reported at their fair values in the statements of financial position. Unrealized gains and losses are included in the change in net assets. All the securities are available for sale.

Property and Equipment

Equipment is carried at cost if purchased or at estimated fair value if donated. Items with an original cost of \$5,000 or more are capitalized; the cost of maintenance and repairs is charged to expense when incurred.

Depreciation is provided on a straight-line basis over the estimated useful life of the asset. Asset lives used in computing depreciation are as follows:

Buildings and Improvements	23 - 39 years
Vehicles	3 – 5 years

Annual Leave

Annual leave is accrued as earned and recorded as an expense in the period earned.

Income Taxes

BCSF is a nonprofit corporation exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code, except on net income derived from unrelated business activities of which there is none for 2019 or 2018. The Organization believes that it has appropriate support for any tax positions taken, and as such does not have any uncertain tax positions that are material to the financial statements.

Functional Allocation of Expenses

The cost of providing the various programs and other activities has been summarized on a functional basis in the Statements of Functional Expenses. Accordingly, certain costs have been allocated among the programs and supporting services benefited. Such allocations are determined by management on an equitable basis. The expenses that are allocated include the following:

<u>Expense</u>	<u>Method of Allocation</u>
Salaries and benefits	Time and effort
Office and board expense	Time and effort
Travel	Time and effort
Other	Time and effort

Advertising

Advertising costs are charged to current expense as they are incurred. Advertising and promotional expenses for the years ended December 31, 2019 and 2018, were \$814 and \$553, respectively.

See Independent Auditor's Report

BETHEL COMMUNITY SERVICES FOUNDATION, INC.Notes to the Financial Statements, *continued***NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, *continued*****Contributions and Promises to Give**

BCSF reports gifts of cash and other assets as restricted support if they are received with donor stipulations that limit use of the donated assets. When a donor restriction is accomplished, that is, when a stipulated time restriction ends, or purpose restriction is accomplished, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statements of activities as net assets released from restrictions.

Contributed professional services are recognized if the services received (a) create or enhance long-lived assets or (b) require specialized skills, are provided by individuals possessing those skills, and would typically need to be purchased if not provided by donation. Contributions of tangible assets are recognized at fair market value when received.

NOTE 2 – CASH AND CASH EQUIVALENTS

The Federal Deposit Insurance Corporation insures funds held within the same banking institution to a maximum of \$250,000 in total. At December 31, 2019 and 2018, \$3,891 and \$0 of all balances at financial institutions were uninsured.

NOTE 3 – AVAILABILITY AND LIQUIDITY

The following represents the organization's financial assets at December 31:

Financial assets at year-end:	2019	2018
Cash and cash equivalents	\$ 458,792	\$ 547,061
Accounts and grants receivable	45,361	-
Investments	1,508,062	1,170,779
Total financial assets	2,012,215	1,717,840
Less amounts not available to be used within one year:		
Quasi-endowment established by the board	(1,451,778)	(1,310,852)
Add back: Net assets with purpose restrictions to be met in less than one year: Investments held for others	120,490	119,639
Financial assets available to meet general expenditures over the next twelve months	\$ 680,927	\$ 526,627

See Independent Auditor's Report

BETHEL COMMUNITY SERVICES FOUNDATION, INC.Notes to the Financial Statements, *continued***NOTE 4 – PROPERTY AND EQUIPMENT**

Property and equipment are carried at cost and consist of the following: December 31:

	2019	2018
Land, Buildings, and Equipment	\$ 5,316,380	\$ 5,316,380
Improvements	546,204	474,687
Total Property and Equipment	5,862,584	5,791,067
Less: Accumulated Depreciation	(2,251,249)	(2,073,162)
Total Property and Equipment, net	\$ 3,611,335	\$ 3,717,905

Depreciation expense for the years ended December 31, 2019 and 2018, was \$178,087 and \$178,239, respectively.

NOTE 5 – LONG-TERM DEBT

The Foundation has an installment contract due to a bank, due in monthly installments of \$329 including interest at 5.25% maturing in 2029. As of December 31, 2019 and 2018, the balance due was \$30,964 and \$33,201, respectively.

The Foundation has an installment contract due to a bank, due in monthly installments of \$2,839 including interest at 5.58% maturing in 2035. As of December 31, 2019 and 2018, the balance due was \$356,392 and \$370,221, respectively.

The Foundation has an installment contract due to a bank, due in monthly installments of \$888 including interest at 6.0% maturing in 2029. As of December 31, 2019 and 2018, the balance due was \$79,402 and \$0, respectively.

Principal payments on long-term debt are as follows:

Year ended December 31:

2019	\$ 17,743
2020	18,750
2021	19,814
2022	20,939
2023	22,127
After	367,384
	466,757
Current Portion	(17,743)
	\$ 449,014

See Independent Auditor's Report

BETHEL COMMUNITY SERVICES FOUNDATION, INC.Notes to the Financial Statements, *continued***NOTE 6 – INVESTMENTS**

The fair value of an asset is the amount at which the asset could be bought or sold in a current transaction between willing parties, that is, other than in a forced or liquidation sale. The Foundation's financial assets carried at fair value have been classified, for disclosure purposes, based on a hierarchy defined by generally accepted accounting principles. The hierarchy gives the highest ranking to fair values determined using unadjusted quoted prices in active markets for identical assets (Level 1) and the lowest ranking to fair values determined using methodologies and models with unobservable inputs (Level 3). An asset's classification is based on the lowest level input that is significant to its measurement. For Level 1, values are unadjusted quoted prices for identical assets in active markets accessible at the measurement date.

All Investments of the Organization are Level 1, stated at fair value and consist of both equities and mutual funds.

Investment account balances for the year ended December 31, 2019, is summarized as follow:

	Cost and Contractual Amount Due	Carrying Amount	Unrealized Gain / (Loss)
Cash and Cash Equivalents	\$ 406,582	\$ 406,582	\$ -
Marketable Equity Securities	1,335,280	1,371,210	35,930
	<u>\$ 1,741,862</u>	<u>\$ 1,777,792</u>	<u>\$ 35,930</u>

Investment account balances for the year ended December 31, 2018, is summarized as follow:

	Cost and Contractual Amount Due	Carrying Amount	Unrealized Gain / (Loss)
Cash and Cash Equivalents	\$ 317,149	\$ 317,149	\$ -
Marketable Equity Securities	1,259,010	1,228,450	(30,560)
	<u>\$ 1,576,159</u>	<u>\$ 1,545,599</u>	<u>\$ (30,560)</u>

See Independent Auditor's Report

BETHEL COMMUNITY SERVICES FOUNDATION, INC.

Notes to the Financial Statements, *continued*

NOTE 7 – QUASI-ENDOWED FUNDS

The Foundation has agreements in which it invests resources for the sole benefit of charitable activities. These situations are created when the donors (groups, organizations or individuals) create a component fund or donate to an existing fund. Funds may be agency funds with grants made from those funds designated for specific organizations, they may designate specific criteria for future grantmaking, or may be broader in scope for general community grantmaking. At December 31, 2019 and 2018, the amount invested by the Foundation for others was \$1,508,062 and \$1,190,944, respectively. The investment return earned on behalf of these organizations is included in the Foundation's statement of activities. These funds are considered restricted net assets.

NOTE 8 – RISK MANAGEMENT

BCSF is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. These risks are covered by commercial insurance purchased from independent third parties. There has been no significant reduction in insurance coverage during the year.

NOTE 9 – SUBSEQUENT EVENTS

In preparing these financial statements, BCSF has evaluated events and transactions for potential recognition of disclosure through October 23, 2020, the date that the financial statements were issued. No items were deemed necessary for disclosure.

See Independent Auditor's Report

CITY OF BETHEL

COMMUNITY ACTION GRANT

Application

COVER PAGE

Applicant Information

Applicant Name: Bethel Friends of Canines

Business License #s (if applicable): 10187

Applicant Address: PO Box 3147

Contact Person: Theresa Quiner Email Address: tquiner@gmail.com

Daytime Phone: 717-7400 Cell Phone: 717-7400

Grant Request Information

Grant Amount Requested:	\$	<u>19,425</u>
-------------------------	----	---------------

Will you accept less funding than the amount you requested? If so, tell us what a reduction would look like for your planned program. yes - provide less support to BPD in pound.

Program/Project Title and Summary: HELPING BPD run the city pound.
We are seeking funding to continue paying our employees to help BPD care for the dogs in the city pound.

Date When Funds Are Needed: asap

Project Beginning and End Date: January 1, 2021 - December 31, 2021

Submission for: ☒ Quarter 1 ☐ Quarter 2 ☐ Quarter 3 ☐ Quarter 4

I affirm that if my organization, group, or self is granted funding, I (we) will be required to adhere to City guidelines related to the use of those funds, and will be required to provide timely reporting on the use of the granted funds. I affirm that grant funds will be used for the intended purposes outlined for this program.

Signature: [Signature] Date: 2/26/21
 Authorized Officer/Applicant

PROJECT SUMMARY

Please provide a comprehensive, clear and concise response to each of the questions below. If a question does not apply to your application, indicate by responding "Not Applicable."

1. Substantiating Community Need

- a. Identify and describe existing needs in the community to be addressed by the proposed activity.
- b. Specifically describe how the activities to be carried out directly address identified needs in the community.

2. Project/Activity Goals and Outcomes

- a. Describe the overall goals, objectives, and activities to be accomplished by the proposed project.
- b. Provide measurable outcomes for your project and how those outcomes will be measured.

3. Coordination and Collaboration

- a. Describe current efforts to collaborate and coordinate services with other community organizations regarding the proposed project.
- b. Explain how you will develop any needed collaborative relationships that are not already in place.
- c. Does any community organization, other than your own, offer the type of services proposed under this program design? If so, describe how your program will enhance these efforts.

4. Implementation Plan

- a. If this is a new project/activity, describe specific steps to be taken to implement the activity. Identify target dates for each phase of implementation.
- b. If this is an existing project/activity, describe how this funding will be used to expand the scope of the existing activity. Identify target dates for each phase of implementation.

5. Demonstrated Experience and Financial Information

- a. Describe the applicant's (or the principal staff as it relates to the project) background, and experience in implementing the proposed activity or similar activities.
- b. Provide a proposed budget breakdown with the following information:

Budget Items:	Description of Budget Items	Funding: Source:	CAG \$	Other \$	Total

- c. Have you ever received funding from the City of Bethel before? If so, provide 1) dates, 2) amounts, 3) project descriptions, and 4) Exit Report status.

6. Exit Report Due

- a. Awardees will be required to present a written Exit Report to the Community Action Grant Board within 30 days of completion of the project/program. See Report on City's website (www.cityofbethel.org).

- b. Identify the timeframe in which you anticipate providing an Exit Report to the Board on the use of the grant funds.
- c. If applicant has a current Community Action Grant in progress, provide a spending plan that clearly shows how the remaining funds will be spent to complete the project/program.

Program/Project Title and Summary:

Bethel Friends of Canines Staffing Support and water sewer support for kennel building.

These funds will be used to support the one BFK9 contracted employee for the work that he does assisting the Bethel Police Department in running the city run pound. Bethel Municipal code 6.04.070 dictates that dogs picked up by the police department are held in the city pound for a minimum of four days. BFK9 has MOUs in place with the city of Bethel to rehome dogs after the mandatory four day hold, and also to assist BPD in caring for the dogs in the pound. This partnership provides important support to the police department, and cuts the amount of time that the CSOs have to spend in the pound by half. BPD cares for the dogs in the morning, and BFK9 cares for the dogs in the evening. Our employee spends approximately 2 hours per day in the pound walking and feeding the animals and cleaning in the pound. This partnership is beneficial to BPD and BFK9- we are able to assess the temperaments of the dogs and start training them before they are released into our care and the dogs receive better care with our assistance, and BPD officers are freed up to respond to more pressing community safety issues.

We are also asking for \$3000 to help our organization pay our water and sewer bill for our kennel facility which is the annual cost to our organization. Rehoming the dogs from the Bethel Pound and the villages we work with requires us to use a lot of water both for doing laundry, cleaning, and watering the dogs. We were encouraged by the city manager to ask for support for this through the CAG program.

1. Substantiating Community Need**a. Identify and describe existing needs in the community to be addressed by the proposed activity.**

There is a clear need for animal control and care in the YK Delta region, specifically Bethel. Because there has not historically been a full time veterinarian many people cannot access pet care in a timely manner and for those who are low-income, the veterinarian care that is offered might not be affordable. Consequently, there are many stray dogs roaming around Bethel when people can't take care of them and many dogs are killed in the villages because of overpopulation. Community members voice frustration frequently about the loose dogs, and loose unvaccinated animals pose a serious health and safety risk to the community.

Because of this, the pound frequently has 4-8 dogs in the pound and sometimes more that are picked up for being loose. In order to provide humane care for the dogs during the mandatory four day hold the animals must be fed, have fresh water available at all times, and be let outside to use the restroom. The pound must be kept clean in order to prevent disease and illness from spreading to animals and humans. The CSOs only have time to provide the bare minimum of care to the dogs due to the other, more pressing community safety issues that they need to be available for. There are also not always two CSOs staffed at BPD, which is the current case due

to staff turnover leaving BPD very stretched with staffing. The CSOs do not have time to do in depth cleaning, mopping, or taking the trash out, and our BFK9 employee does all of this weekly in addition to caring for the dogs. Right now we are paying our employee a stipend of only \$1000/month plus a small amount through a grant for specific outreach work in villages. This doesn't begin to cover the work that he is doing for BFK9 and the community. We have historically been a volunteer run organization, but with growing demands for our services we need to be able to pay our employee for his work in the pound in addition to what we are already paying him in order to retain him and keep our commitment to the city.

b. Specifically describe how the activities to be carried out directly address identified needs in the community.

The activities that will be carried out are straightforward in how they address the needs previously mentioned in this narrative. BFK9 will continue to provide support to BPD by spending two hours per day in the pound helping care for the dogs and cleaning which will free up the CSOs in the evenings to respond to more pressing safety issues.

2. Project/Activity Goals and Outcomes

a. Describe the overall goals, objectives, and activities to be accomplished by the proposed project.

b. Provide measurable outcomes for your project and how those outcomes will be measured.

Goal: Meet our commitment to BPD to assist with daily operations at the city pound.

Objective 1: Pay the BFK9 contracted worker to care for dogs in the pound and in the kennel.

Activity 1: BFK9 contracted staff walks and cares for the dogs every afternoon.

Activity 2: BFK9 contracted staff takes dogs up for adoption up to the airport for transport to Anchorage multiple times a week after the four day hold in the pound.

Outcome 1: BFK9 rescues and re-homes 100 dogs from the Bethel community. Those dogs are neither put down or roaming the streets of Bethel creating a public health danger. Animals coming in to our care are kept up to date on shots, spayed or neutered, and adopted to responsible homes that will ensure the dogs no longer run loose.

3. Coordination and Collaboration

a. Describe current efforts to collaborate and coordinate services with other community organizations regarding the proposed project.

Our primary partner is the City of Bethel Police Department. We assist the police department daily with caring for the animals and socializing the dogs so they can be ready for adoption. We also advertise the dogs in the pound on social media to help reunite them with their owners. This partnership enables the city to more efficiently handle the strays in Bethel. We moved our facility to city land next to the pound so that BFK9 volunteers could better help care for those animals and the animals in BFK9's kennel. Village dogs are housed in our kennel facility, and loose Bethel dogs are housed in the city pound.

We also partner with many rescues throughout the state to find homes for YK Delta dogs throughout the state. We partner with many communities in the Delta to bring unwanted and loose animals into rescue, and we work with YKHC to certify lay vaccinators so we can vaccinate animals in the YK Delta.

b. Explain how you will develop any needed collaborative relationships that are not already in place.

BFK9 has broad community support amongst community members and community agencies. BFK9 has successfully collaborated with multiple agencies during group fundraising efforts like #BethelGives and coordinates something like 100 community volunteers to carry out mission activities. If more collaborative relationships are needed that are not currently in place board members and volunteers would approach new potential relationships by explaining BFK9's mission, how it helps the community, and what impact the partnership could have to further that mission.

c. Does any community organization, other than your own, offer the type of services proposed under this program design? If so, describe how your program will enhance these efforts.

No other organization in town rescues unwanted dogs or assists the police department with the care of dogs in the pound. BFK9 works in partnership with the vet who owns a business in town and in partnership with the grant-supported vet in town who both offer spay/neuter/vaccination services.

4. Implementation Plan

a. If this is a new project/activity, describe specific steps to be taken to implement the activity. Identify target dates for each phase of implementation.

This is not a new project/activity.

b. If this is an existing project/activity, describe how this funding will be used to expand the scope of the existing activity. Identify target dates for each phase of implementation.

The scope of BFK9's mission work is expensive to run and relies heavily of money raised through fundraisers. BFK9's requests for services have expanded every year as more communities in the Delta desire to rehome adoptable animals instead of euthanizing them. In addition, we are now focusing some of our efforts on preventative efforts in focus communities that have sent us high volumes of animals and haven't access to veterinary care, so we are now providing spay neuter clinics in three communities twice per year to root out the problem of loose dogs at its source. The numbers of animals we are taking in to rescue grows every year as more communities seek our help. As the demand for our services grows, the cost of running the rescue rises, and the need for paying staff in addition to relying on volunteers is necessary to meet the demands of this growth. Paying our employee for his work in the pound through funds obtained from the city will make it sustainable for us continue to assist the city with running the pound. This is not a new project, it is already implemented, we are just seeking funds to support it.

5. Demonstrated Experience and Financial Information

a. Describe the applicant's (or the principal staff as it relates to the project) background, and experience in implementing the proposed activity or similar activity.

BFK9 has five board members, one of which helped create BFK9 back in 2011. Other board members and main volunteers have been involved with BFK9 for 2+ years so are very familiar with and adept at carrying out the mission activities of BFK9. The board has made some strategic growth decisions to bring on board members and volunteers who have experience with fiscal and grant management in an effort to grow and improve. Board members are Eileen Arnold, Theresa Quiner, Nancy Elliott, and Joe Otikun. Our employees that will be paid through this grant is Matthew Morgan and Gabby Salgado.

b. Provide a proposed budget breakdown with the following information:

We are paying Matthew for his pound work on the same pay scale the CSOs are paid with the city. We will pay him \$22.50/ hour which is the starting rate for a CSO. We hope to pay him, or other contract employees, for the entire year in 2021 for two hours per day. We are also asking the city for support to help us with our \$3000 annual water and sewer bill with the city of Bethel. The amount that we are requesting is \$19425 for two hours of work for 365 days, which also includes the \$3000 request for water and sewer. The total request is \$19,425

c. Have you ever received funding from the City of Bethel before?

We did receive a CAG grant the last two years for this project.

CITY OF BETHEL
COMMUNITY ACTION GRANT
Application

COVER PAGE

Applicant Information

Applicant Name: _____

Business License #s (if applicable): 10517

Applicant Address: PO Box 1735, Bethel, AK 995

Contact Person: _____ Email Address: _____

Daytime Phone: _____ Cell Phone: _____

Grant Request Information

Grant Amount Requested:	\$	40,900
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Will you accept less funding than the amount you requested? If so, tell us what a reduction would look like for your planned program.

Program/Project Title and Summary:

Date When Funds Are Needed: 6/1/2021

Project Beginning and End Date: 6/1/2021 to 8/1/2021

Submission for: Quarter 1 Quarter 2 Quarter 3 Quarter 4

I affirm that if my organization, group, or self is granted funding, I (we) will be required to adhere to City guidelines related to the use of those funds, and will be required to provide timely reporting on the use of the granted funds. I affirm that grant funds will be used for the intended purposes outlined for this program.

Signature: _____ Date: _____

Authorized Officer/Applicant

PROJECT SUMMARY

Please provide a comprehensive, clear and concise response to each of the questions below. If a question does not apply to your application, indicate by responding "Not Applicable."

1. Substantiating Community Need

- Identify and describe existing needs in the community to be addressed by the proposed activity.
- Specifically describe how the activities to be carried out directly address identified needs in the community.

2. Project/Activity Goals and Outcomes

- Describe the overall goals, objectives, and activities to be accomplished by the proposed project.
- Provide measurable outcomes for your project and how those outcomes will be measured.

3. Coordination and Collaboration

- Describe current efforts to collaborate and coordinate services with other community organizations regarding the proposed project.
- Explain how you will develop any needed collaborative relationships that are not already in place.
- Does any community organization, other than your own, offer the type of services proposed under this program design? If so, describe how your program will enhance these efforts.

4. Implementation Plan

- If this is a new project/activity, describe specific steps to be taken to implement the activity. Identify target dates for each phase of implementation.
- If this is an existing project/activity, describe how this funding will be used to expand the scope of the existing activity. Identify target dates for each phase of implementation.

5. Demonstrated Experience and Financial Information

- Describe the applicant's (or the principal staff as it relates to the project) background, and experience in implementing the proposed activity or similar activities.
- Provide a proposed budget breakdown with the following information:

Budget Items:	Description of Budget Items	Funding: Source:	CAG \$	Other \$	Total
Maintenance Equipment	Field and ski trail maintenance see attached	CAG	\$40,900	0	\$40,900

- Have you ever received funding from the City of Bethel before? If so, provide 1) dates, 2) amounts, 3) project descriptions, and 4) Exit Report status.

6. Exit Report Due

- Awardees will be required to present a written Exit Report to the Community Action Grant Board within 30 days of completion of the project/program. See Report on City's website (www.cityofbethel.org).

- b. Identify the timeframe in which you anticipate providing an Exit Report to the Board on the use of the grant funds.
- c. If applicant has a current Community Action Grant in progress, provide a spending plan that clearly shows how the remaining funds will be spent to complete the project/program.

1. Substantiating Community Need - Mower

a. Existing need to be addressed

The Big Dipper Field near the YK Fitness Center needs a dedicated mower. The community has a beautiful field, but it is not regularly or adequately maintained by the City of Bethel. With youth and adult soccer leagues and youth and adult Frisbee pickup games, this space needs constant maintenance to include mowing, fertilizing, and boundary line painting. I have been the primary individual maintaining this field, and have been offered the use of the city's cemetery mower. Borrow the city's mower to mow this sizable area is time-consuming and challenging. Currently I drive from Tundra Ridge to the cemetery at the airport where the mower is stored, load it into a person vehicle, drive to the field, mow, and return the equipment to the cemetery when done. When the grass is growing quickly, this may need done once a week (which is a lot of time when I'm already donating several hours a week to coaching soccer and ultimate or playing ultimate).

On occasion the mower's storage building is inaccessible because the buildings locks have been changed. This requires me to rearrange my schedule to get the new key and mow so the field is ready for the communities' activities for the week.

Additionally, the mower at the cemetery is too small for the size of the field. It takes an hour and a half to mow which doesn't include the in-route time picking up and dropping off the city's mower which again is small and doesn't handle tall grass very well.

Myself and others have provided in-kind donations to help ensure the field is available for community use to include field paint and fertilizer. In addition, I'm asking for \$200 to help with marking paint to mark the fields, and \$50 to pay for gas for the mower. This is about how much I spend each year on paint and gas.

Purchasing a mower that is sized correctly and can be dedicated to this field will help tremendously. Having it available through Delta Construction, LLC will ensure the it's available when it's needed. I don't mind donating my time and energy to help expand and improve community recreational services, but hoped to have the support to ensure my time and efforts are maximized.

2. Project/Activity Goals and Outcomes

- a. The goal will be to purchase a mower for the fields.
- b. This project will be complete when the mower and paint have been purchased and delivered to Bethel.

3. Coordination and Collaboration

- a. This project is a collaboration with 4H and the Ultimate Frisbee club in town to make sure the field is maintained for everyone.
- b. Collaboration is already in place.
- c. The City has helped on occasion, but they are also very busy with other higher priority projects that take precedence.

4. Implementation Plan

- a. Once approved, I'll purchase a mower and have it shipped to Bethel. I hope to have it arrive by early June to be available for this summer.
- b. N/A

5. Demonstrated Experience and Financial Information

- a. I have managed many small grants and small projects such as this over the past several years. As Director of the YKHC Office of Environmental Health & Engineering I oversee multiple grants totaling several million dollars that include purchasing supplies and equipment that need delivered to Bethel each year. As Managing Member of Delta Construction, LLC, I have procured supplies and equipment for several large residential remodel jobs in Bethel over the past several years totaling over \$750,000.

I have spent the past several years coaching, coordinating, and playing, basketball, Lego robotics, soccer, skiing, broomball, and Frisbee. I look forward to helping to continuing to grow the recreational opportunities available in Bethel for youth and adults.

b. Budget – 100% CAG

- i. Mower \$4,800
- ii. Shipping \$500
- iii. Paint \$200
- iv. Gas \$50

Total: \$5,550

I'll save all receipts, and submit with an exit report. Any left over money will be returned to the City of Bethel. Any expenses in excess of the requested amount will be covered as an in-kind contribution.

We realize this is an expensive purchase, and would be happy to include a reverter clause in the agreement between the City and Delta Construction, LLC to transfer of the property back to the City of Bethel if we are unable to use the equipment maintain the field. This will ensure the equipment continues to benefit Bethel residents.

- c. I have not received funding from the City of Bethel before.

6. Exit Report

- a. I will provide a written report to the Community Action Grant Board within 30 days of completion of the project
- b. I anticipate completing this project by August 31, 2021
- c. N/A

1. Substantiating Community Need - Groomer

- a. Existing need to be addressed:

Many people in the region LOVE to ski, but Bethel does not have a dedicated space for cross country skiing with groomed trails for skiers to enjoy.

This past year I have been approached by many groups asking if I'll be able to groom trails with the K300 groomer again. This needs done frequently, and puts significant wear and tear on my snowmachine. The pull behind groomer is only 48 inches wide, and requires multiple passes to get a half-way decent trail. It typically takes several hours to complete the 5k loop that the school can use along Brown Slough.

- b. How this activity address the need:

Purchasing a properly sized groomer will allow for quality groomed trail that will support all levels of Nordic skiing in Bethel. Last spring I volunteered with Skiku, and hundreds of

kids (and parents) participated in skiing from the school. Having groomed trails would allow us to expand that to support ski-clubs and competitive youth skiing and biathlon teams as well as recreational skiing and racing. I would happily volunteer my time to keep the trails groomed, but need the equipment to do so.

2. Project/Activity Goals and Outcomes

- a. The goal will be to purchase a groomer to create groomed trails for .
- b. This project will be complete when the mower and paint have been purchased and delivered to Bethel.

3. Coordination and Collaboration

- a. I have volunteered with Skiku who visits Bethel each year to teach skiing, took the Skiku instructor course, and coach middle school skiing through LKSD. In addition, I have been in communication with 4H who is interested in purchasing additional skis for families to check out; participate in a Facebook group dedicated to group skiing in Bethel; and have been in communication with Bethel Native Coroproration about space where we can put scenic groomed trails that will be protected from the wind, and will not be likely to used by motorized vehicles.
- b. Collaboration is already in place, but I'm looking forward to working with any future partnerships.
- c. No other organization offers this service.

4. Implementation Plan

- a. Once approved, I'll purchase the groomer and have it shipped to Bethel. I have space on a lot that we can store the equipment. I hope to have it ordered in early June to be sure it arrives by barge to be used in the 2021/2022 winter.
- b. N/A

5. Demonstrated Experience and Financial Information

- a. I have managed many small grants and small projects such as this over the past several years. As Director of the YKHC Office of Environmental Health & Engineering I oversee multiple grants totaling several million dollars that include purchasing supplies and equipment that need delivered to Bethel. As Managing Member of Delta Construction, LLC, I have procured supplies and equipment for several large residential remodel jobs in Bethel over the past several years totaling over \$750,000.

I have spent the past several years coaching, coordinating, and playing, basketball, Lego robotics, soccer, skiing, broomball, and Frisbee. I look forward to helping to continuing to grow the recreational opportunities available in Bethel for youth and adults.

b. Budget – 100% CAG

- i. Groomer \$28,350
- ii. Shipping \$7,000

Total: \$35,350

I'll save all receipts, and submit with an exit report. Any expenses in excess of the requested amount will be covered as an in-kind contribution. Any left over money will be returned to the City of Bethel.

We realize this is an expensive purchase, and would be happy to include a reverter clause in the agreement between the City and Delta Construction, LLC to transfer of the property back to the City of Bethel if we are unable to use the

equipment maintain the field. This will ensure the equipment continues to benefit Bethel residents.

- c. I have not received funding from the City of Bethel before.
6. Exit Report
- a. I will provide a written report to the Community Action Grant Board within 30 days of completion of the project
 - b. I anticipate completing this project by August 31, 2021
 - c. N/A



Pocket Snow Cats

1994 Pisten Bully – Kassbohrer 130D

\$36,000.00

Please [contact us](#) if you are interested in this product. 3.0 litre Mercedes Benz turbo diesel engine, 140HP, 12 way front blade, rear tiller/comb (no track setters), handle style steering, two seats in front, very good condition with only 2133 original hours. 8'2" wide from outside of tracks. Arrival Vancouver, BC, end of February 2021.

mower



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\$4,799⁰⁰

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John Deere Z515E 24-HP V-Twin Dual Hydrostatic 60-in Zero-Turn Lawn Mower with Mulching Capability (Kit Sold Separately)

Item #2593132 Model #BG21193

Built by John Deere, Greeneville, Tennessee – Experience the Comfort of a John Deere
The 24 HP John Deere Extended Life Series® (ELS) V-Twin engine has plenty of power and torque for the Z515E to handle tough mulching, mowing, and bagging...
Mow well fast with the 60-in triple blade Accel Deep™ Mower Deck engineered to process tall grass at faster speeds

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Delivery Estimate: Sun, Feb 21, 2021; Schedule Delivery Date in Checkout



Feedback

OVERVIEW
It's not how fast you mow. It's how well you mow fast™. Mow well fast with the John Deere 60-in triple blade Accel Deep™ Mower Deck, engineered to process tall grass at faster speeds. The 24 HP, V-Twin John Deere Extended Life Series® (ELS) engine has plenty of power and torque for the Z515E to handle tough mulching, mowing, and bagging conditions – most suitable for a flat with obstacles terrain, two plus acres. Comfortable 18-in back two spring suspension seat with armrests, cup holder, side and under seat storage compartments, foot lift, 22-qt. EC

Gladys Jung Application CAG-Q1

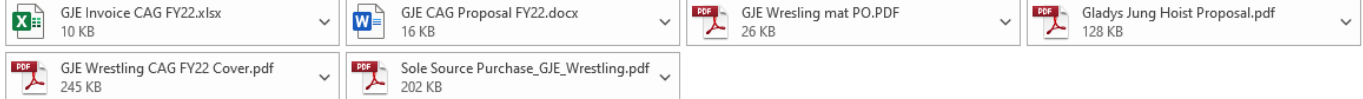


Martin Smith <marty_smith@lksd.org>
To CAG

Reply Reply All Forward ...

Tue 2/23/2021 12:39 PM

You replied to this message on 2/24/2021 3:11 PM.



City of Bethel Community Action Grant board,

Attached you will find the Gladys Jung Elementary School's application for the first quarter 2021 Community Action Grant. Please note that we are still seeking quotes for a storage hoist for our wrestling mat and expect it to come in soon. I have included a single source quote from another company as somewhat of a place holder.

Please reach out to me if you have any questions. I can be reached at 545-2533.

Thank you for taking the opportunity to consider Gladys Jung's application in this trying time.

--

Martin Smith
marty_smith@lksd.org
Dean of Students
Gladys Jung Elementary

Philippians 4:13 I can do all things through Christ who strengthens me.

CONFIDENTIALITY STATEMENT:

This email, including attachments, may contain information that is legally privileged, confidential and exempt from disclosure under applicable law. If you are not the addressee you are hereby notified that you may not use, copy, disclose, or distribute to anyone the message or any information contained in the message. If you received this message in error, please immediately advise the sender by reply email and delete this message. Quyanah!

CITY OF BETHEL COMMUNITY ACTION GRANT Application

COVER PAGE

Applicant Information

Applicant Name: Gladys Jung Elementary Wrestling

Business License #s (if applicable): _____

Applicant Address: PO Box 800; 1007 Ron Edwards Memorial Way

Contact Person: Martin L. Smith Email Address: marty_smith@lksd.org

Daytime Phone: 907-543-4440 ext 3250 Cell Phone: 907-545-2533

Grant Request Information

Grant Amount Requested:	\$	34,974.93
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Will you accept less funding than the amount you requested? If so, tell us what a reduction would like for your planned program.

Program/Project Title and Summary: GJE wrestling mat and hoist

Gladys Jung Elementary is certainly be willing to accept any amount the Community of Bethel is willing to grant. A reduction in funding would result in a depleted student fundraised account balance. This would drastically limit student travel to competitions, but would not eliminate or reduce participation. GJE currently hosts on average 40-50 wrestlers during the school season. A second mat would allow us to space wrestlers out safely reducing the potential for wrestling partners to land on others. The purchase of a hoist is a storage must for us as we do not have adequate space in storage closets throughout the school.

Date When Funds Are Needed: April 15, 2021

Project Beginning and End Date: August 01, 2021 to December 8, 2019

Submission for: Quarter 1 Quarter 2 Quarter 3 Quarter 4

I affirm that if my organization, group, or self is granted funding, I (we) will be required to adhere to City guidelines related to the use of those funds, and will be required to provide timely reporting on the use of the granted funds. I affirm that grant funds will be used for the intended purposes outlined for this program.

Signature:  Date: February 23, 2021

Authorized Officer/Applicant

PROJECT SUMMARY

Please provide a comprehensive, clear and concise response to each of the questions below. If a question does not apply to your application, indicate by responding "Not Applicable."

1. Substantiating Community Need

- Identify and describe existing needs in the community to be addressed by the proposed activity.
- Specifically describe how the activities to be carried out directly address identified needs in the community.

2. Project/Activity Goals and Outcomes

- Describe the overall goals, objectives, and activities to be accomplished by the proposed project.
- Provide measurable outcomes for your project and how those outcomes will be measured.

3. Coordination and Collaboration

- Describe current efforts to collaborate and coordinate services with other community organizations regarding the proposed project.
- Explain how you will develop any needed collaborative relationships that are not already in place.
- Does any community organization, other than your own, offer the type of services proposed under this program design? If so, describe how your program will enhance these efforts.

4. Implementation Plan

- If this is a new project/activity, describe specific steps to be taken to implement the activity. Identify target dates for each phase of implementation.
- If this is an existing project/activity, describe how this funding will be used to expand the scope of the existing activity. Identify target dates for each phase of implementation.

5. Demonstrated Experience and Financial Information

- Describe the applicant's (or the principal staff as it relates to the project) background, and experience in implementing the proposed activity or similar activities.
- Provide a proposed budget breakdown with the following information:

Budget Items:	Description of Budget Items	Funding: Source:	CAG \$	Other \$	Total

- Have you ever received funding from the City of Bethel before? If so, provide dates, amounts, and project descriptions.

6. Report Back

Identify the timeframe in which you anticipate providing a report back to the City on the use of the grant funds, if awarded. Awardees will be required to present a written exit report to the Community Action Grant Committee within three months of completion of the project/program.

Gladys Jung Elementary
Wrestling Program

To: City of Bethel
Bethel Community Action Grant
Quarter 1-2021

Application Question Responses:

1. Substantiating Community Need:

Gladys Jung Elementary currently hosts a wrestling season in the fall time beginning in late September and continuing through early December. Gladys Jung also assists with the spring wrestling season in conjunction with Bethel Freestyle Wrestling's USA Wrestling program. The fall school program typically services between 40-50 youth in grades 4-6. In the spring, we aid BFW in "Friday Night Wrestle-arounds" when the BRHS gym is not available for use. The Bethel Freestyle Wrestling programs typically services 140-160 youth throughout Bethel ages four (4) through adults. Gladys Jung's program teaches core values such as hard work, dedication to self-improvement, living a healthy lifestyle, making healthy choices, and also provide kids a place to become a part of "the wrestling family." Parent involvement is encouraged by each program through program support, volunteerism, and coaching.

2. Project/Activity Goals or Objectives:

The goal of Gladys Jung Wrestling is to provide young wrestlers the opportunity to grow in skill, participate in a healthy activity, learn the meaning of hard work and dedication to self-improvement, and develop friendly relationships that can last a lifetime. Many wrestlers from Gladys Jung go on to wrestle for Bethel Regional High School. Some of those wrestlers continue onto collegiate careers allowing them to pursue career fields of their choice. Currently, Gladys Jung has two former students participating at the collegiate level. Measurement of success on a tangible scale is nearly impossible to determine since Gladys Jung has no ties to graduation rates, scholarships, or career development. However, if you consider the size of the program, the lack of drop out from the program I believe success is evident-when considering the number of wrestlers that have chosen to continue onto the collegiate level one can see the success.

3. Coordination and Collaboration:

Gladys Jung is currently collaborating with multiple other programs and schools in the City of Bethel. This includes Bethel Regional High School and Junior High, Ayaprun Elitnavit, and Bethel Freestyle Wrestling Club. In addition, Gladys Jung allows the use of equipment for tournaments, such as clocks, with surrounding villages as they attempt to host their own wrestling tournaments. As described, wrestling practices and competitions provide a possible year-round opportunity for student-athletes in Bethel with collaborating efforts between all wrestling entities within Bethel. Our efforts are only hampered by our opportunity to purchase equipment and supplies for each of our

programs. Often times we will share resources when one of the programs is unable to purchase or runs short and needs additional supplies, such as mat tape, athletic tape, scoreboards, and even wrestling mats.

4. Implementation Plan:

Gladys Jung's Wrestling program is an existing activity with a school sponsored season running typically from late September to early December. We do a majority of our travel and purchasing through fund raised activities by our wrestlers such as the "push-up-a-thon." Through the City of Bethel Community Action Grant funds we will a wrestling mat hoist needed to help run a clean and healthy program by protecting our wrestling mat when not in use. We will also be purchasing a wrestling mat to provided additional practice space needed because of the volume of participants in our program. We will continue to use the student fund raised monies to provide travel opportunity to the athletes themselves creating better buy-in to the program. The wrestling mat hoist we want to purchase is a one-time purchase item to store and protect our wrestling mat. The wrestling mat should be considered as a one-time purchase with a life span of approximately ten to fifteen years.

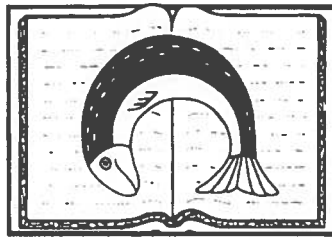
5. Demonstrated Experience and Financial Information:

The coaches at Gladys Jung have collegiate level and multiple years of experience in wrestling and working with children. They must pass a background check via USA Wrestling and Bethel Freestyle Wrestling Club's program every two years. It is also encouraged that they take the coaching courses offered through ASAA, though at the elementary level this is not a requirement. The budget for the mat hoist and mat Gladys Jung will purchase with the Community Action Grant is attached.

6. Reporting Back:

With the school wrestling season running from late September to early December a report of the program success can be filed in January of 2022 as long as we are able to return to competition in the fall of 2021.

Quantity:	Unit:	Description:	Unit Price:	Total Cost:
1	each	Classic RSP-625 1.25" 42'x42' Wrestling Mat	\$13,001.30	\$13,001.30
1	each	Freight via barge ANC-BET	\$4,583.63	\$4,583.63
1	each	Mat Hoist Model 500	\$11,840	\$11,840
1	each	Installation Hardware	\$1,050	\$1,050
1	each	Freight to BET	\$4,500	\$4,500
		Materials and Freight Total:		\$34,974.93



Lower
Kuskokwim
School
District

Business Office
P.O. Box 305 Bethel, Alaska 99559
(907) 543-4821 voice (907) 543-4954 fax

SOLE SOURCE PURCHASING FORM

SECTION A - SOLE SOURCE PURCHASE:

Complete if sole source purchase is over \$10,000.00, **AND** competition is not available. Sole Source approvals are valid one year from approval date, unless specified elsewhere.

Material/Equipment Requisition No. (If applicable): Wrestling Mat Amount: \$17,584.93 Date: Jan. 20, 2021

Supplies/Services Required (be specific):

Purchase of classic wrestling mats through the only vendor on file. Barge shipping cost to Bethel is included in the purchase price.

Proposed Vendor: Suplay Products Vendor Phone: (800) 634-4874

Justification requested by: Martin Smith Dept.: Gladys Jung Elementary Activities Phone: (907) 543-4440 ext. 3250

Supervisor (Director) approval: Joshua Gill Dept.: Gladys Jung Elementary Site Admin Phone: (907) 543-4440 ext. 3201

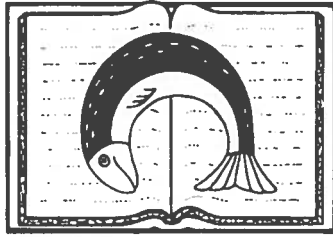
Circle One: The requested supply/service is a sole source procurement due to:

✓ **AVAILABILITY/ONE OF A KIND** — No competitive product exists or is available from another vendor.

COMPATIBILITY — Must match existing piece or brand of equipment and is available from only one vendor.

REPLACEMENT/MAINTENANCE — Repair or maintenance for specific brand of existing equipment and is available from only original equipment manufacturer or designated service dealer.

OTHER — Provide below full explanations, details, complete descriptions, and relevant reasons to support the sole source justification:



Lower Kuskokwim School District

Business Office
P.O. Box 305 Bethel, Alaska 99559
(907) 543-4821 voice (907) 543-4954 fax

SECTION B - REQUESTER CERTIFICATION:

By submitting this request, I certify that the above justification/information is accurate and complete to the best of my knowledge and that I have no personal interests relative to this request.

Name: Martin L. Smith Signature of Requester:  Date: Jan. 27, 2021

SECTION C - TO BE COMPLETED BY Superintendent or Business Manager (\$150,000.00 or less) or Board Approval (\$150,000.01 or more):

Based on the information provided in Section A and attached supporting documents,

I Approve

I DO NOT APPROVE (see below) with purchase to be a Sole Source.

Reason: _____

Superintendent/Business Manager (under \$150,000.01)

Board Approval date (if over 150,000.01)

Purchase Order**LOWER KUSKOKWIM SCHOOL DISTRICT****No. 2100790**

P.O. BOX 305

BETHEL ALASKA 99559-0305

IMPORTANT: P.O. Numbers, Location
and Receivers name must appear on all
Invoices, Packages and Correspondence

Price or Shipping Cost Increases in
excess of 5% over total P.O. must
receive prior LKSD Approval

TO EXPEDITE PAYMENT: Include one of
1) Signed Delivery Receipt
OR 2) Air Bill, Way Bill, Bill of Lading

P.O. Date: 02/22/2021

Questions ? Purchasing Department (907)
543-4800

Ext:

Account:

P.O. Issued To :

SUPLAY PRODUCTS INC
PO BOX 657
ELMA WA 98541-0657

Ship To:

GLADYS JUNG ELEMENTARY - LKSD 126
Attn: Site Administrator
1007 RON EDWARDS WAY
P.O. BOX 800
BETHEL AK 99559
(907) 543-4440

Contact:

Location: 126 GLADYS JUNG ELEM SCHOOL

Phone: (800) 634-4874

Fax: (360) 634-4874

Project: School Supplies

Req# 811

Reference: 126-247625

Date Required: 03/06/2021

Award Number:

Line	Qty	Unit	Part#	Description	Account Number	Unit Price	Extended	Tax	Freight
1	1	EA	RSP-625	Classic RSP-625 1.25" Thick/ Meets ASTM F355 Shock Absorbency/Includes: Straps, Tubes and 3-Year Warranty 42"x42"x1.25"	710.126.700.130.450 SUPPLIES,MATERIALS,MEDIA	13,001.30	13,001.30	0.00	0.00
2	1	EA		Freight Charge ANC-BET Barge	710.126.700.130.450 SUPPLIES,MATERIALS,MEDIA	4,583.63	4,583.63	0.00	0.00

Special PO Instructions:

Quote#: 26287 Date: 1/20/21 Exp Date: 2/19/21

APPROVAL SIGNATURES:



Sub-Total: 17,584.93

Freight: 0.00

Tax: 0.00

Total Amount: 17,584.93

NOTES:

Order Via:

Email

ENTITY COPY

Monday, February 22, 2021

Page 1 of 1

22-01 EC

Record B.1. Page 114 of 224

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P.O. Box 370 / Industrial Park
302 N. Erickson
Roland, IA 50236

Phone: (515) 388-4118
Fax: (515) 388-4340
Email: mathoist@mathoist.com
Web: www.mathoist.com

Official NGE Inc. Mat Hoist® Model 500 Proposal

January 21, 2021

To:
Gladys Jung Wrestling
Attn: Martin Smith
1007 Ron Edwards Memorial Way
Bethel, AK 99559

Project Number: 2101020GJW
Mat Hoist® Storage System Model: 500

Budgetary Proposal
Installation Method TBD

We propose to furnish, deliver and install one (1) **Mat Hoist® Storage System Model: 500** which will hoist and store up to one (1) 45' x 45' classic style wrestling mat in perfect balance at all times. Power source choice is 208 volt, 230 volt or 460 volt three (3) phase. **The MH Model 500 offers a five (5) year warranty.**

~~Bidding: (Based on 50% advance check payable to: NGE, Inc.)~~

Not Included in this proposal:

Taxes, finish painting (shipped prime gray), any structural steel, electrical work, non-union

Note:

1. School must provide a two-man electric scissor lift upon installation and plywood floor protection where required.
2. Temporary three (3)-phase electricity matching motor voltage must be available at the time of installation or cannot be performed.
3. Customer is responsible for unloading Mat Hoist® System (freight) and inspecting for shipping damage in the presence of the driver.
4. We recommend that customer seek structural engineer's approval to determine if the building's truss or wall will support the added weight.

Mat Hoist® Model: 500	\$11,840.00
Mat Hoist® Standard Installation Hardware (Wall Brackets or Ceiling Clamps)	\$1,050.00
Freight to 99559 (Quote via YRC)	\$4,500.00
Total Cost:	\$17,390.00

Factory Installation (Optional) \$4,800.00

Terms: Net due upon completion.

Delivery/Installation: 5-6 weeks upon receipt of purchase order.

Submitted by: **Tony Nacin/Gary Frey** NGE Inc./Suplay

*****This proposal is good for thirty (30) days only*****

Accepted by: _____
Print Name Authorized Signature

Title: _____ Date: _____ School Purchase Order # _____

**CITY OF BETHEL
COMMUNITY ACTION GRANT
Application**

COVER PAGE

Applicant Information

Applicant Name: Bethel Evangelical Covenant Church dba Quyana Café
Business License #s (if applicable): AK Business License # 2106874
Applicant Address: PO Box 828 Bethel, AK 99559
Contact Person: Adam London
Email Address: Adam@bethelcovenant.org
Cell Phone: 907-830-6848

Grant Request Information

Grant Amount Requested:	\$	10,000
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Will you accept less funding than the amount you requested? If so, tell us what a reduction would look like for your planned program.

Yes, but it would limit the expanded services we could offer.

Program/Project Title and Summary: The 2021 Food Service Upgrade Project will serve Quyana Café, a seasonal social enterprise aimed at *providing job skills and life coaching for those seeking to enter the work force either for the first time or after a prolonged period of time of unstable employment or unemployment.*

During the 2021 season, we plan to be located at the Kuskokwim Consortium Library parking lot and need to perform several physical upgrades in order to expand food services to meet the increased demands of the new semi-permanent location.

Date When Funds Are Needed: March 26th, 2021

Project Beginning and End Date: April 1, 2021-September 30, 2021

Submission for: Quarter 1

I affirm that if my organization is granted funding, my organization will be required to adhere to City guidelines related to the use of funds, and will be required to provide timely reporting on the use of the granted funds to the City. I affirm that the grant funds will be used for the intentions outlined for this program.

Signature: Adam London **Date:** 2/28/21
Authorized Officer/Applicant

PROJECT SUMMARY

1. Substantiating Community Need

a. Identify and describe existing needs in the community to be addressed by the proposed activity.

There are very few places in Bethel that will employ a person who has been experiencing housing insecurity, addiction, incarceration, or a poor work history. Often if a person experiencing these challenges does find employment, they can struggle with keeping a job due to a lack of job skills.

b. Specifically describe how the activities to be carried out directly address identified needs in the community.

Operated by Bethel Evangelical Covenant Church, Quyana Café is a seasonal employment opportunity for those who seek to gain employment and life skills. Quyana Café is a food service social enterprise that trains individuals to prepare, serve, and clean in a restaurant setting. Employees have a daily employment and life skills training for 30-60 minutes every morning before opening the food truck. Employees who struggle with addictions are also encouraged to participate in recovery programs outside of work hours. Employees with similar backgrounds are paired together for work shifts to focus on specific life skills.

Quyana Café is entering into its third summer in 2021 and employed 20 people in 2019 and 2020.

Of these 20 employees:

- 8 were coming directly out of disabling addictions and were entering into recovery
 - 4 had of which had regularly used either Bethel Winter House or Tundra Women's Coalition services in the past year
- 3 had come from recent periods of incarceration in the past year
- 6 were entering the workforce for the very first time
- 12 found long-term employment following the Quyana Café season

2. Project/Activity Goals and Outcomes

a. Describe the overall goals, objectives, and activities to be accomplished by the proposed project.

The 2021 Food Service Upgrade project will increase and improve upon current food service operations. In previous years, the menu was limited to hot dogs and tacos, with their sides. We would like to add both fried and smoked food options (a smoker was already purchased during the offseason). In addition to better serving the community, this project will increase food service skills gained and help increase the ability for the program to be self-sustainable.

b. Provide measurable outcomes for your project and how those outcomes will be measured.

Outcomes will be measured in three areas:

1) Employees hired

a. Qu yana Café will hire and train approximately 10 staff during the 2021 summer season

i. At least ½ of all employees will be from one of the under-served areas identified in 1a/1b

2) Long-term employment

a. At least ½ of all employees will obtain long-term employment after the Qu yana Café summer season

3) Profit margin

a. Qu yana Café will increase profit margin to make at least \$3,000 net profit for the season

i. (Previously, Qu yana Café made approximately \$2,500 in 2019, but operated at a loss in 2020, most likely due to Covid-19).

b. All profits will go directly to fund the Qu yana Café program

3. Coordination and Collaboration

a. Describe current efforts to collaborate and coordinate services with other community organizations regarding the proposed project.

In 2020, Qu yana Café partnered with Lower Kuskokwim School District for their Summer Work Program and intends to continue that partnership to train High School seniors.

Covenant Youth of Alaska (CYAK) has partnered with Qu yana Café both in 2019 and 2020. CYAK has provided 1-2 interns each summer to help staff the program.

Qu yana Café is finalizing formal collaboration with University of Alaska Fairbanks in order to use the Kuskokwim Consortium Library parking lot.

b. Explain how you will develop any needed collaborative relationships that are not already in place.

The YK Delta Job Center has approached us in the past looking to collaborate. No collaboration has been formalized yet, but we intend to collaborate regarding individuals who otherwise would have difficulty finding employment elsewhere.

With BWH transitioning into a permanent shelter, we can partner to better identify individuals who would benefit most from the Qu yana Café program.

Finally, a more targeted collaboration will be sought with LKSD to make sure that we identify students in need of employment skills training, not just a summer job.

A CYAK intern will be assigned to explore these collaborations more fully.

c. Does any community organization, other than your own, offer the type of services proposed under this program design? If so, describe how your program will enhance these efforts.

Both the YK Delta Job Center and the LKSD Summer Work Program have similar goals, but do not run their own similar employment programs. Qu yana Café is a great program for these organizations to funnel into.

4. Implementation Plan

a. If this is a new project/activity, describe specific steps to be taken to implement the activity. Identify target dates for each phase of implementation.

Not applicable.

b. If this is an existing project/activity, describe how this funding will be used to expand the scope of the existing activity. Identify target dates for each phase of implementation.

All funding will be used to upgrade and increase the food service equipment in order to increase employee's restaurant employment skills and increase financial sustainability for the program. The following target dates for the project are:

April 1 – Food service equipment ordered and shipped
April 15 – Food service equipment installment
May 1 – Seasonal staff is hired, landing platform is built
May 15 – Qu yana Café opening day
September 30 – Qu yana Café closing day
October 30 – Grant exit report submitted

5. Demonstrated Experience and Financial Information

a. Describe the applicant's (or the principal staff as it relates to the project) background, and experience in implementing the proposed activity or similar activities.

Pastor Adam London has served as the Program Director for Qu yana Café for the past 2 seasons. London has worked with at-risk youth for 15 years as a youth pastor in Nome, Unalakleet, and Anchorage. In Unalakleet, London ran a seasonal employment skills program in a community thrift store that generated \$10,000-\$20,000 net profit annually. London also managed the Bethel Winter House in the spring of 2020 and is staff at Celebrate Recovery (an addiction recovery program) at his church. Other staff have had extensive food service experience.

b. Provide a proposed budget breakdown with the following information:

Budget Summary

Budget Items	Description of Budget Item	Name of Funding source	Dollar amount from CAG	Dollar amount from Other	Total:
Food Service Equipment	Various Restaurant Equipment (*See Details below)	CAG	\$6,800		\$6,800
Shipping Costs	Freight costs from Anchorage	CAG	\$2,000		\$2,000
Equipment Installation Services	Carpentry, plumbing and electrical for installation of new equipment	CAG	\$1,200		\$1,200
Food Supplies	Various perishable food items for the summer	Quyana Café		\$8,000	\$8,000
Staff salaries	Salary/compensation for multiple staff	Quyana Café		\$17,000	\$17,000
Intern compensation	Intern housing and stipends for 2 interns	Covenant Youth of Alaska		\$10,000	\$10,000
		Totals	\$10,000	\$35,000	\$45,000

***Detailed Food Service Equipment Budget**

Budget Items	Description of Budget item	Name of Funding source	Dollar amount from CAG	Dollar amount from Other	Total:
Canopies	Weather coverings canopies for food truck window and picnic table	CAG	\$1,700		\$1,700
Picnic Tables	Outdoor picnic tables for parking lot dining	CAG	\$1,500		\$1,500
Deep Fryer	Drop in commercial deep fryer for food truck	CAG	\$1,000		\$1,000
Hot Water Heater	Replacement hot water heater for the sanitation station	CAG	\$1,000		\$1,000
Signage	Outdoor stand-alone signs for menu, hours, and to highlight the cause	CAG	\$750		\$750
Base Platform	Landing platform for customers to stand on while placing orders	CAG	\$500		\$500
Extension Cords	100 feet of 50 Amp extension cords for food truck power	CAG	\$350		\$350
		Totals	\$6,800		\$6,800

6. Exit Report Due

a. Awardees will be required to present a written Exit Report to the Community Action Grant Board within 30 days of completion of the project/program. See Report on City's website (www.cityofbethel.org).

b. Identify the timeframe in which you anticipate providing an Exit Report to the Board on the use of the grant funds.

The written exit report will be submitted by October 30, 2021.

Quyana Café Program Staff

Program Director

Adam London will be the Program Director for Quyana Cafe for the 3rd season in a row. London also serves as the Pastor of Bethel Evangelical Covenant Church (BECC). London received his Masters of Divinity from North Park Theological Seminary in 2012. He is a long-time resident of Western Alaska since 2004, serving as Pastor in Unalakleet, Nome, and now Bethel for the past 3 years. Besides his non-profit work with BECC, London also serves as the Treasurer for the Board of Directors for Bethel Winter House, Secretary for the Board of Directors for Bethel Family Clinic, and authorized representative of the Salvation Army for emergency food distribution. London has received various trainings in addictions recovery, suicide intervention, and crisis counseling. Additional resume information available upon request.

Covenant Youth of Alaska Interns

Two Covenant Youth of Alaska Interns are anticipated to be employed in the 2021 season. Compensation and placement of these interns is provided by Covenant Youth of Alaska. Interns are usually identified by late April.

Bethel Evangelical Covenant Church

Profit and Loss

January 2021

	TOTAL
Income	
General Fund	21,775.12
Caring for Kids	1,818.23
Total General Fund	23,593.35
Special Request	-419.86
Adam CYAK \$0	50.00
Total Special Request	-369.86
Total Income	\$23,223.49
GROSS PROFIT	\$23,223.49
Expenses	
Daytime Winter House \$0	0.00
Ministry Expenses	
AWANA \$1,500	19.48
Caring for Kids \$0	1,504.83
Celebrate Recovery \$500	-794.81
COVID Ministry Upgrades \$2,000	44.33
Youth Group (7th-12th grade) \$0	-8,515.97
Total Ministry Expenses	-7,742.14
Missions	
Alaska Christian College, General Fund \$2,500	208.33
Alaska Conference Jason Stromstad \$1,500	125.00
CYAK John Hege \$1,200	100.00
CYAK Tom Mute \$2,400	200.00
KICY \$500	41.67
KYKD \$1,200	100.00
M.A.R.C. Oyoumick \$5,200	433.33
YWAM Chris Chon \$5,200	433.33
Total Missions	1,641.66
Payroll Expenses	
AP Housing	264.72
Company Contributions	
Health Insurance	305.54
Retirement	250.00
Total Company Contributions	555.54
SP Insurance \$5,000	93.66
Taxes	320.03
Wages	6,016.66
Total Payroll Expenses	7,250.61

Bethel Evangelical Covenant Church

Profit and Loss

January 2021

	TOTAL
Utilities	
Bank Charges \$300	25.00
Church Insurance \$14,500	-2.00
Electric (Church) \$7,500	1,240.12
Electric (Parsonage) \$3,500	343.84
Fuel Oil (Church) \$15,000	936.45
Fuel Oil/Propane (Parsonage) \$4,000	-413.22
Internet \$3,000	254.99
Kitchen & Paper Supplies \$2,500	134.76
Music / CCLI \$900	28.00
Office Supplies & Licenses \$3,000	288.00
Telephone \$500	41.50
Vehicle Gas \$500	159.16
Water/Sewer (Church) \$4,500	1,224.07
Water/Sewer (Parsonage) \$3,500	288.41
Total Utilities	4,549.08
Z Inactive	
zAccoustical Tile (Capital Reserve Project)	76.80
Total Z Inactive	76.80
Total Expenses	\$5,776.01
NET OPERATING INCOME	\$17,447.48
NET INCOME	\$17,447.48

Bethel Evangelical Covenant Church	2020 Budgeted Amount	2021 Budgeted Amount
Regular Income		
Tithe	\$307,073.00	\$225,000.00
Rental	\$7,000.00	\$3,000.00
Quyana Café	\$10,000.00	\$0.00
CARES Grants		
Total Income	\$324,073.00	\$228,000.00
Personnel Expenses	\$191,723.00	\$116,573.00
Utilities & Routine Expenses	\$73,900.00	\$77,950.00
Church Program Expenses	\$25,706.59	\$11,600.00
Mission & Giving	\$51,150.00	\$31,200.00
Total Expenses (not including capital reserve projects)	\$342,479.59	\$237,323.00
Personnel Expenses		
Senior Pastor Salary	\$44,000.00	\$44,000.00
SP 403b (Guidestone)	\$6,000.00	\$6,000.00
SP Pension (Bethany Benefit Service)	\$7,333.00	\$7,333.00
SP Health and Life Insurance & Health Care Reserve	\$5,000.00	\$5,000.00
SP Travel	\$1,500.00	\$750.00
STAFF (SP) Continuing Education	\$4,000.00	\$1,500.00
SP Licenses	\$190.00	\$190.00
HONORARIUM (SP Pulpit Fill)	\$500.00	\$500.00
Associate Pastor Salary	\$36,000.00	\$0.00
AP Pension	\$4,500.00	\$0.00
AP Health Insurance & Health Care Reserve	\$5,000.00	\$0.00
AP Housing	\$28,000.00	\$0.00
AP Travel	\$1,500.00	\$0.00
TECH (Women's) Ministry DIRECTOR (Leader) Salary	\$18,000.00	\$18,000.00
MINISTRY COMMUNICATIONS DIRECTOR (Administrative Assistant) Salary	\$18,000.00	\$20,000.00
Employer taxes	\$2,000.00	\$2,500.00
Janitorial Services	\$7,800.00	\$8,400.00
Bookkeeping (1099 Contract)	\$2,400.00	\$2,400.00
Total Personnel Expenses	\$191,723.00	\$116,573.00
Utilities & Routine Expenses		
Background Checks	\$0.00	\$500.00
Bank Service Charges	\$2,100.00	\$300.00
Church Insurance (Property, Vehicle, Liability)	\$12,000.00	\$14,500.00
Cleaning Supplies	\$2,500.00	\$1,500.00
Electric (Church)	\$7,000.00	\$7,500.00
Electric (Parsonage)	\$3,000.00	\$3,500.00
Freight	\$1,000.00	\$1,000.00
Fuel Oil (Church)	\$14,000.00	\$15,000.00
Fuel Oil/Propane (Parsonage)	\$4,000.00	\$4,000.00
Internet (Church)	\$1,400.00	\$3,000.00
Kitchen & Paper Supplies	\$2,500.00	\$2,500.00
Maintenance (Church)	\$5,000.00	\$5,000.00
Maintenance (Parsonage)	\$2,000.00	\$2,000.00
Music / CCLI	\$500.00	\$900.00
Office Supplies and Licenses	\$2,000.00	\$3,000.00

Our Daily Bread	\$600.00	\$0.00	
Snow Removal	\$1,500.00	\$750.00	
Technology Equipment	\$1,500.00	\$1,000.00	
Telephone	\$600.00	\$500.00	
Vehicles: Maintenance	\$3,000.00	\$3,000.00	
Vehicles: Gas	\$0.00	\$500.00	
Water/Sewer (Church)	\$4,500.00	\$4,500.00	
Water/Sewer (Parsonage)	\$3,200.00	\$3,500.00	
Total Utilities & Routine Expenses	\$73,900.00	\$77,950.00	
Church Program Expenses			
AWANA	\$3,000.00	\$1,500.00	
Books/Reference Materials	\$500.00	\$500.00	
Celebrate Recovery	\$0.00	\$500.00	*Designated Account
Childcare	\$500.00	\$500.00	
Christian Education & Curriculum	\$3,000.00	\$1,000.00	
Coffee House	\$1,500.00	\$0.00	
Community Outreach / Food for Events	\$3,000.00	\$2,000.00	
COVID-19 Ministry Expenses	\$0.00	\$2,000.00	
Jail Ministries	\$2,000.00	\$1,000.00	*Designated Account
Ministry Conferences/Trainings	\$2,000.00	\$1,000.00	
Mission Trips	\$500.00	\$100.00	
Village Travel	\$5,000.00	\$1,500.00	
Women's Ministry (transfer from specific account)	\$1,706.59	\$0.00	*Designated Account
Youth Group	\$3,000.00	\$0.00	*Designated Account
Total Church Program Expenses	\$25,706.59	\$11,600.00	
Mission & Giving			
SP Discretionary	\$500.00	\$500.00	
AP Discretionary	\$250.00	\$0.00	
Board Discretionary Benevolence	\$1,000.00	\$1,000.00	
Alaska Christian College: Gen Fd	\$4,000.00	\$2,500.00	
Alaska Conference: General Fund	\$10,000.00	\$0.00	
Alaska Conference: Scammon Bay (Jason Stromstad)	\$1,500.00	\$1,500.00	
Alaska Conference: Village Pastor Fund	\$10,000.00	\$10,000.00	
Arctic Bamabas	\$1,200.00	\$0.00	
Camp Hope	\$2,500.00	\$0.00	
CYAK (John Hege)	\$1,200.00	\$1,200.00	
CYAK (Tom Mute)	\$2,400.00	\$2,400.00	
KICY (Norton Sound Region Radio)	\$1,200.00	\$500.00	
KYKD (Regional Radio)	\$1,200.00	\$1,200.00	
MARC (Oyoumick)	\$5,200.00	\$5,200.00	
YWAM (Chon)	\$9,000.00	\$5,200.00	
Total Mission & Giving	\$51,150.00	\$31,200.00	
Capital Reserve Projects			
Gutter Repair	\$4,000.00	\$4,000.00	
Leveling gravel and skirting project <i>and general labor</i>	\$1,500.00	\$1,500.00	
Annual Meeting	\$5,000.00	\$5,000.00	
Renovate men's bathroom	\$1,000.00	\$4,000.00	
Total Capital Reserve Projects	\$11,500.00	\$14,500.00	

CITY OF BETHEL COMMUNITY ACTION GRANT Application

COVER PAGE

Applicant Information

Applicant Name: Bethel Winter House

Business License #s (if applicable): 10704

Applicant Address: PO Box 1969, Bethel, AK 99559

Contact Person: Jon Cochran Email Address: jon.c.cochrane@gmail.com

Daytime Phone: _____ Cell Phone: 907-545-1210

Grant Request Information

Requested amount: \$50,000

Will you accept less funding than the amount you requested? If so, tell us what a reduction would look like for your planned program. If a reduction is necessary, it would mean the greenhouse demo and infill would not be able to be completed and more funding will need to be sought. Currently the roof is leaking in that area of the building. The wood structure would continue to rot.

Program/Project Title and Summary:

Bethel Winter House (BWH), a nonprofit 501c3 organization, provides services as a homeless shelter to the community of Bethel since 2013 after six deaths due to exposure. All of these deaths could be directly attributed to the lack of affordable housing and the complete absence of any type of emergency shelter. Unfortunately, with the shelter being closed last summer, another individual was found dead in an abandoned car in the center of town on August 25, 2020. This could have been avoided had the shelter been open.

After years of seasonal operation in leased spaces, in May 2020 the shelter was forced to close, as its current home in a church opted not to extend its lease, putting our vulnerable population at risk in the midst of a global pandemic. BWH being in emergency need of a facility to provide services had identified the old Senior Center at 127 Atsaq Street, in the AHFC Housing area of Bethel Alaska as a potential building for acquisition from the City of Bethel.

The identified building and land were transferred from the City of Bethel to the BWH in the fall of 2020. Substantial renovations then occurred, and operations began in the facility on December 29, 2020.

BWH partners with other organizations to help with its goal of ending homelessness. These organizations include: The State of Alaska Job Center, the Bethel Family Clinic Medical and Behavioral Health services, and other organizations providing resources for the clients. Bethel

Community Service Foundations provides services for managing federal grant funds as they have been awarded in the past and this is new for BWH.

BWH began this project in October 2020, the facility was habitable by December 2020. But there remains much work to complete the project to both finish recommissioning and to secure the exterior envelop of the building. The following is our timeline:

1st Qtr. 2021- Install wall and corner protection (wainscot) on first floor, re-certify elevator, refurbish and recommission commercial kitchen, install window shades, install water filter, install new propane tank, remove old carpet and install 2nd floor flooring, infill wall opening (at second floor) overlooking sleeping area below, construct wall and door to create office space, general drywall repair and repaint interior, install laundry equipment, install security system, begin demo of the greenhouse area and secure it against the weather, and install Furniture, Fixtures & Equipment.

2nd Qtr. 2021- Continue with completion of above.

3rd Qtr. 2021 -After seasonal barges arrive, the construction crew will return to: finish the structural repairs needed at the greenhouse area, re-grade at bottom of ramps and stairs, re-configure and replace siding, replace the metal roof and reinsulate, extend a canopy over the stairs and ramp, repair the chain link fence under the building, and re-configure refrigeration to include walk in freezer.

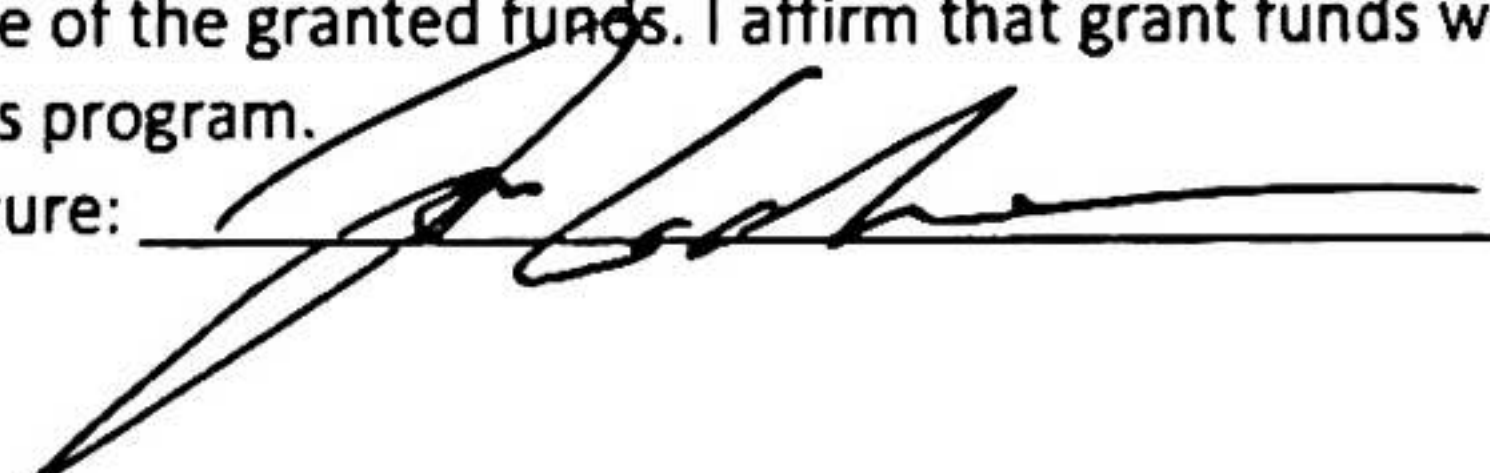
Should funding be received from the City we will target our project of the greenhouse demo and infill, estimated at \$52,849. This will be a big job with a lot of uncertainty of the deterioration over the years and may run us over our requested amount and the need for other funding.

Date When Funds Are Needed: March 2021

Project Beginning and End Date: October 2020-December 31, 2021

Submission for: Quarter 1 Quarter 2 Quarter 3 Quarter 4

I affirm that if my organization, group, or self is granted funding, I (we) will be required to adhere to City guidelines related to the use of those funds, and will be required to provide timely reporting on the use of the granted funds. I affirm that grant funds will be used for the intended purposes outlined for this program.

Signature:  Date: 2-26-21

PROJECT SUMMARY

Please provide a comprehensive, clear and concise response to each of the questions below. If a question does not apply to your application, indicate by responding "Not Applicable."

1. Substantiating Community Need

a. Identify and describe existing needs in the community to be addressed by the proposed activity. This is a continuation of the total project of Bethel Winter House. The acquisition of the new facility to bring to current standards and code has been underway since October 2020 and is planned for completion by December 2021. The facility was habitable for BWH and its clients at the new site since December 2020. Construction will start up again in February 2021 utilizing funding from Alaska Housing Finance Corporation Grant and other funding as requested and received. The completion of this project will provide this vulnerable population a permanent emergency shelter which will expand into more services needed by this population and our community.

b. Specifically describe how the activities to be carried out directly address identified needs in the community.

As noted above: BWH, provides services as a homeless shelter to the community of Bethel since 2013 after six deaths due to exposure. All of these deaths could be directly attributed to the lack of affordable housing and the complete absence of any type of emergency shelter. The acquisition of a permanent facility to house homeless people in our community was started in October 2020 with completion by December 2021. Once the facility is up to current code and standards then the program can expand into 24/7 services for this population and others in our community. The Greenhouse is very deteriorated and completely unable to be used and in need of demolition. It is an eye sore to view in its current state and an accident waiting to happen. The completion of this demo and infill will address this issue and may disclose more deterioration of the structure due to it being abandoned for many years. Those issues will be addressed by the contractors to resolve and ensure safety of the clients at BWH.

2. Project/Activity Goals and Outcomes

a. Describe the overall goals, objectives, and activities to be accomplished by the proposed project. The goal is to demo the greenhouse off the current facility. Remove any debris from this structure and infill the wall and repair any deteriorated areas. The hired construction crew has this project schedule when they return in February which will take some scaffolding and equipment to reach the second floor outside the building on the south side. Once all deteriorated area is removed, they will secure the walls with new infill to code. The completion will ensue with sheetrock, painting, etc. until completion. The exterior will be completed with new siding during Priority 3 goal.

b. Provide measurable outcomes for your project and how those outcomes will be measured. The outcome will be that the old deteriorated greenhouse structure will be removed, new exterior insulated walls are constructed and the building is weathertight. This project is planned to start in February when the contractors return and should be completed this summer.

3. Coordination and Collaboration

a. Describe current efforts to collaborate and coordinate services with other community organizations regarding the proposed project.

The BWH has been working very hard on funding for this \$3,500,000 project since July 2020. Funding to start the project was provided by a grant from Alaska Mental Health Trust Authority with a match from Rasmuson Foundation total \$53,735 for the Code & Condition Survey which was completed by September 2020. Funding for employees was provided by the City of Bethel (CARES Act) during the extended season and early start (April-August) through December 2020.

Orutsaramuit Native Council provided \$100,000 for renovation and are considering about assisting with the kitchen recommission to help with their Meals programs. Alaska Community Foundation provided \$1,000,000 to the project with another request for \$20,000 for food security to be let early Feb. 2021. Bethel Community Service Foundation provided \$125,000 from CARES Act for the project. Alaska Housing Finance Corp. through the Emergency Shelter Grant provides \$1,000,000 and Alaska Mental Health Trust Authority gave \$150,000 toward this project. Veteran of Foreign Wars Auxiliary donated \$10,000 to this population for PPE and food security. Current asks are with ConocoPhillips, GCI Gives, Denali Commission, Premera and Rasmuson Foundation.

- b. Explain how you will develop any needed collaborative relationships that are not already in place.

BWH continues to seek out new partners to collaborate with on this project and work on expansion of services and needs for this population for the future.

- c. Does any community organization, other than your own, offer the type of services proposed under this program design? If so, describe how your program will enhance these efforts.

There is no other emergency homeless shelter in western Alaska and why this is critical to have in Bethel for the needs of the people of this region. It was apparent after several years of operation in leased space that the need for a permanent facility was a must and now a reality. This program is used and needed by other organizations in our area. Housing is at a premium and very expensive. Some people just don't have the resources or means to rent if they are just out of recovery or jail, and in need a meal and a safe place to sleep at night.

4. Implementation Plan

- a. If this is a new project/activity, describe specific steps to be taken to implement the activity. Identify target dates for each phase of implementation.

This is a new project for BWH, with the acquiring of a permanent structure. The facility was in good shape and a good fit for BWH, although there is a lot of vandalism and deterioration to be addressed. The structure was built back in the 1980's and some code and standards had to be addressed to be compliant. The project was divided into 3 Priorities with most of the first Priority completed to make the facility habitable by December 2020. Priority 2 addresses more of the interior needs with Priority 3 working the exterior. All is proposed for completion by Dec. 2021.

- b. If this is an existing project/activity, describe how this funding will be used to expand the scope of the existing activity. Identify target dates for each phase of implementation.

N/A

5. Demonstrated Experience and Financial Information

- a. Describe the applicant's (or the principal staff as it relates to the project) background, and experience in implementing the proposed activity or similar activities.

BWH is currently operating by a small staff of monitors to keep the shelter open. All operations are overseen by the Board Members with utilizing support on granting requirements from Bethel Community Service Foundation, Foraker, contracted consultants and accounting by Alaska Accounting Services. BWH very diverse board with many years of experience, covers all areas of this community including: hospital, clinic, human resources, families in need, banking, civic and veteran's organizations, housing and job service, of which resumes can be submitted if requested.

BWH is currently job recruiting for an Executive Director to oversee all operations of the organization. Job Descriptions will be attached with this application.

b. Provide a proposed budget breakdown with the following information:

Budget Items:	Description of Budget Items	Funding: Source:	CAG \$	Other \$	Total
Greenhouse demo and infill	Tear down existing deteriorated greenhouse located on south side of facility. Infill walls to code.	City of Bethel and AHFC	\$50,000	\$2,848	\$52,849

c. Have you ever received funding from the City of Bethel before? If so, provide 1) dates, 2) amounts, 3) project descriptions, and 4) Exit Report status.

An award was given to BWH in spring 2020 from CARES Act funding in the amount of \$70,000 to be used for payment of employees in order to extend the open hours of the facility during the pandemic. We believe all Exit Reports have been submitted.

6. Exit Report Due

a. Awardees will be required to present a written Exit Report to the Community Action Grant Board within 30 days of completion of the project/program. See Report on City's website (www.cityofbethel.org).

b. Identify the timeframe in which you anticipate providing an Exit Report to the Board on the use of the grant funds.

A report will be filed one the completion of the greenhouse renovation is done or approximately August 2021.

c. If applicant has a current Community Action Grant in progress, provide a spending plan that clearly shows how the remaining funds will be spent to complete the project/program.

BWH does not have any current CAG in progress at this time.



City of Bethel

Retailer: Bethel Winter House
Card Issued To: Bethel Winter House
Exemption #RC038
Exemptions Allowed: Temporary
Shelter Supplies and Utilities
Issue Date: 12/02/2020
Expiration Date: 12/31/2022

If found, please remit to the card holder or to the City of Bethel pursuant to

Exemptions apply only to the person shown on the card
and apply only to the following: items directly related to
the type of business AND sold in original form
(packaging). No pre-packaged or prepared foods
allowed.



INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: NOV 10 2014

BETHEL WINTER SHELTER LIONS CLUB
PO BOX 1525
BETHEL, AK 99559-1525

Employer Identification Number:
46-4382634
DLN:
26053708001084
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
December 26, 2013
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 5436

Bethel Winter House

STATEMENT OF FINANCIAL POSITION DETAIL

As of July 29, 2020

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	SPLIT	DEBIT	CREDIT	AMOUNT	BALANCE
ASSETS									
Wells Fargo Balance 7/1/20									
07/01/2020	Deposit			Opening Balance	Opening Balance Equity	\$225.15		225.15	225.15
Total for Wells Fargo Balance 7/1/20								\$225.15	
WINTER HOUSE (5890)									
07/17/2020	Deposit			ATM CHECK DEPOSIT RIDGCREST BETHEL ATM ID 9925D CARD 8992	ON 07/17 460 Donations AK 0000877	\$5,297.58		5,297.58	5,297.58
Total for WINTER HOUSE (5890)								\$5,297.58	
TOTAL ASSETS								\$5,522.73	\$5,522.73
LIABILITIES AND EQUITY									
Equity									
Opening Balance Equity									
07/01/2020	Deposit				Wells Fargo Balance 7/1/20		\$225.15	225.15	225.15
Total for Opening Balance Equity								\$225.15	
Retained Earnings									
Net Revenue								\$5,297.58	\$5,297.58
Total Equity								\$5,522.73	\$5,522.73
Total Liabilities and Equity								\$5,522.73	\$5,522.73

BETHEL WINTER SHELTER LIONS CLUB

Sincerely,

Tamara Rippanda

Director, Exempt Organizations

Letter 5436

Bethel Winter House Job Description

Bethel Winter House

Position Description: Executive Director

The Executive Director is the key management leader of the Bethel Winter House. The Executive Director is responsible for overseeing the administration, programs and strategic plan of the organization. Other key duties include fundraising, marketing, and community outreach. The position reports directly to the Board of Directors.

GENERAL RESPONSIBILITIES

Board Governance: Works with board in order to fulfill the BWH mission.

- Responsible for leading BWH in a manner that supports and guides the organization's mission as defined by the Board of Directors.
- Responsible for communicating effectively with the Board and providing, in a timely and accurate manner, all information necessary for the Board to function properly and to make informed decisions.
- Works with the board to develop and implement policies and procedures that actively promote equity and inclusion in all areas of the organization.

Financial Performance and Viability: Develops resources sufficient to ensure the financial health of the organization.

- Responsible for fundraising and developing other revenues necessary to support BWH's mission.
- Responsible for the fiscal integrity of BWH, to include submission to the Board of a proposed annual budget and monthly financial statements, which accurately reflect the financial condition of the organization.
- Responsible for fiscal management that generally anticipates operating within the approved budget, ensures maximum resource utilization, and maintenance of the organization in a positive financial position.
- Responsible for working with the Board to look ahead for funding threats and develop and implement strategies to mitigate threats.

Organization Mission and Strategy: Works with board and staff to ensure that the mission is fulfilled through programs, strategic planning, advocacy, and community outreach.

- Responsible for implementation of BWH's programs that carry out the organization's mission.
- Responsible for strategic planning to ensure that BWH can successfully fulfill its Mission into the future.
- Responsible for the enhancement of BWH's image by being active and visible in the community and by working closely with other professional, civic and private organizations.
- Responsible for advocating on behalf of those without homes to policy makers locally and on the state and federal levels, working toward larger system level changes.
- Responsible for working closely with other housing and shelter providers in Juneau to ensure collaboration of both services and advocacy efforts. BWH ED plays a critical role in the alignment of Juneau's continuum of care programs.

Organization Operations: Oversees and implements appropriate resources to ensure that the operations of the organization are appropriate.

- Responsible for the recruitment, retention, and performance management of competent, qualified staff and volunteers.
- Responsible for effective administration of BWH operations.

- Responsible for signing all documents, agreements, and other instruments made and entered into and on behalf of the organization

Actual Job Responsibilities

1. Report to and work closely with the Board of Directors to seek their involvement in policy decisions, fundraising and to increase the overall visibility and sustainability of the organization.
2. Train, supervise, schedule, and provide progressive discipline (when necessary) to staff.
3. Strategic planning and implementation.
4. Planning and operation of annual budget.
5. Serve as BWH's primary spokesperson to the organization's constituents, the media and the general public.
6. Establish and maintain relationships with various organizations and utilize those relationships to strategically enhance BWH's Mission.
7. Engage in fundraising and developing other revenues.
8. Oversee marketing and other communications efforts.
9. Oversee organization Board and committee meetings.
10. Oversee all Human Resources related issues, communicating high-risk situations to the Board Chair.
11. Establishing employment and administrative policies and procedures for all functions and for the day-to-day operation of the nonprofit.
12. Review and approve contracts for services.
13. Provide oversight and coordination of the Juneau Housing First Collaborative project.
14. Other duties as assigned by the Board of Directors.

Professional Qualifications Needed (*if planning on posting position for hire*)

- Master's Degree in a social service field preferred. May be substituted for equivalent experience.
- Deep commitment to working on behalf of individuals without homes.
- Deep commitment to social justice and an understanding of the systemic inequities that lead to homelessness.
- Skilled in managing crisis situations and working with individuals impacted by trauma and addiction.
- Transparent and high integrity leadership.
- Five or more years senior nonprofit management experience.
- High level strategic thinking and planning. Ability to envision and convey the organization's strategic future to the staff, board, volunteers and donors.
- Ability to effectively communicate the organization's mission to donors, volunteers and the overall community.
- Demonstrated ability to oversee and collaborate with staff.
- A history of successfully generating new revenue streams and improving financial results.
- Active fundraising experience. Excellent donor relations skills and understanding of the funding community.
- Previous success in establishing relationships with individuals and organizations of influence including funders, partner agencies and volunteers.
- Solid organizational abilities, including planning, delegating, program development and task facilitation.
- Strong financial management skills, including budget preparation, analysis, decision making and reporting.
- Strong written and oral communication skills.
- Strong public speaking ability.
- Strong work ethic with a high degree of energy.

Shelter Supervisor

General Description: The Shelter Supervisor is collaborative supporter and a member of the Operations Team with the objective to support the mission of the Bethel Winter House and the clients served by assisting clients with all of their needs while establishing and maintaining an environment for clients that is consistent with agency values. Specific duties include the completion of intakes, the answering of telephone lines, distribution of client mail, the monitoring of client activities, the maintenance of safety and security through pat downs and monitoring of the security system, connection of clients to case managers and service providers and light housekeeping. The schedule for this position is 9:00pm-7:00am. Successful candidates must have ability to cover various shifts, including weekends and holidays. This position reports to the Executive Director.

Duties /Responsibilities:

- ☐ Provides consistent coverage for assigned shifts, working within the team and independently to complete all shift tasks.
- ☐ Monitors and supervises shelter and client affairs, assists clients of the shelter with needs and questions and maintains shelter order in accordance with Bethel Winter House policies.
- ☐ Receives new clients, completes intake paperwork, creates proper client files and orients new clients to the Bethel Winter House and its policies.
- ☐ Enforces shelter policies and follows staff policies and procedures.
- ☐ Performs general administrative functions such as noting within the communication log, answering the phone and responding to in-person inquiries in a professional manner. Provides appropriate information and referrals for those who need other resources.
- ☐ Monitors the activities of clients to ensure the safety of clients, volunteers and staff.
- ☐ Verifies clients' homelessness.
- ☐ Helps clients resolve any issues as they may arise.
- ☐ Helps volunteers with questions or issues when necessary.
- ☐ Provides crisis intervention as needed, including determining when it is necessary to involve other staff, administration or the authorities.
- ☐ Maintains written and oral communication of incidents in accordance with policies.
- ☐ Reports any problems to the Executive Director.
- ☐ Completes work time sheets weekly.
- ☐ Attends staff meetings and participates in activities designated by the Executive Director.
- ☐ Other duties as may be assigned by the Executive Director.

Qualifications, Experience and Abilities

- ☐ As a prerequisite, the successful candidate must believe in the core values of the Bethel Winter House and be driven by the mission of the organization.
- ☐ Minimum High School Diploma or GED required; Associates or bachelor's degree in Human Services preferred.
- ☐ Two years' experience working in Human Services working with one or more of the following: individuals experiencing homelessness, mental health related issues, substance abuse, domestic violence, HIV/AIDS related issues, and with those living in poverty preferred.
- ☐ Ability to establish and maintain professional boundaries in working with clients.
- ☐ Ability and willingness to perform light housekeeping and occasional lifting up to 30 pounds independently.
- ☐ Knowledge of community resources in the YK Delta Region.

☐ Ability to manage multiple projects with demanding and competing deadlines, superior organizational skills and the ability to maintain a quality work place in a diverse, fast paced, stressful and changing environment. ☐

Ability to work independently or in a team. ☐ Demonstrates a positive attitude, self-motivation, organization, and resourcefulness while maintaining a reputation through proven action of being team and client oriented and willing to assist where/when needed. ☐ Ability to negotiate different personalities and work under competing priorities.

☐ Ability to assess emergency situations and respond effectively.

☐ Excellent written and verbal skills in the English language. Bilingual English-Yupik preferred.

☐ Demonstrated proficiency in using Microsoft Outlook, Word, Excel and other applications as well as experience using and entering data into AKHMIS or other client databases.

☐ Must be prompt and dependable.

Shelter Monitor

The Shelter Monitor is responsible for monitoring the activities of residents of the shelter and to ensure compliance with program rules and expectations. He/she is also responsible for ensuring the safety of residents and the security and sanitation of the program. The SM reports to the Shelter Director.

The Shelter Monitor will provide direct program support to residents and work collaboratively with Case Managers to help ensure successful completion of Individual Housing Plan (IHP).

EFFECT ON END RESULTS:

- Ensures a safe, secure and efficient facility and program.
- Ensures safety of residents and staff in fire and other emergencies.
- Ensures residents' compliance with agency policy and rules.
- Encourages the residents' successful move to stable housing.

PRINCIPLE ACTIVITIES:

Ensure a safe and manageable living environment for shelter residents. Monitors residential areas, is visible and continuously interacts with shelter residents.

- Assist residents within limits in processing issues and problem-solving.
- Monitor medication and consumption log in accordance to the medication policy of the program.
- Consult with direct supervisor or supervisor on-duty regarding residents' personal needs, behavior and service planning.
- Check for contraband in facility through general observation, room or package/purse searches per the search, contraband, and weapons protocols.
- Follow breathalyzer/urinalysis policy as necessary-
- Supervise program activities and other programming for residents.
- Attend staff meetings and trainings as directed.
- Maintain visitor protocol and follow daily log procedures.
- Follow appropriate critical incident protocol and accompanying documentation
- Maintain a comprehensive and accurate written record of events that occur during shifts, as well as thorough incident reports
- Maintain resident sign-in/out log as well as all other logbooks and records.

- Collect data using the AKHMIS database.
- Conduct periodic inspections of the facility and grounds through periodic rounds or CCTV monitoring to ensure security of facility.
- Enforce periodic fire drills and perform other safety duties as directed to ensure safety of residents, including implementing emergency evacuation protocol.
- Answer telephone and route calls or messages to appropriate staff. Respond to in-person and telephone inquiries from the public.
- Receive, account for and secure all donations received during the shift, as well as provide donation receipts to donors upon request.
- Perform other duties assigned.

REQUIREMENTS:

The successful candidate shall possess a High School Diploma/GED and at least 2 years' community based social services experience or other related experience with homeless adults, mentally ill or substance abusers.

Requirements include the ability to interact and communicate effectively with others, both orally and in writing. The Shelter Monitor must be able to prepare written reports; monitor and direct program activities; and ensure the safety and security of program operations.

Knowledge of Word, Excel, and Homeless Management Information System databases is required.

The ability to communicate in Spanish, both orally and in writing, is desired.

PHYSICAL REQUIREMENTS:

The physical requirements described below are representative of those that must be met by an employee to successfully perform the essential duties of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential duties.

- The ability to safely operate a motor vehicle to transport oneself, others and program supplies as necessary.
- The physical ability to travel to assigned locations, stand, stoop, bend, reach, pull, push, lift, grasp, climb, talk, see, hear and perform basic and light home maintenance activities, and operate office equipment.
- The physical ability to move and lift light objects up to 30 pounds such as mail, supplies, files, and equipment.
- The ability to operate office equipment requiring continuous or repetitive hand/arm movements.
- The ability to remain in a sitting position for extended periods of time.

**BETHEL FAMILY CLINIC
JOB DESCRIPTION**

TITLE: Social Worker-LCSW
REPORTS TO: Behavior Health Director

DEPARTMENT: Behavioral Health
APPROVED: December 14, 2020

Position Description:

Child and family social workers protect vulnerable children and support families in need of assistance. Social workers help people solve and cope with problems in their everyday lives. Clinical social workers also diagnose and treat mental, behavioral, and emotional issues. Social workers help people cope with challenges in their lives. They help with a wide range of situations, such as adopting a child or being diagnosed with a terminal illness.

Position Requirements:

- o **Education:** LCSW
- o **Experience:** Two years of increasingly responsible related experience, or any equivalent combination of related education and experience.
- o **Licenses, Certifications:** Valid and current LCSW or LMSW license.
- o **Specialized Skills:** Ability to make psychosocial assessments and develop and implement viable care plans.
- o **Preferred Qualifications:** LCSW

Position Responsibilities and Essential Functions:

- o Identify people and communities in need of help.
- o Assess clients' needs, situations, strengths, and support networks to determine their goals
- o Help clients adjust to changes and challenges in their lives, such as illness, divorce, or unemployment.
- o Research, refer, and advocate for community resources, such as food stamps, childcare, and healthcare to assist and improve a client's well-being.
- o Respond to crisis situations such as child abuse and mental health emergencies.
- o Follow up with clients to ensure that their situations have improved by providing follow-up care.
- o Maintain case files and records in a confidential and secure manner.
- o Develop and evaluate programs and services to ensure that basic client needs are met.
- o Provide psychotherapy services.

Other Duties:

The job description is not a comprehensive representation of all functions and duties required by this position. Duties and responsibilities may change at any time with or without notice.

Competencies:

- o Proven experience in the counseling of clients ranging in all ages from child through adult.

- o Continuous learning and skill enhancement; maintain all required license needs and CEU provisions.
- o Communication proficiency – written and verbal.
- o Professional and Ethical Conduct
- o Flexibility and attention to detail
- o Initiative
- o Time Management

Physical Demands and Work Environment:

- o The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.
- o The position spends a great of time sitting, working on a computer and conducting meetings. Meeting the physical demands of this type of work is required.
- o While performing the duties of this job, the employee is regularly required to talk or hear. The employee is frequently required to stand; walk; use hands to finger, handle or feel; and reach with hands and arms.
- o This job operates in a professional office environment. This role routinely uses standard office equipment such as computers, phones, photocopiers, filing cabinets and fax machines.

Supervisory:

This position has no supervisory responsibilities.

Work Authorization:

- o BFC is an Affirmative Action/Equal Opportunity Employer. All qualified applicants will receive consideration for employment without regard to race, color, age, religion, sex, gender identity, national origin, disability, protected veteran status and any other area protected by federal or state law. Individuals that need assistance in the recruitment process are encouraged to contact the Administration for BFC directly.
- o Employee must have the legal authorization to work in the U.S.

Administrative Representative Printed Name: _____ **Date:** _____

Administrative Representative Signature: _____

Employee Printed Name: _____ **Date:** _____

Employee Signature: _____

BETHEL FAMILY CLINIC JOB DESCRIPTION

TITLE: BH Substance Abuse Clinical Supervisor
REPORTS TO: Behavior Health Director

DEPARTMENT: Behavioral Health
APPROVED:

Under the supervision of the Behavior Health director, the clinical supervisor serves as the supervisor of all clinical aspects of an out-patient based substance abuse treatment program by directing, supervising and monitoring the work of clinical staff in the provision of substance abuse treatment services and aftercare planning for assigned clients. The clinical supervisor provides individual therapy, treatment planning, case management, client advocacy, counseling and crisis intervention and provides, coordinates and arranges for family therapy services for program participants.

Position Qualifications:

- o **Education:** Chemical dependency clinical supervisor (CDCS) certificate
- o **Experience:** Two years of increasingly responsible related experience, or any equivalent combination of related education and experience.
- o **Licenses, Certifications:** CDCS certificate
- o **Specialized Skills:** Ability to make psychosocial assessments and develop and implement viable care plans. Excellent written and verbal communication skills – precise and descriptive when communicating expectations and objectives creating open lines of communication with clinical and administrative staff.
- o **Preferred Qualifications:** CDCS Certification and at least seven (7) years of experience in the delivery of substance abuse treatment counseling with an emphasis on developing and maintaining trauma-informed and gender-responsive environments. Four to five (4 to 5) years of full-time experience supervising counseling staff in a substance abuse program.

Position Responsibilities and Essential Functions:

- o Supervises all chemical dependency counselors
- o Collaborates with the program director and counselor(s) to determine continuum of care for program participants.
- o Directs program counseling staff in the day-to-day provision of family-focused, trauma-informed mental health services to the in-patient treatment community.
- o Provides individual, family and group counseling and participates in case conferences.
- o Reviews curricula and other program materials for clinical appropriateness and approves the acquisition of all new curricula and other programming materials.
- o Ensures that counseling staff have been adequately trained in the use of any curriculum being delivered to clients.
- o Directly, and through subordinate staff, supervises the assessment of all newly arrived patients; supervises clinical staff in scheduling all patients into treatment activities; assigns caseloads; and monitors and evaluates clinicians in the performance of their duties.
- o Reviews and approves all clinical documentation (treatment progress, treatment plans, and client coordination of care plan) and conducts regular quality assurance and quality

improvement reviews to ensure that all appropriate record-keeping is performed on a timely basis.

- o Assesses and evaluates staff; develops methods to use and enhance strengths and to isolate and minimize weaknesses.
- o Acts as the program's liaison with families and offers recommendations for program development and improvement.
- o Provides ongoing client assessment to identify changing needs pertaining to the individual and family treatment and development strategy.
- o Conducts regular chart reviews, ensuring that all appropriate record-keeping is performed on a timely basis and that all governing agency regulations are met.
- o Attends meetings called by the program director and participates in discussions concerning the revision, improvement and expansion of existing programs and offers recommendations.
- o Participates in quality assurance, quality improvement and utilization review activities and makes recommendations to the program director for plans of corrections.
- o Maintains established performance and conduct standards in accordance with organizational expectations.

Other Duties:

Please note this job description is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities that are required of the employee for this job. Duties, responsibilities and activities may change at any time with or without notice.

Competencies:

- o Decision Making.
- o Communication Proficiency.
- o Judgment.
- o Problem Solving/Analysis.
- o Diversity and Inclusion.
- o Presentation Skills.
- o Leadership.
- o Project Management.
- o Time Management.
- o Stress Management/Composure.

Physical Demands and Work Environment:

- o The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. While performing the duties of this job, the employee is regularly required to talk or hear. The employee is frequently required to stand; walk; use hands to finger, handle or feel; and reach with hands and arms.
- o This job operates in a professional office environment. This role routinely uses standard office equipment such as computers, phones, photocopiers, filing cabinets and fax machines.

Supervisory:

- o This position manages all counselors in the department and is responsible for the performance management and assists the executive director in hiring employees within that department.

Work Authorization:

- o BFC is an Affirmative Action/Equal Opportunity Employer. All qualified applicants will receive consideration for employment without regard to race, color, age, religion, sex, gender identity, national origin, disability, protected veteran status and any other area protected by federal or state law. Individuals that need assistance in the recruitment process are encouraged to contact the Administration for BFC directly.
- o Employee must have the legal authorization to work in the U.S.

Administrative Representative Printed Name: _____ **Date:** _____

Executive Director Signature: _____

Employee Printed Name: _____ **Date:** _____

Employee Signature:

CITY OF BETHEL COMMUNITY ACTION GRANT Application

COVER PAGE

Applicant Information

Applicant Name: Teddi Worrock/Yup'it Piciryarait Cultural Center

Business License #s (if applicable): _____

Applicant Address: PO Box 1481, Bethel, AK 99559 Contact Person: Teddi Worrock

_____ Email Address: tworrock@alaska.edu Daytime

Phone: (907)543-4538 Cell Phone: (907)545-1254

Grant Request Information

Grant Amount Requested:	\$	3,600.00
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Will you accept less funding than the amount you requested? If so, tell us what a reduction would look like for your planned program. Yes, we can accept less funding than requested. This is the ideal

amount as it would allow us to provide more art supplies, compensation, and meals for our volunteers and artists, but less would work.

Program/Project Title and Summary:

The Yup'it Piciryarait Cultural Center will be starting our First Fridays: A Celebration of Artists beginning on the first Friday in April. This free community event will celebrate artists and performance arts every first Friday of the month. Attendees will enjoy live music or performance arts while perusing the art exhibits and meeting local artists.

Date When Funds Are Needed: April 2021

Project Beginning and End Date: April 2021 - ongoing

Submission for: **Quarter 1** Quarter 2 Quarter 3 Quarter 4

I affirm that if my organization, group, or self is granted funding, I (we) will be required to adhere to City guidelines related to the use of those funds, and will be required to provide timely reporting on the use of the granted funds. I affirm that grant funds will be used for the intended purposes outlined for this program.

Signature: _____ Date: _____

Authorized Officer/Applicant

PROJECT SUMMARY

Please provide a comprehensive, clear and concise response to each of the questions below. If a question does not apply to your application, indicate by responding "Not Applicable."

1. Substantiating Community Need

- a. Identify and describe existing needs in the community to be addressed by the proposed activity.

Right now during the pandemic, there are no community events. As we are reopening the Yupiit Piciryarait Cultural Center, I am looking to reopen with free, healthy community events. Many of the live performance events in Bethel have a ticket price. This will be open and available to all families without financial restriction. There is also a need for more venues for artists. The Cultural Center is currently the only facility in Bethel that hosts events. The First Fridays will give artists the venues and allow the community to see art without a cost.

- b. Specifically describe how the activities to be carried out directly address identified needs in the community.

The live performances will encourage more participation in performance arts for teens and young adults, and the art exhibits will hopefully inspire others to create art. Our community is rich with artists and performance artists, but they need to have the venue and space to reach a bigger audience.

2. Project/Activity Goals and Outcomes

- a. Describe the overall goals, objectives, and activities to be accomplished by the proposed project.

The overall goal is to celebrate our local artists and encourage others to pursue art or express themselves through performance. It is a healthy outlet that should be encouraged.

- b. Provide measurable outcomes for your project and how those outcomes will be measured.

I will keep track of the artists who display their art, repeat artists that participate, get feedback from artists, get feedback from the community, and track how many attend the event.

3. Coordination and Collaboration

- a. Describe current efforts to collaborate and coordinate services with other community organizations regarding the proposed project.

I am collaborating with Bethel Council on the Arts and Kuskokwim Art Guild. They have the connection with the artists, and I have the venue. Now we just need the funding to make this happen!

- b. Explain how you will develop any needed collaborative relationships that are not already in place.

N/A

- c. Does any community organization, other than your own, offer the type of services proposed under this program design? If so, describe how your program will enhance these efforts.

There are no free performance art/art exhibits in Bethel.

4. Implementation Plan

- a. If this is a new project/activity, describe specific steps to be taken to implement the activity. Identify target dates for each phase of implementation.

The first step is to collaborate with KAG and BCA to find the artists to display their art and perform. The second step is to find volunteers to help with set up and break down. Third, I need to help artists the first week to set up and make sure they are aware of our COVID-19 mitigation plan. During the month of March, I will be advertising for this event. A few days before the event, I will open up the Cultural Center to allow artists to set up and performance artists to practice.

- b. If this is an existing project/activity, describe how this funding will be used to expand the scope of the existing activity. Identify target dates for each phase of implementation.

5. Demonstrated Experience and Financial Information

- a. Describe the applicant's (or the principal staff as it relates to the project) background, and experience in implementing the proposed activity or similar activities.

I am the Cultural Center Program Manager. I have ample experience with grants, budget, and procurement through my experience in management.

- b. Provide a proposed budget breakdown with the following information:

Budget Items:	Description of Budget Items	Funding: Source:	CAG \$	Other \$	Total
Artists	Payment for performance artists	CAG	\$1,000		\$1,000
Art Supplies	Art supplies for live, mobile art exhibits	CAG	\$1,000		\$1,000
Food for artists/volunteers	Food for volunteers/artists	CAG	\$600		\$600

- c. Have you ever received funding from the City of Bethel before? If so, provide 1) dates, 2) amounts, 3) project descriptions, and 4) Exit Report status.

No

6. Exit Report Due

- a. Awardees will be required to present a written Exit Report to the Community Action Grant Board within 30 days of completion of the project/program. See Report on City's website (www.cityofbethel.org).

- b. Identify the timeframe in which you anticipate providing an Exit Report to the Board on the use of the grant funds.
Immediately after the last First Friday event in June.
- c. If applicant has a current Community Action Grant in progress, provide a spending plan that clearly shows how the remaining funds will be spent to complete the project/program.

Status Report

Status Report		Exit		Exit		Acronyms	
Year 1	Report Due Date	Report Received	Amount Awarded	Amount Spent	E=Email	Reminder notice to do	Action
Quarter 1 - AM Approved 3/27/18							
Friends of the Kuskokwim Consortium Library	8/31/19	6/12/19	12,000	12,795	E-6/5/19		E-6/5/19
Bethel Search and Rescue	6/19/19		10,000		E-6/3/19		E-6/5/19
Orutsarmiut Native Council	11/30/18	11/27/18	5,000	5,030	E-11/26/18		E-11/29/18
YK Fitness Center	3/31/19		1,300		E-11/26/18		E-6/3/19
			28,300				
Quarter 2 - AM Approved 6/26/18							
Hope in Alaska/Camp Hope	9/30/19	9/22/18	10,000	10,000	E-11/29/18		E-6/5/19
Sackett Hall (UAF-Kuskokwim Campus)	8/31/19		3,873		E-9/6/19		
			13,873				
Quarter 3 - AM Approved 10/9/18							
Bethel Wrestling Club	8/31/19	6/7/19	6,000	4,829	E-6/5/19		
Delta Illusion Dance Company	1/31/19	7/29/19	1,770	1,770	E-6/3/19		E-6/5/19
			7,770				
Quarter 4 - AM Approved 12/11/18							
ONC-Bus Passes for Seniors	4/30/19	6/7/19	3,060	3,060	E-6/5/19		
Justine Chamberlain-Coffee House	5/30/20		9,700		E-11/24/20		
Friends of the Kuskokwim Consortium Library	8/30/20	6/11/19	12,765		E-6/5/19		
			25,525				
Average		Total Year 1	75,468				
Year 2	Report Due Date	Report Received	Amount Awarded	Amount Spent	E= Email	Do Exi	Action
Quarter 1-AM Approved 3/26/19							
Bethel Winter House-shelter	7/1/19	7/18/19	11,160	11,160			
Hope in Alaska Ministry/Camp Hope	10/20/19	10/13/19	12,188	12,188			
Gladys Jung Elementary Wrestling Program	3/8/20	12/26/19	3,094	3,094			
BCSF Healing Through Music & Dance Pgm-harmonicas	8/5/19	6/17/19	6,790	6,790	E-9/6/19		
Bethel Search and Rescue-Operations	1/30/20	7/18/19	4,760	4,760	E-6/5/19		
			37,992	37,992			
Quarter 2-AM Approved 6/25/19							
Bethel Wrestling Club-wrestling camp in 2019	6/25/20		5,000				
Bethel Friends of the Library-Summer camp-giveaways	6/25/20		6,000		E-11/24/20		
			11,000				
Quarter 3-AM Approved 9/24/19							
Bethel Lion's Club Winter House	4/30/20		25,000				E-11-24-20
Reflect Bethel - Alyssa Gustafson	4/30/20		600				
Bethel Family Clinic	1/31/20		2,431				
Bethel Broadcasting, Inc. (KYUK Radio)	10/15/20		1,300				
Bethel Friends of Canines	10/15/20		1,500				
			30,831				

Quarter 4-AM #19-81 Approved 12/16/19

Bethel Community Services Foundation-Library JV
Bethel Com. Serv. Found.-Healing Thru Music & Dance
Skiku, Inc.
Kuskokwim Art Guild

8/31/20 11/17/20 14,000
5/1/20 6,000
3/29/20 7,575
7/10/20 4,500
32,075

Total Year 1 111,898

Year 3

Quarter 1-AM #20-11 Approved 3/24/20

Cama-I Dance Festival
Kuskokwim Art Guild-After School Art Pgm.
Kuskokwim Art Guild-Summer Art Camp
Native Village of Napaimute
Bethel Friends of Canines
Orutsarmuit Native Council-Bus passes

Due Date	Report Received	Amount Awarded	Amount Spent	Action	E= Email Do Exi
Postponed	None	10,000	None	None	
8/30/20		2,890		E-11/16/20	
8/30/20		1,994			
5/30/20		9,995		E-11/24/20	
1/31/21		8,820		E-11/16/20	
6/30/21		3,500			
		37,199			

Quarter 2-AM #20-36 Approved 7/28/20

Sackett Hall - UAF Kuskokwim Campus
Maria Nicolai - garden project

8/30/21 1,896
9/30/21 1,500
3,396

Quarter 3-AM #20-56 Approved 12/8/20

Ayaprun Elitnaurvik Cross-Country Program

10/26/20 1,557

Quarter 4-AM #20-56 Approved 12/8/20

BCSF-Kuskokwim Library Fund

8/15/22 33,680



CITY OF BETHEL

COMMUNITY ACTION GRANT COMMITTEE

THURSDAY, JUNE 23, 2022, 7:00 PM

LOCATION: 300 CHIEF EDDIE HOFFMAN HIGHWAY, BETHEL, ALASKA

JOIN ZOOM MEETING

[HTTPS://US06WEB.ZOOM.US/J/83827355443?PWD=AE9LKZRZDEZMCUXZCKZRM0Z3UU4XZZ09](https://us06web.zoom.us/j/83827355443?pwd=AE9LKZRZDEZMCUXZCKZRM0Z3UU4XZZ09)

DIAL BY YOUR LOCATION

833 548 0282 US TOLL-FREE 833 548 0276 US TOLL-FREE

877 853 5257 US TOLL-FREE 888 475 4499 US TOLL-FREE

MEETING ID: 838 2735 5443

PASSCODE: 945806

MEMBERS

Louise Russell, Chair
Leif Albertson, Vice-Chair
Miranda Robb

Lucinda Alexie
Jennifer Dobson
Perry Barr, Council Rep.

STAFF

John Sargent, Ex Officio Member
CAG@cityofbethel.net
907-543-1386

I. CALL TO ORDER

II. ROLL CALL

III. PEOPLE TO BE HEARD – FIVE MINUTES PER PERSON

IV. APPROVAL OF AGENDA

V. APPROVAL OF MEETING MINUTES

- A. June 16, 2022 Meeting Minutes

VI. UNFINISHED BUSINESS

- A. Amount of CAG Funding Available
- B. Review, discuss, and score applications and responses received (may include questions to applicants in attendance).
- C. Review/revise applications, forms, and processes.
- D. Update on previous award recipients, projects funded, final reports, CAG award agreements, and other follow-up issues.

VII. EX OFFICIO REPORT

- A. Ex Officio Report for June 23, 2022 CAG Committee Meeting

VIII. MEMBER COMMENTS

IX. ADJOURNMENT

Posted <<DATE>> at City Hall, AC Co., Swanson's, and the Post Office.

Name, Ex-Officio Staff

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

June 16, 2022

Regular Meeting 7 p.m.

Bethel, Alaska

CALL TO ORDER
MEETING CALLED TO ORDER AT 7:02 pm.

I. ROLL CALL

BOARD MEMBERS PRESENT:	
Louise Russell, Chair	Jennifer Dobson
Leif Albertson, Vice Chair	Lucinda Alexie
BOARD MEMBERS ABSENT:	
Perry Barr	Miranda Robb
ALSO IN ATTENDANCE:	
John Sargent, Recorder & Ex Officio	

III. PEOPLE TO BE HEARD

None.

IV. APPROVAL OF AGENDA

MOVED:	J. Dobson	Approval of Agenda.
SECONDED:	L. Alexie	
VOTE ON MAIN MOTION	4-0 Motion Passes	

V. APPROVAL OF MINUTES

MOVED:	J. Dobson	Approve March 17, 2022 Meeting Minutes.
SECONDED:	L. Alexie	
VOTE ON MAIN MOTION	4-0 Motion Passes	

VI. UNFINISHED BUSINESS

A. Review amount of CAG funding available.

Chair L. Russell introduced the topic and turned it over to J. Sargent to summarize the memorandum included in the packet. J. Sargent said that the amount available in the budget for CAG distribution is \$82,382.85.

B. Review and score applications and responses received (may include questions to applicants in attendance).

L. Russell offered a chance for Adam London to speak first on behalf of Bethel Evangelical Covenant Church's application that requested funding to expand the parking lot at the church for community use. Committee members asked a few

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

June 16, 2022

Regular Meeting 7 p.m.

Bethel, Alaska

questions and Adam answered them. Adam explained the inclusion of airline ticket receipts in his effort exit report for the last project that Covenant Church did with CAG funds. Adam's effort saved on shipping costs. All Covenant Church exit reports have been submitted.

MOVED:	L. Albertson	Move into Committee as a Whole.
SECONDED:	L. Alexie	
VOTE ON MAIN MOTION	4-0 Motion Passes	

Jaela Milford addressed her application for Winter House funding for day-time hours during the summer months. Committee members asked a few questions and Jaela answered them.

Susan Taylor briefed the committee on the Lion's Club project to fund a monthly food bank and community pantry. Committee members asked a few questions and Susan answered them.

The Committee went into more detail on the Winter House and Lions Club applications. They came up with questions that they wanted to ask the applicants in writing.

L. Russell took the Committee out of the Whole at 8:26 pm.

MOVED:	L. Alexie	Request Recorder to prepare written letters with questions brought up in discussion during the meeting.
SECONDED:	L. Albertson	
VOTE ON MAIN MOTION	4-0 All in favor	

C. Review/revise applications, forms, & processes.

The Chair asked Committee members if they had any applications, forms, or processes that they wanted to change. A unanimous, "No" emanated from those present.

D. Update on previous award recipients, projects funded, final reports, and other follow-up issues.

The Chair mentioned this agenda item and J. Sargent drew attention to the Status Report of all CAG awards given out that was provided in the meeting packet. J. Sargent also mentioned that the Finance Department has renewed its effort to solicit exit reports from previous awardees.

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

June 16, 2022

Regular Meeting 7 p.m.

Bethel, Alaska

VII. NEW BUSINESS

No New Business was on the agenda.

VIII. BOARD MEMBER COMMENTS

L. Alexie: It was good to have the meeting tonight.

J. Dobson: No comment.

L. Albertson: Thank you very much for your time. I'm concerned and disheartened that we had a meeting without a quorum. All of us need to recruit members. Ask your friends. We need more members on the committee. Thank you again for your participation.

J. Sargent: It was a good meeting. Grow lots of food.

IX. ADJOURNMENT

MOVED:	L. Albertson	Adjourn the meeting.
SECONDED:	J. Dobson	
VOTE ON MAIN MOTION	4-0 All in favor	

Meeting Adjourned at 8:29 pm.

APPROVED THIS 23rd day of June 2022.

Respectfully Submitted:

Louise Russell, Chair

ATTEST: _____
John Sargent, Recorder



City of Bethel
P.O. Box 1388, Bethel, AK 99559
907-543-1386
Website: www.cityofbethel.org

Memorandum

To: Community Action Grant Committee

From: John Sargent, Grant Manager

Subject: Funding Available for CAG Awards

Date: June 3, 2022

The current amount budgeted for Community Action Grant awards is **\$82,382.85**. The calculation is given below:

\$153,804.85	Amount deposited to CAG interest-bearing account
- 25,000.00	CAG Award to BCSF in Year 4, Quarter 3
- 10,602	CAG Award to Gladys Jung Wrestling in Year 4, Quarter 4
- 8,150	CAG Award to ONC-Youth Litter Patrol in Year 5, Quarter 1
- 8,250	CAG Award to BCSF-Healing Through Music & Dance, Year 5, Quarter 1
- <u>19,148</u>	CAG Award to BCSF-Friends of the Library, Year 5, Quarter 1
\$82,382.85	Amount available to award in Year 5, Quarter 2 (June 2022)

CITY OF BETHEL COMMUNITY ACTION GRANT Application

COVER PAGE

Applicant Information

Applicant Name: Bethel Evangelical Covenant Church

Business License #s (if applicable): AK Business #1060384, City of Bethel Business #10521

Applicant Address: 165 Chief Eddie Hoffman Hwy, Bethel, AK 99559 (PO Box 828)

Contact Person: Adam London Email Address: Adam@BethelCovenant.org

Daytime Phone: 907-545-0838 Cell Phone: 907-830-6848

Grant Request Information

Grant Amount Requested:	\$	15,000
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Will you accept less funding than the amount you requested? If so, tell us what a reduction would look like for your planned program. Yes, we would level less of the parking lot this summer and complete phase 1 next summer.

Program/Project Title and Summary:

Phase 1 of the BECC Community Use Land Improvement Project.

Phase 1: Survey land, expand, level, and gravel parking lot and north side of lot (2022)

Phase 2: Level back and south side areas of the church to create a "green space" for community activities (2023)

Phase 3: Build a basketball court deck on the side area of the church (2024)

Phase 4: Install fencing around youth and children's areas (2025)

Date When Funds Are Needed: July 2022

Project Beginning and End Date: July 2022-September 2022

Submission for: Quarter 1 ☒ Quarter 2 ☐ Quarter 3 ☐ Quarter 4 ☐

I affirm that if my organization, group, or self is granted funding, I (we) will be required to adhere to City guidelines related to the use of those funds, and will be required to provide timely reporting on the use of the granted funds. I affirm that grant funds will be used for the intended purposes outlined for this program.

Signature:  Date: May 30, 2022
Authorized Officer/Applicant

PROJECT SUMMARY

Please provide a comprehensive, clear and concise response to each of the questions below. If a question does not apply to your application, indicate by responding "Not Applicable."

1. Substantiating Community Need

- a) Identify and describe existing needs in the community to be addressed by the proposed activity.
- b) Specifically describe how the activities to be carried out directly address identified needs in the community.

Bethel Evangelical Covenant Church is a place that already has identified and is addressing community needs. BECC serves the community's needs through security ministries (soup kitchen, handing out meals to children, passing out Salvation Army food boxes), growth opportunities (addiction recovery ministries, services, Sunday School, life/small groups), and youth/children's activities (nursery, AWANA, Coffee House, youth group, Sunday School, children's church).

Our church property has been used heavily in the past several years. One major challenge that keeps us from serving more of the community is a lack of parking. As part of a multi-year plan to improve our land surrounding the building, we intend to start with improving our existing parking lot and expanding the north side of our lot for additional parking.

2. Project/Activity Goals and Outcomes

- a) Describe the overall goals, objectives, and activities to be accomplished by the proposed project.
- b) Provide measurable outcomes for your project and how those outcomes will be measured.

10+ more family units will be able to easily access BECC's services beginning with phase 1. Future phases include developing our back and south side lots to provide a community green space and half-basketball court deck (this will be in addition to our well-loved existing community playground equipment). This project will see more Bethel residents receiving the social services that our church has to offer.

The measurable outcome when Phase 1 is complete is there will be at least 10 additional parking spots and the lot will be completely level and graveled. Additionally, as we continue to keep track of how many people use BECC's services, we will see at least 10 additional households regularly use our services.

3. Coordination and Collaboration

- a) Describe current efforts to collaborate and coordinate services with other community organizations regarding the proposed project.

BECC already partners with multiple organizations, such as the Food Bank of Alaska, the Salvation Army, the Bethel Conference of Churches, Celebrate Recovery, the Girl Scouts of Alaska, Camp Hope, AWANA,. We will continue to work with all of these groups and any others that would like to join us.

- b) Explain how you will develop any needed collaborative relationships that are not already in place.

We are always looking to identify new partnership opportunities and are open to any organization contacting us.

- c) Does any community organization, other than your own, offer the type of services proposed under this program design? If so, describe how your program will enhance these efforts.

Yes, the Lion's Club provides some of these services, as does the Bethel Community Services Foundation, the 4H Club, other churches, etc. However, the amount of need in the community far outweighs the amount of response any one organization can give. We all need to be working together to meet the needs of the community. When BECC does more, we spread the load and other organization are able to do more as well.

4. Implementation Plan

- a) If this is a new project/activity, describe specific steps to be taken to implement the activity. Identify target dates for each phase of implementation.

We have already had our surveys and as-builts done. We have quotes from Faulkner Walsh and Dale Construction. We are ready to start and have Phase 1 complete by the beginning of the school year.

- b) If this is an existing project/activity, describe how this funding will be used to expand the scope of the existing activity. Identify target dates for each phase of implementation.

We have \$10,000 of funding secured for the project. We anticipate needed approximately \$25,000 for phase 1 completion (August 2022). Phase 2 (August 2023), Phase 3 (August 2024), and Phase 4 (August 2025) are funding and volunteer dependent, but we anticipate having those in place to meet the deadlines.

5. Demonstrated Experience and Financial Information

- a) Describe the applicant's (or the principal staff as it relates to the project) background, and experience in implementing the proposed activity or similar activities.

Pastor Adam London has overseen multiple grant funded projects in the last 18 years. The project foreman will be Eddie Havener who works for the City of Bethel and has dozens of years of construction experience.

- b) Provide a proposed budget breakdown with the following information:

Budget Items: Description of Budget Items Funding: Source: CAG \$ Other \$ Total

The estimated costs for this phase of the project are as follows:

\$25,000 for dirt, gravel, and leveling services by a local construction company.

\$10,000 – provided by Bethel Evangelical Covenant Church

\$15,000 – provided by Community Action Grant

Already completed:

\$4,000 for the survey and as-builts required to develop the land

Future phases:

\$45,000 for the side and south lot improvements

\$8,000 for the basketball court

- c. Have you ever received funding from the City of Bethel before? If so, provide 1) dates, 2) amounts, 3) project descriptions, and 4) Exit Report status.

Yes, Coffee House 2020 (\$9,700) and Qu yana Café 2021 (\$10,000). All exit reports have been submitted.

6. Exit Report Due –

- a. Awardees will be required to present a written Exit Report to the Community Action Grant Board within 30 days of completion of the project/program. See Report on City's website (www.cityofbethel.org). Identify the timeframe in which you anticipate providing an Exit Report to the Board on the use of the grant funds.

BECC will provide an Exit Report by October 31, 2022.

1. If applicant has a current Community Action Grant in progress, provide a spending plan that clearly shows how the remaining funds will be spent to complete the project/program. **N/A**

CITY OF BETHEL COMMUNITY ACTION GRANT Application

COVER PAGE

Applicant Information

Applicant Name: Bethel Lions Club

Business License #s (if applicable): non profit volunteer organization

Applicant Address: Bethel Lions Club P.O. Box 646 Bethel AK 99559

Contact Person: Susan Taylor ^{Lions Club} President Email Address: 50shadesofcolorblind@gmail.com

Daytime Phone: (907) 543-4368 home Cell Phone: (907) 545-7524

Grant Request Information

Grant Amount Requested:	\$ <u>50,000 for 10 month continue of Program</u>
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Will you accept less funding than the amount you requested? If so, tell us what a reduction would look like for your planned program. Yes, will except less. Less funding will reduce length of service, (exploring other resources ongoingly)

Program/Project Title and Summary: Monthly Food Bank and Community Food Pantry

Food Bank is monthly distribution to income qualified households
Food Pantry is community donated inventory for hardship situations
Thanks to current BCSE partnership we were able to continue these services and expand to also do soup kitchens and promote substance activities such as ice fishing, fish jar classes, smelting etc...
Covid relief related grants also allowed us to distribute community wide produce, dairy, and meat boxes for food insecurities, an ongoing need.

Date When Funds Are Needed: August 2022

Project Beginning and End Date: September 2022 - June 2023

Submission for: Quarter 1 Quarter 2 Quarter 3 Quarter 4
Submit for May 31 2022 deadline

I affirm that if my organization, group, or self is granted funding, I (we) will be required to adhere to City guidelines related to the use of those funds, and will be required to provide timely reporting on the use of the granted funds. I affirm that grant funds will be used for the intended purposes outlined for this program.

Signature: Susan E Taylor Date: 5/26/2022
Authorized Officer/Applicant

PROJECT SUMMARY

Please provide a comprehensive, clear and concise response to each of the questions below. If a question does not apply to your application, indicate by responding "Not Applicable."

1. Substantiating Community Need

- Identify and describe existing needs in the community to be addressed by the proposed activity. *Food Insecurity - At height of COVID Pandemic there were more than 500 income qualified households.*
- Specifically describe how the activities to be carried out directly address identified needs in the community. *Monthly Food Bank distribution
Food Pantry for hardship situations
Contract worker coordinating intake delivery and output distribution, and also promoting subsistence*

2. Project/Activity Goals and Outcomes

- Describe the overall goals, objectives, and activities to be accomplished by the proposed project. *To be able to continue an existing program that successfully meets community needs*
- Provide measurable outcomes for your project and how those outcomes will be measured. *Continue to pay utility bills, especially the Freezer and Refrigerator units
Continue partnerships and contract work to receive food shipments and complete*

3. Coordination and Collaboration

- Describe current efforts to collaborate and coordinate services with other community organizations regarding the proposed project. *Recently VFW Aux funded meat and Dairy Boxes and Produce giveaway. Ongoing lots of volunteers*
- Explain how you will develop any needed collaborative relationships that are not already in place. *Ongoingly recruiting and rotating volunteer individuals and groups to continue as this project is beyond what Lion Club members able to do.*
- Does any community organization, other than your own, offer the type of services proposed under this program design? If so, describe how your program will enhance these efforts. *Other organizations work with us or help us continue. JF KTC and Boy Scouts have done food drives. VFW has helped with utilities. BFK9 gave us dog feed to distribute. BCS Foundation partnership and*

4. Implementation Plan

- If this is a new project/activity, describe specific steps to be taken to implement the activity. Identify target dates for each phase of implementation. *not a new project, Food Insecurity is ongoing challenge.*
- If this is an existing project/activity, describe how this funding will be used to expand the scope of the existing activity. Identify target dates for each phase of implementation. *Current COVID related funding kept us going, especially with car loss of Bingo revenue, but unfortunately expires end of August. We need to be able to continue this valuable needed service.*

5. Demonstrated Experience and Financial Information

- Describe the applicant's (or the principal staff as it relates to the project) background, and experience in implementing the proposed activity or similar activities. *Volunteer organization and part-time contract work*
- Provide a proposed budget breakdown with the following information: *We no longer have Bingo Pull tab revenue and most likely will be unable to resume that income resource due to loss of key people to run that.*

Budget Items:	Description of Budget Items	Funding: Source:	CAG \$	Other \$	Total
Utility Contract	Electricity, water/sewer Fuel, maintenance distribution, coordination	expiring COVID funded partnership and grants	requested 50,000	Yet to be determined	50,000

- Have you ever received funding from the City of Bethel before? If so, provide 1) dates, 2) amounts, 3) project descriptions, and 4) Exit Report status. *none received before*

6. Exit Report Due

- Awardees will be required to present a written Exit Report to the Community Action Grant Board within 30 days of completion of the project/program. See Report on City's website (www.cityofbethel.org). *can document and itemize expense monthly if needed as this request is to be able to continue an existing program until we able to achieve other funding resources.*

- b. Identify the timeframe in which you anticipate providing an Exit Report to the Board on the use of the grant funds. *can do monthly and/or end of time frame,*
- c. If applicant has a current Community Action Grant in progress, provide a spending plan that clearly shows how the remaining funds will be spent to complete the project/program. *This is our first request. "Not Applicable"*

CITY OF BETHEL

COMMUNITY ACTION GRANT

Application

COVER PAGE

Applicant Information

Applicant Name: Bethel Winter House

Business License #s (if applicable): 211197

Applicant Address: 127 Atsaq St / PO Box 1969 Bethel, AK 99559

Contact Person: Jaela Milford

Email Address: Jmilford@bethelwinterhouse.org

Daytime Phone: 907-545-7661

Cell Phone: 518-763-7092

Grant Request Information

Grant Amount Requested:	\$	63,000
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Will you accept less funding than the amount you requested? If so, tell us what a reduction would look like for your planned program. Yes – Without the full amount requested, open hours will be cut during the summer. We would be unable to service individuals as frequent during the summer months

Program/Project Title and Summary:

Bethel Winter House Summer Program –

During the months of August to September, BWH will operate during the daytime hours providing services for the homeless population and the general public. These services will include an afternoon meal, access to laundry and shower services, and access to community resources such as AA meetings, Addiction Recovery meetings, and access to employment opportunities through the Alaska State Job Center.

Date When Funds Are Needed: July 15th – As soon as available

Project Beginning and End Date: May 18th -September 30th

Submission for: Quarter 1 Quarter 2 Quarter 3 Quarter 4

I affirm that if my organization, group, or self is granted funding, I (we) will be required to adhere to City guidelines related to the use of those funds, and will be required to provide timely reporting on the use of the granted funds. I affirm that grant funds will be used for the intended purposes outlined for this program.

Signature: Jaela J Milford
Authorized Officer/Applicant

Date: 4/29/22

PROJECT SUMMARY

Please provide a comprehensive, clear and concise response to each of the questions below. If a question does not apply to your application, indicate by responding "Not Applicable."

1. Substantiating Community Need

- a. Identify and describe existing needs in the community to be addressed by the proposed activity.

In Bethel, there are no access to public restrooms, showers and laundry for homeless or low income individuals. Through BWH, we will be able to provide summer long access to food, hygiene, and safety.

- b. Specifically describe how the activities to be carried out directly address identified needs in the community.

With BWH being open during set daytime hours, individuals will have access to meals, laundry, showers and community resources.

2. Project/Activity Goals and Outcomes

- a. Describe the overall goals, objectives, and activities to be accomplished by the proposed project.

The objective is to provide services during the summer months. BWH has a goal of providing meals weekly throughout the summer. On alternating days of meals, laundry services will be available. During all open hours, bathroom and showers are available for public use.

- b. Provide measurable outcomes for your project and how those outcomes will be measured.

To provide measurable outcomes, attendance will be taken during the open hours. A tally will be recorded daily on the number of participants that day. All services will be recorded; number of participants for the meal, number of showers taken and number of loads of laundry completed. The number of participants will also be recorded for the community events; AA and Addiction Recovery meetings.

3. Coordination and Collaboration

- a. Describe current efforts to collaborate and coordinate services with other community organizations regarding the proposed project.

Bethel Winter House is partnered with the Bethel Covenant Church to provide community meetings such as Addiction Recovery and AA meetings.

- b. Explain how you will develop any needed collaborative relationships that are not already in place.

BWH would also like to develop a relationship with the AK Job Center to provide access to employment opportunities. Access to applications, bulletin board of employment opportunities, training sessions, etc.

- c. Does any community organization, other than your own, offer the type of services proposed under this program design? If so, describe how your program will enhance these efforts.

In Bethel, there are no access to public restrooms, showers, and laundry for homeless or low-income individuals. This will fill a needed gap in general hygiene in the summer months. A bi-weekly meals will provide food to individuals without.

4. Implementation Plan

- a. If this is a new project/activity, describe specific steps to be taken to implement the activity. Identify target dates for each phase of implementation.

For the first time, Bethel Winter House has its own facility for the summer months. Now that the facility is fully operational, BWH can provide services without the year, not only during the winter season. With this funding, BWH will be able to employ their staff for the entire of the summer; ensuring services opportunities will continue year-round at BWH. While guests are no longer staying overnight, they are using the facility for food, laundry, and shower services during the summer months.

5. Demonstrated Experience and Financial Information

- a. Describe the applicant's (or the principal staff as it relates to the project) background, and experience in implementing the proposed activity or similar activities.

Jaela Milford, Executive Director, of Bethel Winter House has been in this position for 10 months now, running the shelter through its winter season. She will be working alongside with Cynthia Coffey, the Facility Supervisor, to provide services for homeless or low-income individuals in the summer months. Cynthia has been Head Monitor of the shelter for six years before becoming Facility Supervisor after the move into the permanent facility.

- b. Provide a proposed budget breakdown with the following information:

Budget Items:	Description of Budget Items	Funding: Source:	CAG \$	Other \$	Total
Salary	Summer Salary for Jaela Milford, Executive Director	City of Bethel	34,000	0	34,000
Salary	Summer Salary for Cynthia Coffey, Facility Supervisor	City of Bethel	29,000	0	29,000

- c. Have you ever received funding from the City of Bethel before? If so, provide 1) dates, 2) amounts, 3) project descriptions, and 4) Exit Report status.

Date	Amount	Project Description	Exit Report Status
2020	\$60,000	CARES Act Funding – Employee Payment for open hours during the pandemic	Complete

6. Exit Report Due

- a. Awardees will be required to present a written Exit Report to the Community Action Grant Board within 30 days of completion of the project/program. See Report on City's website (www.cityofbethel.org).
- b. Identify the timeframe in which you anticipate providing an Exit Report to the Board on the use of the grant funds.

The Exit Report will be provided after the summer season. It will be completed before November 1st, 30 days after the end of the summer program on September 30th

- b. If applicant has a current Community Action Grant in progress, provide a spending plan that clearly shows how the remaining funds will be spent to complete the project/program.

No current Community Action Grant in Progress

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: NOV 10 2014

BETHEL WINTER SHELTER LIONS CLUB
PO BOX 1525
BETHEL, AK 99559-1525

Employer Identification Number:
46-4382634
DLN:
26053708001084
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
December 26, 2013
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 5436

Salary Spread

43600.00 * 1.41%

Max 614.76

SUI 1.41%

Name (Last, First)	Program	Rate of Pay	FICA	Workers Comp	Subtotal, Fringe	Total
Jaela Milford	Operations	72,500.00	5,546.25	2,392.50	8,553.51	81,053.51
Supervisor	Operations	60,833.33	4,653.75	2,007.50	7,276.01	68,109.34
Monitor 1	Operations	\$ 29,466.67	2,254.20	972.40	3,642.08	33,108.75
Monitor 2	Operations	26,000.00	1,989.00	858.00	3,213.60	29,213.60
			-	-	-	-
			-	-	-	-
			-	-	-	-
			-	-	-	-
			-	-	-	-
			-	-	-	211,485.20

EXAMPLE - Use your quote

W/C Rates	Total	Base	Terrorism	Catastrophe
Traveling Managers	8742	0.0348	0.0058	0.0090
Clerical Office	8810	0.0330	0.0040	0.0090
Physician & Clerical	8832	0.0364	0.0074	0.0090
Building Maintenance	9015	0.0950	0.0660	0.0090
Nursing, Traveling	8835	0.0716	0.0426	0.0090
Child Care	8869	0.0570	0.0280	0.0090

Contingency	Hours	\$15	\$17	Supervisor
Bed Bugs	36.00	540	612.00	
Staff Meetings	96.00	1440	1632	
2 Week Sick Leave	140.00	2100	2,380.00	4900
				13,604.00

TOTAL 225,089.20

Bethel Winter House

Budget Overview: Organizational Budget FY 2021 - FY21 P&L Classes

January - December 2021

	AHFC CAPITAL GRANT	AMHTA	BCSF COVID	BCSF COVID RESPONSE 2	BCSF LUNCHES	COB COVID OPERATIONS	ONC	OPERATIONS	VFW COVID SUPPLIES GRANT	TOTAL
Income										
Restricted Grant Funds	1,000,000.00	150,000.00	25,000.00	50,000.00	1,500.00		11,688.08		10,000.00	\$1,248,188.08
Unrestricted Funds						60,000.00				\$60,000.00
Total Income	\$1,000,000.00	\$150,000.00	\$25,000.00	\$50,000.00	\$1,500.00	\$60,000.00	\$11,688.08	\$0.00	\$10,000.00	\$1,308,188.08
GROSS PROFIT	\$1,000,000.00	\$150,000.00	\$25,000.00	\$50,000.00	\$1,500.00	\$60,000.00	\$11,688.08	\$0.00	\$10,000.00	\$1,308,188.08
Expenses										
Advertising & Marketing								500.00		\$500.00
Bank Charges & Fees								50.00		\$50.00
Capital Expenses										\$0.00
Construction	750,000.00	150,000.00								\$900,000.00
Consulting	138,500.00									\$138,500.00
Furniture, Fixtures, and Equipment	27,700.00							5,000.00		\$32,700.00
Total Capital Expenses	916,200.00	150,000.00						5,000.00		\$1,071,200.00
Contractors								2,500.00		\$2,500.00
Contract Site Monitoring			24,250.00	20,400.00		58,200.00	6,487.44	49,687.56		\$159,025.00
Total Contractors			24,250.00	20,400.00		58,200.00	6,487.44	62,187.56		\$161,525.00
Employee Benefits								7,500.00		\$7,500.00
Insurance								29,000.00		\$29,000.00
Legal & Professional Services	38,200.00							38,450.00		\$74,650.00
Other Business Expenses								1,500.00		\$1,500.00
Rent & Lease				5,875.00				12,000.00		\$17,875.00
Repairs & Maintenance								10,000.00		\$10,000.00
Salaries & Wages								76,950.00		\$76,950.00
Shipping								1,600.00		\$1,600.00
Supplies										\$0.00
Guest Food				18,100.00	1,500.00			18,500.00	5,000.00	\$43,100.00
Office/Bldg/Cleaning/PPE				5,625.00				15,000.00	5,000.00	\$25,625.00
Total Supplies				23,725.00	1,500.00			33,500.00	10,000.00	\$68,725.00
Travel								7,000.00		\$7,000.00
Guest Travel								1,500.00		\$1,500.00
Site Monitor Travel			750.00			1,800.00	200.64	6,499.36		\$9,250.00
Total Travel			750.00			1,800.00	200.64	14,999.36		\$17,750.00
Utilities										\$0.00
Electricity							5,000.00	19,000.00		\$24,000.00
Fuel Oil								5,000.00		\$5,000.00
Propane								2,500.00		\$2,500.00
Telephone and Internet								7,000.00		\$7,000.00
Total Utilities							5,000.00	33,500.00		\$38,500.00
Total Expenses	\$954,400.00	\$150,000.00	\$25,000.00	\$50,000.00	\$1,500.00	\$60,000.00	\$11,688.08	\$314,738.92	\$10,000.00	\$1,577,325.00
NET OPERATING INCOME	\$45,600.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$ -314,738.92	\$0.00	\$ -269,138.92
Other Expenses										
Other Miscellaneous Expense	45,600.00							12,000.00		\$57,600.00
Total Other Expenses	\$45,600.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$12,000.00	\$0.00	\$57,600.00
NET OTHER INCOME	\$ -45,600.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$ -12,000.00	\$0.00	\$ -57,600.00
NET INCOME	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$ -326,738.92	\$0.00	\$ -326,738.92

Bethel Winter House

STATEMENT OF FINANCIAL POSITION DETAIL

As of April 29, 2022

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
Checking (3808) - Capital	500.00
Checking (5890) - Operations	3,010.82
First National Bank Alaska	223,260.31
Total Bank Accounts	\$226,771.13
Accounts Receivable	
Accounts Receivable (A/R)	0.00
Total Accounts Receivable	\$0.00
Other Current Assets	
Uncategorized Asset	74.19
Total Other Current Assets	\$74.19
Total Current Assets	\$226,845.32
TOTAL ASSETS	\$226,845.32
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable (A/P)	16.51
Total Accounts Payable	\$16.51
Other Current Liabilities	
Deferred Revenue	0.00
Payroll Tax Liability	3,898.41
Total Other Current Liabilities	\$3,898.41
Total Current Liabilities	\$3,914.92
Long-Term Liabilities	
Building Contingency	30,600.00
Total Long-Term Liabilities	\$30,600.00
Total Liabilities	\$34,514.92
Equity	
Opening Balance Equity	76,397.34
Retained Earnings	154,435.47
Net Income	-38,502.41
Total Equity	\$192,330.40
TOTAL LIABILITIES AND EQUITY	\$226,845.32

Jaela Milford. Jaela Milford is the Executive Director of Bethel Winter House. Bethel Winter House is a temporary homeless shelter that serves the houseless and unstably housed community in Bethel and the surrounding Yukon-Kuskokwim Delta region. Jaela first came to the Bethel region as an AmeriCorps and Jesuit Volunteer with the Kuskokwim Consortium Library as an Adult Program Coordinator. Through her volunteer role, she organized multiple local Project Homeless Connect events; organizing an event for homeless individuals to receive and interact with local, state, and federal resources. In addition to her role at the library, Jaela also was the Volunteer Coordinator at the local State of Alaska Food Bank for two years; coordinating monthly disruption. Through the pandemic, Jaela implemented a delivery service to ensure social distancing while still distributing food into the community. Through her volunteering and living in the YK Delta, Jaela fell in love with the people, culture, and the community.



CITY OF BETHEL

P.O. Box 1388 • Bethel, Alaska 99559

907-543-1386

Fax: 907-543-1388

June 17, 2022

Susan Taylor, President
Bethel Lions Club
PO Box 646
Bethel, AK 99559

Dear Susan:

The Community Action Grant Committee met last night to discuss the CAG application that you submitted for funding. The Committee discussed your application and voted to request more information from you. Your application is still active and should be scored for funding at the next regularly scheduled CAG meeting to be held June 23, 2022.

Please provide the Committee with answers to the following questions and respond to the following requests for information by **Tuesday, June 21, 2022** at 5 pm:

1. Several committee members expressed difficulty reading your small, hand printed application. Please provide responses to these questions in easy-to-read typewritten format or printed words on line paper that is clearly readable. Thank you.
2. Please provide more detail on your budget. Break down the \$50,000 into each planned expenditure: electricity, water, sewer, maintenance, etc. Provide monthly utility bills as support for utility costs. The Committee acts in the public trust and must know exactly how you intend to spend public money.
3. The Committee expressed the idea of your application being submitted quarterly for less amounts each quarter. What are your thoughts on quarterly submissions for this type of request?
4. Who is involved in the activities you mention in your application? Who will do what? Who are the leaders in your organization? Who will be in charge of the monthly food bank and community food pantry projects?
5. Please provide the names of the Lions Club board members.

Thank you for taking the time to respond to the Committee's questions and action requests.

Sincerely,

Community Action Grant Committee

"Alaska's Arctic River Sea Port"



CITY OF BETHEL

P.O. Box 1388 • Bethel, Alaska 99559

907-543-1386

Fax: 907-543-1388

June 17, 2022

Jaela Milford, Director
Bethel Winter House
PO Box 1969
Bethel, AK 99559

Dear Jaela:

The Community Action Grant Committee met last night to discuss the CAG application that you submitted for funding. The Committee discussed your application and voted to request more information from you. Your application is still active and should be scored for funding at the next regularly scheduled CAG meeting to be held June 23, 2022.

Please provide the Committee with answers to the following questions and respond to the following requests for information by **Tuesday, June 21, 2022** at 5 pm:

1. Please provide a detailed breakdown of the \$63,000 that you are requesting and the time period in which the money will be spent. Explain the hourly rates of the Executive Director and Facility Director and cost of benefits. Explain the exact hours of work expected from the two individuals.
2. What are the exact hours of operation planned for summer 2022? What hours will the building be open to the public? What hours will each of the staff members perform work? What work will they do?
3. How many people do you expect to serve per week during open hours to the public?
4. What role does the Job Center play with Winter House? What does Winter House do that ties to Job Center?
5. What does "access to community resources, such as AA meetings, Addiction Recovery meetings, and access to employment opportunities..." mean? Are you hosting these meetings or just passing out flyers? Describe exactly what services you offer?

Thank you for taking the time to respond to the Committee's questions and action requests.

Sincerely,

Community Action Grant Committee

"Alaska's Arctic River Sea Port"

Status Report

Year 1	Exit	Exit		
Quarter 1 - AM Approved 3/27/18	Report Due Date	Report Received	Amount Awarded	Amount Spent
Friends of the Kuskokwim Consortium Library	8/31/19	6/12/19	12,000	12,795
Bethel Search and Rescue	6/19/19		10,000	
Orutsararmiut Native Council	11/30/18	11/27/18	5,000	5,030
YK Fitness Center	3/31/19		1,300	
			28,300	
Quarter 2 - AM Approved 6/26/18				
Hope in Alaska/Camp Hope	9/30/19	9/22/18	10,000	10,000
Sackett Hall (UAF-Kuskokwim Campus)	8/31/19		3,873	
			13,873	
Quarter 3 - AM Approved 10/9/18				
Bethel Wrestling Club	8/31/19	6/7/19	6,000	4,829
Delta Illusion Dance Company	1/31/19	7/29/19	1,770	1,770
			7,770	
Quarter 4 - AM Approved 12/11/18				
ONC-Bus Passes for Seniors	4/30/19	6/7/19	3,060	3,060
Justine Chamberlain-Coffee House	5/30/20	3/10/21	9,700	9,700
Friends of the Kuskokwim Consortium Library	8/30/20	6/11/19	12,765	12,765
			25,525	
Average	6,861	Total Year 1	75,468	

Year 2	Report Due Date	Report Received	Amount Awarded	Amount Spent
	Due Date	Received	Awarded	Spent
Quarter 1-AM Approved 3/26/19				
Bethel Winter House-shelter	7/1/19	7/18/19	11,160	11,160
Hope in Alaska Ministry/Camp Hope	10/20/19	10/13/19	12,188	12,188
Gladys Jung Elementary Wrestling Program	3/8/20	12/26/19	3,094	3,094
BCSF Healing Through Music & Dance Pgm-harmonicas	8/5/19	6/17/19	6,790	6,790
Bethel Search and Rescue-Operations	1/30/20	7/18/19	4,760	4,760
			37,992	37,992
Quarter 2-AM Approved 6/25/19				
Bethel Wrestling Club-wrestling camp in 2019	6/25/20		5,000	
Bethel Friends of the Library-Summer camp-giveaways	6/25/20	3/16/22	6,000	6,000
			11,000	
Quarter 3-AM Approved 9/24/19				
Bethel Lion's Club Winter House	4/30/20	6/14/21	25,000	
Reflect Bethel - Alyssa Gustafson	4/30/20		600	
Bethel Family Clinic	1/31/20		2,431	
Bethel Broadcasting, Inc. (KYUK Radio)	10/15/20		1,300	
Bethel Friends of Canines	10/15/20	10/6/21	1,500	1,500
			30,831	
Quarter 4-AM #19-81 Approved 12/16/19				
Bethel Community Services Foundation-Library JV	8/31/20	11/17/20	14,000	
BCSF-Healing Thru Music & Dance	5/1/20	6/23/21	6,000	6,000
Skiku, Inc.	3/29/20		7,575	
Kuskokwim Art Guild	7/10/20		4,500	
			32,075	
Average	6,994	Total Year 2	111,898	

Year 3	Report	Report	Amount	Amount
Quarter 1-AM #20-11 Approved 3/24/20	Due Date	Received	Awarded	Spent
Cama-I Dance Festival	Postponed	None	10,000	None
Kuskokwim Art Guild-After School Art Pgm.	8/30/20		2,890	
Kuskokwim Art Guild-Summer Art Camp	8/30/20		1,994	
Native Village of Napaimute	5/30/20	3/17/21	9,995	9,995
Bethel Friends of Canines	1/31/21	3/17/21	8,820	8,820
Orutsararmuit Native Council-Bus passes	6/30/21	3/5/22	3,500	3,500
			37,199	
Quarter 2-AM #20-36 Approved 7/28/20				
Sackett Hall - UAF Kuskokwim Campus	8/30/21		1,896	
Maria Nicolai - garden project	9/30/21		1,500	
			3,396	
Quarter 3-AM #20-56 Approved 12/8/20				
Ayaprun Elitnaurvik Cross-Country Program	10/26/20	3/10/21	1,557	1,557
Quarter 4-AM #20-56 Approved 12/8/20				
BCSF-Kuskokwim Library Fund	8/15/22		33,680	
Average	7,583	Total Year 3	75,832	

Year 4	Report	Report	Amount	Amount
Quarter 1 (March 2021)	Due Date	Received	Awarded	Spent
Quyana Café - Bethel Evangelical Covenant Church	10/30/22	5/31/22	10,000	10,000
Gladys Jung Elem. Wrestling Program	1/8/22	12/28/21	34,975	34,975
Delta Recreation, Inc. - Lawnmower	9/1/21		5,550	
Delta Recreation, Inc. - Trail Groomer	9/1/21		35,350	
BCSF-food security	8/15/21	9/8/21	10,000	10,000
UAF-Yupit Piciyarait Cultural Center-First Fridays	10/30/21		2,600	
Bethel Friends of Canines - Animal Shelter exp.	1/31/22		3,000	
			101,475	
Quarter 2				
Winterhouse Fence Project submitted - Not funded.	----	----	----	----
Quarter 3				
Bethel Com. Services Foundation-homeless housing	12/24/21		25,000	
Quarter 4				
Gladys Jung Wrestling	12/15/21		10,602	
Average	15,231	Total Year 4	137,077	

Year 5	Report	Report	Amount	Amount
Quarter 1 (March 2022)	Due Date	Received	Awarded	Spent
ONC-Youth Litter Patrol	9/14/22		8,422	
BCSF-Healing Through Music and Dance	6/30/22		8,250	
Bethel Friends of the Library-JV position	8/31/23		19,148	
			35,820	

MEMORANDUM

DATE: June 17, 2022

TO: Community Action Grant Committee

FROM: John Sargent, Ex Officio & Recorder

SUBJECT: Ex Officio Report for June 23, 2022 CAG Committee Meeting



Community Action Grant Administration

Assistant Finance Director Xavier Mason said he would reconcile the Community Action Grant account after the end of the fiscal year (June 30, 2022). I should have updated account figures for the first CAG Committee meeting in September.

Exit Reports

Finance Department is sending emails to collect exit reports from past awardees. I provided them with updated Status Report on Awards and contact information of awardees.

FY 23 CAG Budget

The City's FY 2023 CAG Budget contains \$100,000, which is 20% of the \$500,000 expected to be collected in alcohol use taxes. This number may turn out to be low once Uncommon Pizza opens its doors.

7	COPS Hiring Program - School Resource Officer (SRO)	125,000	Good
	SRO served from August 11, 2021 to May 25, 2022 on Bethel school campuses. To do: Complete reports for reimbursement. Ask for grant performance period extension. Bill LKSD for SRO salary not covered by grant.		
8	USDOJ Coronavirus Assistance Program	42,000	Good
	Sam Amik in Finance Dept. submitted report to claim amount spent. To do: Complete progress report.		
9	FEMA Public Assistance Program	\$58,066	Fair
	To do: Upload completed forms and all support documents to FEMA's grant portal website.		
10	Yukon-Kuskokwim Health Corporation Diabetes Prevention & Control Program	\$4,738	Good
	To do: Complete Final Report and close grant.		
11	Alaska Public Entity Insurance Safety Grant	\$5,000	Good
	To do: Complete Final Report and close grant.		
12	COVID-19 Community Funding	\$284,730	Good
	I completed Final Report and requested reimbursement of City, LKSD, and YKHC expenditures that were submitted. Bethel Family Clinic spent money on the testing and vaccine programs, but provided the City with very little documentation for reimbursement, despite repeated attempts requesting same.		
13	Alaska Chamber of Commerce Vaccine Incentive Program	\$45,000	Excellent
	To do: Complete final report and close grant.		
14	Coronavirus Local Fiscal Recovery Fund (ARPA)	\$3,361,604	Excellent
	I completed the City's first report by the April 30, 2022 deadline. The City spent \$457,931.87 thus far from the grant. To do: Spend funds according to grant guidance. Complete first financial and progress report due by April 2022.		
15	Designated Legislative Grant YK Fitness Center Gym/Track Design	\$500,000	Excellent
	City Manager serving as project manager to oversee spending. Completed first quarterly report with no expenditures claimed. City will advocate to claim Admin. expenditures from this grant. City Manager working with Parks and Recreation Committee to conduct a second gymnasium feasibility study prior to spending money from this grant.		

16	Justice Assistance Grant (JAG)	\$13,508	Excellent
	To do: Police Dept. spent money on sending three officers to training. The grant funds should be expended by the September 30, 2022 deadline.		
17	Healthy & Equitable Funding	\$37,703	Excellent
	City ordered playground equipment using a playground equipment distributor listed on a Sourcewell contract. The City plans to do a community volunteer install with City oversight.		
18	ARPA Non-Profit Funding	\$100,000	Excellent
	City awarded \$100,000 to cover lost revenue of YK Fitness Center.		
	To do: Complete grant report and claim all \$100,000 in expenditures.		
19	Camp Initiative Grant	\$15,000	Excellent
	YK Fitness Center will use the \$15,000 to offer scholarships to children who want to attend a 10-week summer camp. City will use records provided by YK Fitness Center to request reimbursement.		

**CITY OF BETHEL**

P.O. BOX 1388
BETHEL, ALASKA 99559
(907) 543-2905

WELLS FARGO BANK, N.A.

BETHEL BRANCH
BETHEL, AK 99559
89-5/1252

228341

Check #: 228341

PAY

Fifteen Thousand and 00/100 Dollars

DATE

8/05/2022

AMOUNT

15,000.00

**TO THE
ORDER OF**

BETHEL EVANGELICAL COVENANT CHURCH
165 CHIEF EDDIE HOFFMAN HIGHWAY
PO BOX 828
BETHEL AK 99559

NOT NEGOTIABLE AFTER 90 DAYS

AUTHORIZED SIGNATURES

⑈0228341⑈ ⑆125200057⑆ 0074503847⑈

CITY OF BETHEL

VENDOR: 3229 BETHEL EVANGELICAL COVENANT CHURCH

8/05/2022

Check No: 228341

INVOICE #	INV DATE	DESCRIPTION	INV AMOUNT
22-19	7/12/2022	Community Action Grant award for Parking	15,000.00

TOTAL AMOUNT

15,000.00

CITY OF BETHEL**228341**

VENDOR: 3229 BETHEL EVANGELICAL COVENANT CHURCH

8/05/2022

Check No: 228341

INVOICE #	INV DATE	DESCRIPTION	INV AMOUNT	GL Number
22-19	7/12/2022	Community Action Grant award for Parking	15,000.00	100-72-6430

TOTAL AMOUNT

15,000.00

CHINOOK PRINTING COMPANY 907-276-7354

DATE: 8/5/2022

PO #:

Vendor #: 329

- ☐ MAIL CHECK
☒ HOLD CHECK
☐ DEPT. BOX

Bethel Evangelical Covenant Church
PO Box 828
Bethel, AK 99559

Council Approval Date	Action Memorandum #	DESCRIPTION	ACCOUNT #	AMOUNT
7/12/2022	22-19	Community Action Grant award to cover parking lot improvements. See AM #22-19 attached.	100-72-6430	\$15,000.00
			Total	\$ 15,000.00

John Sargent

Requested by

Requested by
Peter Sullivan
 Dept. Head or City Manager

Dept. Head or City Manager

K M

Finance Director or City Manager

22-01 EC

City of Bethel Action Memorandum

Action memorandum No.	22-19		
Date action introduced:	7-12-2022	Introduced by:	Peter A. Williams, City Manager
Date action taken:	7-12-2022	X Approved	Denied
Confirmed by:	K M		

Action Title: Authorize and direct City Administration to issue checks totaling \$28,500 to Year 5, Quarter 2 Community Action Grant (CAG) awardees based on the recommendation of the Community Action Grant Committee.

Attachment(s): None.

Amount of fiscal impact:	Source	Account information:
\$28,500	Funds in FY 2022 Budget. Balance available in CAG fund: \$82,382.85.	100-72-6430

Summary Statement

The City of Bethel established the Community Action Grant Program (CAG) to allow community and individuals to request financial support for programs or events that contribute to the health, welfare, and overall quality of life for residents of Bethel, especially its most vulnerable populations. Funding for the program comes from 20% of the Alcohol Tax collected by the City.

The Community Action Grant Committee is a volunteer group of citizens who meet quarterly to review CAG applications, score them, and provide funding recommendations to City Council. Bethel City Council must approve the recommendations before checks are issued. Each recipient of CAG funds signs a grant agreement with the City and is responsible for spending the funds appropriately and producing an exit report at the end of the performance period.

Three community action grant applications were received during the May 2022 open period and reviewed. Two applicants answered questions of the Committee verbally and in writing; one did not. Two applications were scored because the committee did not feel like they had sufficient information to score the third application. The applicant not scored was invited to reapply in August 2022.

The Committee recommends that City Council fund two projects: (1) Bethel Evangelical Covenant Church's (BECC) parking lot improvement project (\$15,000), and (2) Bethel Lion's Club (BLC) request for financial assistance to support their community food bank and food pantry projects (\$13,500). The CAG Grant Agreement for BECC will contain provisions that BECC not use the money for travel and that they obtain a site plan permit from the City of Bethel prior to construction. The CAG Grant Agreement for BLC will contain provisions that BLC use the money only to cover utility costs (e.g., electricity, propane, water & sewer, heating fuel) and not use the money for salaries or benefits.

Table of CAG Committee Scores and Award Allocations

	BECC Parking Lot Improvements	Bethel Lion's Club Food Bank & Food Pantry Support
Committee Member #1	148	87
Committee Member #2	116	148
Committee Member #3	122	106
Committee Member #4	104	56
Total	490	397
Average	123	99

Requested Amount	\$15,000	\$50,000
Funding Recommendation	\$15,000	\$13,500

22-01 EC

RECORD B.1.

Documents Reviewed/Considered by Office
of Administrative Hearings

Outside Employment



165 Chief Eddie Hoffman Hwy
PO Box 828
Bethel, Alaska 99559
(907) 543-3225

www.bethelcovenant.org
office@bethelcovenant.org
www.facebook.com/bethelcovenant

September 2, 2022

Office of Administrative Hearings
550 W. 7th Ave., Suite 1940
Anchorage, AK 99501

RE: Letter in Support of John Sargent

Dear Administrative Law Judge Toussaint:

My name is Adam London, I am the pastor of the Bethel Evangelical Covenant Church in Bethel, Alaska. As pastor, I am the chief administrative officer for church business. I was hired as the pastor on 8-1-2018 and continue to serve in that capacity.

Please accept this letter in support of John Sargent in the ethics complaint OAH No. 22-0717-MUN filed by Duane Wright. John and his wife, Elizabeth, spend 2-3 hours a week, cleaning the church on the weekend, before the Sunday morning service.

On behalf of the Bethel Evangelical Covenant Church, Justine Chamberlain prepared and submitted a Community Action Grant (CAG) application on November 18, 2018 to request \$9,333 so that the church could purchase a new espresso machine and accessories in support of an after-school program for teenagers. The request included the following costs: espresso supplies, coffee house upgrades (lights, paint, supplies), recreational equipment (ping-pong and carpet ball tables). Mr. Sargent played no part in the grant application, does not work or volunteer for the Coffee House program, and does not stand to personally benefit from this grant award in any way.

I completed and submitted the second request to the Community Action Grant Program on February 28, 2021. I asked for \$10,000 to fund the "2021 Food Service Upgrade Project" that would help the church upgrade the Qu yana Café food truck. The Qu yana Café program is a seasonal enterprise to provide job skills and life coaching to those seeking to enter the work force. The CAG award of \$10,000 was used to buy food service equipment, cover shipping costs, and carpentry, plumbing, and electrical installation costs. The CAG award was a huge help to help us meet our objectives of helping others learn valuable employment skills. Mr. Sargent did not prepare the grant application, does not volunteer for the Qu yana Café program, and did not benefit personally from this CAG award in any way.

The most recent application to the CAG program from the church was to request \$15,000 for parking lot improvements, also submitted by myself. The church was able to mark its property line with our neighbor on one side, clear brush and trees from the area, and expand our parking lot. We hired Joe Dale Construction to deliver gravel and compact the parking lot. Once again, Mr. Sargent played no part in preparing or administering this grant and will receive no personal benefit from the expenditures on this project. I attended 2/3 of the CAG committee meetings in deciding these 3 awards and can attest that he did not influence the committee decisions in any way.

I hope this letter helps the Judge understand how the three CAG awards applied for and received by the church are entirely independent of John and Elizabeth's cleaning work inside the church. Please contact me if you have any more questions or concerns. My telephone number is 907-830-6848 and my email address is Adam@BethelCovenant.org.

Sincerely,

Reverend Adam London



165 Chief Eddie Hoffman Hwy
PO Box 828
Bethel, Alaska 99559
(907) 543-3225

www.bethelcovenant.org
office@bethelcovenant.org
www.facebook.com/bethelcovenant

September 15, 2022

Office of Administrative Hearings
550 W. 7th Ave., Suite 1940
Anchorage, AK 99501

RE: Case OAH No. 22-0717-MUN

Dear Administrative Law Judge Toussaint:

My name is Adam London, I am the pastor of the Bethel Evangelical Covenant Church in Bethel, Alaska. As pastor, I am the chief administrative officer for church business. I was hired as the pastor on August 1, 2018 and continue to serve in that capacity.

Please allow this letter to verify the following history of employment of John Sargent at the Bethel Evangelical Covenant Church:

<u>Date</u>	<u>Event</u>
November 2008	Ronda Sargent (John's wife at the time) started cleaning church as contractor
January 2008	John Sargent took over cleaning duties as contractor
January 1, 2021	John Sargent became employee of the church; not a contractor

Please contact me if you have any more questions or concerns. My telephone number is 907-830-6848 and my email address is Adam@BethelCovenant.org.

Sincerely,

Reverend Adam London

P.O. Box 1973
Bethel, AK 99559

September 6, 2022

Office of Administrative Hearings
550 W. 7th Ave., Suite 1940
Anchorage, AK 99501

RE: OAH Case No. 22-0717-MUN

Dear Judge Toussaint:

I served the City of Bethel as Firefighter/EMT for years, then as Fire Captain, and then Fire Chief. Over my 27-year tenure with the City, I served as Acting City Manager on and off, but the longest period of time that I served as Acting City Manager was on or about October 2019 to April 2020.

Please accept this letter from me to verify that I knew and approved of John Sargent's employment with the Bethel Evangelical Covenant Church. I knew that he performed janitorial duties for a couple of hours a week. As a part-time custodian, Mr. Sargent did not have a personal or financial interest in his job at the church that interfered with City business.

I found that Mr. Sargent's job at the church was not incompatible with and did not conflict with his duties and performance as Grant Manager. Mr. Sargent is a very successful grant writer and grant administrator. During my tenure as Acting Manager, John consistently completed his projects on time and before critical deadlines.

In my opinion, Mr. Sargent did not have a substantial financial or private interest in the church. His role of cleaning the bathrooms, sweeping and mopping the floors, and vacuuming the carpets was a simple one. He prepared the facility for Sunday morning service.

Please call me if you have any questions about the contents of this letter. You may reach me at 907-545-4305.

Sincerely,

A handwritten signature in black ink, appearing to read "W. L. Howell, III", with a long horizontal flourish extending to the right.

William Howell, III

CITY OF BETHEL



EMPLOYEE HANDBOOK

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WELCOME

THE CITY OF BETHEL

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

ABOUT THE HANDBOOK

PURPOSE

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

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

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

As it pertains to individuals hired and working solely under a special grant program, where this Handbook differs from the provisions of the grant, the grant rules shall apply.

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

SOURCE

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

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

WHAT THE HANDBOOK ISN'T (DISCLAIMERS)

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

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

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

HANDBOOK UPDATES/CHANGES IN POLICY

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

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

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

NATURE OF EMPLOYMENT

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

DIVERSITY AND RESPECT

EQUAL OPPORTUNITY

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

REASONABLE ACCOMMODATION OF QUALIFYING DISABILITIES

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

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

ZERO-TOLERANCE FOR HARASSMENT OR DISCRIMINATION

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

The City expressly prohibits any form of employee harassment based on race, creed, color, religion, gender, sex, gender identity, sexual orientation, , age, national origin or ancestry, marital status, change in marital status, physical or mental disability, political affiliation, genetic information, pregnancy, parenthood, status as a disabled veteran, or any other status or condition protected by federal, state or local laws. Actions that interfere with an employee's ability to perform his/her expected job duties is not tolerated.

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

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

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

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

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

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

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

COMPLAINT/REPORTING PROCESS

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

The City takes complaints of discrimination and harassment very seriously. Any written or sworn allegations will be investigated promptly, thoroughly, and fairly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The length of time it

takes to perform the investigation will depend on the nature of the complaint. However, you are free at any time to inquire about the status of the investigation.

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

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

NON-RETALIATION

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

A SAFE AND HEALTHY ENVIRONMENT

WORKPLACE VIOLENCE

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

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

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

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

NO FIREARMS

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

TOBACCO, ALCOHOL AND DRUG-FREE WORKPLACE

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

SMOKING AND TOBACCO USE

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

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

Smoking includes, but is not limited to, tobacco products, cigarettes, cigars, pipes, electronic cigarettes, vaporizers ("vaping"), "joints", etc.

ALCOHOL PROHIBITIONS

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

DRUG (ILLEGAL AND LEGAL) PROHIBITIONS – INCLUDING MARIJUANA

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

DRUG AND ALCOHOL SCREENINGS

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

COMMERCIAL DRIVERS/TRANSIT SYSTEM DRUG AND ALCOHOL PROGRAMS

Employees who serve in safety-sensitive positions must, in addition to the City's prohibition against drugs and alcohol in the workplace, comply with additional federal and state Department of Transportation laws (49 CFR Parts 40, 382, and 655).

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

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

INVESTIGATION AND SEARCHES

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

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

SAFETY

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

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

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

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

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

REPORTING EMPLOYEE INJURIES

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

CHILDREN IN THE WORKPLACE

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

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

PETS IN THE WORKPLACE

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

EMPLOYMENT

EMPLOYEE CLASSIFICATIONS

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

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

Exempt employees are generally managers or professional, administrative or technical staff who ARE exempt from the minimum wage and overtime provisions of the FLSA. The U.S. Department of Labor sets the criteria that determine whether a position is classified as overtime exempt.

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

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

Regular, part time status: Employees regularly scheduled to work less than 30 hours but at least 15 hours each week. Regular, part-time employees are eligible for some of the benefits offered by the City subject to the terms, conditions and limitations of each benefit program.

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

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

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

POSITION DESCRIPTIONS

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

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

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

RECRUITMENT

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

PRE-EMPLOYMENT

BACKGROUND AND REFERENCE CHECKS

To ensure the City's employees are well-qualified and to maintain a safe and productive work environment, the City conducts pre-employment background checks on all applicants who have been selected by the Department Head as the number one finalist for a position. The City will obtain reports only for the purposes of considering an individual for employment, promotion, reassignment or retention and for no other purpose. Applicants selected for a background check must first agree to the check and complete a disclosure and authorization form. Authorizations will be kept for a minimum of seven years from the date of inquiry.

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

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

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

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

DRUG TESTING

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

VERIFICATION OF EMPLOYMENT ELIGIBILITY

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

NEPOTISM, EMPLOYMENT OF RELATIVES AND PERSONAL RELATIONSHIPS

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

EMPLOYMENT OF RELATIVES

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

- No employee is permitted to work within the "chain of command" of a relative such that one relative's work responsibilities, salary or career progress could be influenced by the other relative.
- Relatives are permitted to work in the same City facility, provided no direct reporting or supervisory/management relationship exists.
- No person may serve in a supervisory capacity over a member of the employee's immediate family.
- No person may be hired, transferred or otherwise put into a position to be a direct supervisor or direct report of an immediate family member.
- If two (2) employees marry or otherwise become related, as defined by "immediate family member", neither of the employees will be allowed to hold supervisory authority over the other.
- No relatives are permitted to work in the same department or in any other positions in which the City believes an inherent conflict of interest may exist.
- No person may be employed in any position who is an immediate family member of the City Manager or Human Resources Manager; no person may be hired as a manager if they are an immediate family member of a member of the City Council.
- The city may, at any time, correct appointments and continued employment prohibited in this section by transfer, layoff, demotion or termination of employment. In doing so, the City Manager shall take such corrective action which has the least adverse impact on the employees necessary to cure the prohibited appointment or continued employment, provided such corrective action shall always be in the best interests of the City.

"Immediate family member" means:

1. The spouse of the person;
2. Another person cohabitating with the person in a conjugal relationship that is not a legal marriage;
3. A child, including a stepchild and an adoptive child, of the person;
4. A parent, stepparent, sibling, stepsibling, grandparent, aunt or uncle of the person; and
5. A parent, stepparent, sibling or stepsibling of the person's spouse.

EMPLOYEE CONSENSUAL RELATIONSHIPS

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

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

PROBATIONARY PERIOD

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

PROGRESSIVE DISCIPLINE

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

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

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

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

Written warning: Written warnings are used for behavior or violations that a supervisor considers serious or in repeat situations when a previous verbal warning did not help change unacceptable behavior. Written warnings should include a plan of action for correcting the behavior or violation. You will always acknowledge a written warning in writing and have an opportunity to respond on

the document itself. The written warning is placed in your personnel file. While we don't expect it to happen, if you do receive one, you should recognize the grave nature of the written warning. **Suspension, Demotion or Termination:** More significant and/or final steps may be imposed whenever an employee has been involved in a disciplinary situation that has not been readily resolved, has demonstrated an inability to perform assigned work responsibilities efficiently, has significantly violated the law or a City policy or placed others in danger by their actions.

SEPARATION OF EMPLOYMENT

REASONS FOR SEPARATION

Separation from City employment can occur for several different reasons.

Resignation: Although the City hopes your employment with us will be a mutually rewarding experience, the City understands that varying circumstances cause employees to voluntarily resign employment. Resigning employees are encouraged to provide written notice, to facilitate a smooth transition out of the organization. If you provide minimal or no notice, you may be ineligible for rehire depending on the circumstances.

Medical Separation: If you are unable to return to work following approved medical leave you may be separated in good standing. Depending on the type of injury or illness, and whether it happened on or off the job, you may be able to take part in either the long-term disability program with the City health plan or the long-term disability plan under PERS.

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

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

Job abandonment: If you fail to report to work or contact your supervisor, or you "walk off the job" before completing a shift, you may be considered to have abandoned the job. If you are separated due to job abandonment, you may be ineligible to receive accrued benefits (no PTO payout) and may not be eligible for rehire.

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

RETURN OF CITY PROPERTY

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

EMPLOYEE OUT-PROCESSING

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

If you have been continuously employed by the City for a minimum of twelve (12) months, the value of accumulated PTO will be paid in your final paycheck. Your final paycheck will be paid on

the next regular pay day, unless you were involuntarily terminated, in which case the final pay and any accrued leave for which you are eligible will be paid within three working days. Accumulated sick leave (up to 720 hours) will be paid under the same process, but only for employees who have been continuously employed by the City for more than eleven (11) years.

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

REHIRE

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

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

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

WORKPLACE EXPECTATIONS

CONFIDENTIALITY

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

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

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

- Release of partial employee birth dates, i.e., day and month is not considered confidential and will be shared with Department Heads who elect to recognize employees on such dates.
- Personal telephone numbers or e-mail addresses may be distributed to Department Heads in order to facilitate City work schedules or business operations.

- Employee wage and payroll information used in budget planning, timekeeping review, or step/merit review will be shared with Department Heads. Additionally, this information is subject to public disclosure if properly requested.
- Employee's hiring anniversary or service recognition information will be distributed to appropriate Department Heads periodically.
- Employee and dependent information may be distributed in accordance with open enrollment processes for periodic benefit plan changes or periodic benefits statement updates.

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

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

OPEN DOOR POLICY

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

ETHICS AND CONFLICT OF INTEREST

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

OUTSIDE EMPLOYMENT

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

GIFTS AND GRATUITIES

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

POLITICAL ACTIVITY

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

ATTENDANCE AND PUNCTUALITY

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

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

ATTIRE AND GROOMING

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

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

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

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

ELECTRONIC COMMUNICATION AND INTERNET USE

USAGE GUIDELINES

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

- Internet, City-provided equipment (e.g., cell phone, computer) and services may not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.
- The following actions are forbidden: using disparaging, abusive, profane or offensive language; creating, viewing or displaying materials that might adversely or negatively reflect upon the City or be contrary to the City's best interests; and engaging in any illegal

activities, including piracy, extortion, blackmail, copyright infringement, and unauthorized access of any computers and provided equipment such as cell phones.

- Employees may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.
- Employees must not use the system in a way that disrupts its use by others. Employees must not send or receive large files that could be saved or transferred via thumb drives. Employees are prohibited from sending or receiving files that are not related to work.
- Employees should not open suspicious e-mails, pop-ups or downloads. Contact IT immediately with any questions or concerns.
- Internal and external e-mails and text messages are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending messages within and outside the City.

RIGHT TO MONITOR

All City-supplied technology and City-related work records belong to the City and not to you or your co-workers. This includes any records, documents, files, or data created on City-supplied technology. The City routinely monitors the use of City-supplied technology. **YOU SHOULD NOT EXPECT ANY RIGHT OF PRIVACY WHEN USING CITY EQUIPMENT SUCH AS CITY EMAIL, COMPUTERS, CELL PHONES OR OTHER CITY TECHNOLOGY.**

EMPLOYEE PERSONNEL RECORDS

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

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

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

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

Your personnel file is available to you for review in person, or you may request a copy (for a fee). "Need to know" access to an employee's confidential file is strictly controlled, normally limited to the City Manager and HR, and in the case of workers' compensation matters, the City's designated insurance agent. Supervisors and managers may be informed by HR regarding necessary restrictions on the work or duties of the employee and necessary accommodations resulting from medical information; supervisors and managers do not have access to the actual medical documents. Participants in City benefit plans should be aware that personal information will be shared with plan providers as required for their claims handling or record keeping needs. Current or past employees who wish the contents of their personnel file be released to another party must complete a written release that can be obtained from HR. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information and HR will provide access to files in response to court orders and subpoenas.

COMPENSATION

WORKDAY AND WORKWEEK

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

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

TIME REPORTING

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

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

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

Your supervisor will complete the justification section on your timesheet if you have any of the following: (a) approved FMLA leave; (b) workers' compensation-related leave; (c) special leave situations; and/or (d) sick leave. Your supervisor should note when sick leave was verified by physician's documentation, but should not submit or keep the doctor's note.

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

MEAL PERIODS AND BREAKS

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

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

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

PERFORMANCE AND SALARY REVIEWS

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

REGULAR ASSESSMENTS

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

FOLLOWING PROBATIONARY PERIOD

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

UNSATISFACTORY RATING

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

INCREASES IN PAY

All employees are paid in accordance with the wage scale adopted by City Council. Across-the-board cost of living increases must be approved by City Council.

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

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

PAYMENT OF WAGES

PAY PERIOD AND METHOD

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

PAYROLL DEDUCTIONS

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

PAY ADVANCES

Payroll advances are not allowed.

WAGE SCALE

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

HOLIDAY PAY

The City recognizes 12 paid holidays each year:

- New Year's Day (January 1)
- President's Day (3rd Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Alaska Day (October 18)
- Veterans Day (November 11)
- Thanksgiving (4th Thursday in November)
- Day after Thanksgiving
- Chief Eddie Hoffman's Day (2nd Friday in December)
- Christmas Day
- Floating Holiday*

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

Paid time off may be granted to employees who desire to observe a religious holiday that is not recognized by the City.

*Employees with more than one (1) year of continuous service receive one (1) floating holiday at the start of the calendar year. You may take your floating holiday at any time during the year approved by your supervisor. You must take your floating holiday before the end of the calendar year, or forfeit it.

TIME OFF/LEAVES OF ABSENCE

VACATION OR PAID TIME OFF (PTO)

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

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

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

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

CASH OUT/DONATIONS

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

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

SICK LEAVE

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

If you are absent from the workplace more than three consecutive working days, you must present physician's documentation to support the absence. You may also be required to present physician's documentation for absences shorter in duration.

FAMILY AND MEDICAL LEAVE

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

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

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

MEDICAL LEAVE

ELIGIBILITY

For FMLA, you must have worked for the City for 12 months and accumulated at least 1,250 work hours (paid leave and holidays do not count) during the 12-month period immediately before your requested leave is to start. To be eligible for AFLA, you must have worked for the City for at least 35 hours per week for 6 consecutive months or 17.5 hours per week for 12 consecutive months. You will not be eligible for medical leave if you have exhausted your medical leave entitlement in the 12 calendar months (or 24 months, if appropriate) immediately preceding each day of leave requested.

TYPE OF LEAVE COVERED

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

WHEN MEDICAL CERTIFICATION IS REQUIRED

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

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

MILITARY FAMILY LEAVE

QUALIFIED EXIGENCY LEAVE

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

MILITARY CAREGIVER LEAVE

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

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

Covered service member means:

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

COMPENSATION

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

BENEFITS CONTINUATION

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

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

GROUP HEALTH BENEFITS

You may continue your group health insurance coverage during FMLA or Military Family Leave on the same terms as before such leave. If you elect to continue group health coverage, and there is an already-established employee portion (premium), you will be required to continue to make those premium payments to the City while on leave. Payment will be automatically deducted from your paycheck while on paid leave. When paid leave is exhausted, you are

responsible for contacting the Finance Director regarding the options available to you to pay for continued health insurance during the unpaid portion of your FMLA leave. Failure to pay the employee portion will result in cancellation of health insurance benefits due to nonpayment.

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

LIFE INSURANCE

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

UTILITY BENEFIT

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

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

VOLUNTARY BENEFIT PROGRAMS

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

JOB RESTORATION

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

EMPLOYEE NOTICE

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

- A. 30-day advance notice of the need to take leave when the need is foreseeable;
- B. Notice "as soon as practicable" when the need to take leave is not foreseeable. Except in the most extraordinary circumstances, this requires you to report your need for leave before the start of your shift in accordance with the normal absence-reporting procedures; and
- C. Sufficient information for the City to understand that the employee needs leave for qualifying reasons (the employee need not mention FMLA, AFLA, or Military Family leave)

when requesting leave to meet this requirement but must provide sufficient information to put the City on notice that the absence may be so-protected).

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

EMPLOYER NOTICE

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

If family or medical leave is requested, HR will provide you a notice of eligibility, informing you whether you qualify for the leave you are requesting and will provide you a written notice designating the leave as FMLA/AFLA leave and detailing specific employee expectations and obligations under the entitlement.

INJURY LEAVE (WORKERS' COMPENSATION)

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

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

COURT LEAVE

If you receive a jury duty notice from the federal or state courts, you must notify your supervisor and provide a copy of the jury summons as soon as you can. The City will pay regular employees (full and part time) for missed work due to court service. All fees paid by the court must be remitted to the City and you must immediately return to work any time you are released by the court during your normal duty day (except for lunch and other court-determined breaks).

UNIFORMED SERVICE LEAVE

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

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

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

FUNERAL LEAVE

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

EMERGENCY LEAVE

The City Manager may approve paid emergency leave to employees not to exceed forty (40) hours when critical illness or death has occurred in the employee's immediate family*. An emergency need is unexpected and non-elective. Critical illness is one that certified by a physician to be life-threatening. Emergency leave is not available to employees for their own condition.

*Immediate family means your spouse, another person cohabitating with you in a conjugal relationship that is not a legal marriage, your children – including step- or adoptive children, your parent, stepparent, sibling, stepsibling, grandparent, aunt or uncle. Immediate family also includes your spouse's parent, stepparent, sibling or stepsibling.

LEAVE WITHOUT PAY

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

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

Leave benefits will not accrue during periods of leave without pay under this section; nor will the City make any contributions for retirement, health, dental, or life insurance benefits. You may contact the Finance Department and make self-pay arrangements to maintain your health insurance benefits during this period.

EMPLOYEE BENEFITS

EMPLOYEE BENEFIT PLANS

The City sponsors and/or participates in several welfare and retirement plans for the benefit of eligible employees. In general, part-time employees are eligible for limited benefits and temporary employees are only eligible to participate in voluntary programs that are completely employee-funded. Detailed information regarding these benefits is contained in summary plan descriptions, insurance policies, the City's official plan documents and the plan documents maintained by the state of Alaska PERS system. The City has sole discretion to interpret the employee benefit plan documents, including questions of eligibility, availability or amount of benefits, terms, conditions and limitations. The official plan documents and not this Handbook or any other document or verbal representation will govern the City's determination of all questions regarding plan benefits. While it is the City's present intention to continue these benefits for the indefinite future, the City reserves the right to amend, modify, curtail, reduce or eliminate any benefit, in whole or in part at

any time. No amendment or termination will take away vested benefits. However, future accruals or benefits may be reduced or eliminated. Neither the benefit programs nor their descriptions are intended to create any guarantees regarding employment or continued employment. For more information regarding benefits, please refer to HR.

GROUP HEALTH INSURANCE

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

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

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

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

LIFE AND DISABILITY INSURANCE

Eligible employees are enrolled in life, long-term, and short-term disability insurance at the time of hire. Coverage begins following 30 days of employment.

RETIREMENT PLAN (PERS)

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

EMPLOYEE ASSISTANCE PROGRAM (EAP)

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

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

WORKERS' COMPENSATION BENEFITS

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

457 DEFERRED COMPENSATION PLAN (VOLUNTARY)

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

REDUCED-FEE UTILITY BENEFIT (UTILITY ACCOUNT HOLDERS)

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

SPECIAL SITUATIONS

EMPLOYEE TRAVEL

The City encourages you to attend professional conferences and training which will improve your job knowledge and introduce innovative techniques to improve City operations and the delivery of services to the public.

You must get your travel approved by the Department Head and City Manager on a properly completed Travel Request Form. A travel advance may be authorized by the City Manager when requested in writing a minimum of two weeks prior to the travel.

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

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

Employees must complete a Trip report and Travel Expense Report within one week of return from travel. This form must be submitted to your Department Head. If you fail to submit a trip report and/or Travel Expense Report on time, the City may deduct the full cost of your travel from your next paycheck. Employees who separate employment from the City within thirty days of travel may be required to reimburse the City for the cost of the travel/training.

PURCHASING

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

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

EDUCATION AND TRAINING/TUITION ASSISTANCE

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

Tuition assistance must be requested in writing and can only be approved by the City Manager. Approval and payment is subject to the City's written tuition assistance program guidelines.

VEHICLES

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

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

APPENDIX A – POLICIES SPECIFICALLY SUPERSEDED

All policies not specifically named in Appendix B are hereby superseded and no longer valid.

New policies, either City-wide, or specific to a Department, may only be added to Appendix B after appropriate review and approval by the City Manager.

HR is responsible for distributing new policies and updating Appendix B with an updated index of Policies currently in force.

APPENDIX B – POLICIES CURRENTLY IN FORCE

Credit Card Use Policy - Dated February 1, 2015

Drug and Alcohol Policy, General - Dated January 14, 2010

Vehicle Policy – Dated May 1, 2013

Zero Tolerance Drug and Alcohol Testing Policy, Transit System – Effective January 2015

EMPLOYEE ACKNOWLEDGEMENT AND RECEIPT

I have received my copy of the Employee Handbook.

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

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

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

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

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

Employee's Signature

Employee's Name (Print)

Date

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

22-01 EC

RECORD B.2.

Documents Reviewed/Considered by Office
of Administrative Hearings

Sales Taxes

John Sargent

From: Duane Wright <duanewrightcpa@gmail.com>
Sent: Friday, April 15, 2022 8:14 AM
To: John Sargent
Subject: RE: Rental Agreement

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for update

Regards,
Duane Wright, CFE, CPA
503-957-2639
duanewrightcpa@gmail.com
On Apr 15, 2022, 9:06 AM -0700, John Sargent <jsargent@cityofbethel.net>, wrote:

Duane, I received 30 day notice from tenant, but she has a lot of furniture and stuff in the house. I just texted her to ask her if she is moving out May 1 or May 6. I'll let you know.

From: Duane Wright <duanewrightcpa@gmail.com>
Sent: Friday, April 15, 2022 7:49 AM
To: John Sargent <jsargent@cityofbethel.net>
Subject: Rental Agreement

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Let me know if you have everything you need. When is the duplex available?

Regards,

Duane Wright, CFE, CPA

503-957-2639

duanewrightcpa@gmail.com



CITY OF BETHEL
Office of the Finance Director
P.O. Box 1388
Bethel, Alaska 99559
Email: dwright@cityofbethel.net
Office: (907) 543-1376
Fax: (907) 543-5294

SALES TAX AUDIT - CITY OF BETHEL FINANCE DEPARTMENT - (BMC 4.16.350)
Notice of Audit Findings and Statement of Audit Balance Due

July 15, 2022

JOHN & ELIZABETH SARGENT
BOSS LADY RENTALS
PO BOX 2602
BETHEL, AK 99559-2602

Dear TAXPAYER

The City of Bethel Finance Department has concluded your audit. The audit covered the calendar Tax Years Ending:

- December 31, 2019
- December 31, 2020
- December 31, 2021

The audit also included an examination of the months of January 2022 through June 2022.

The Finance Director is authorized to independently investigate all retail sales or transactions and inspect all records that a seller is required to maintain according to the City of Bethel Municipal Code (BMC) to facilitate the audit and determine a seller's liability for sales tax where no return has been filed.

The audit has determined the taxpayer was not in compliance with multiple provisions of the BMC. The taxpayer failed to establish a City of Bethel Business License and Certificate for Sales Tax Collection. The taxpayer also failed to comply with the periodic reporting and payment of sales tax liability in accordance with the BMC. A Statement of Audit Balance Due for this audit is detailed and attached to this letter. The amount due is \$ [REDACTED] - this amount is due immediately upon receipt of this letter.

Sincerely,

Duane Wright, CFE, CPA
Finance Director
City of Bethel

cc: City Manager
City Attorney

July 15, 2022

John & Elizabeth Sargent
Sales Tax Audit
Statement of Audit Balance Due

Total	Business Activity Rental	Bethel Municipal Code
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Gross Sales - NOT REPORTED

Sales Tax Liability @ 6% (Unreported and Unpaid)

Interest on Sales Tax Liability

4.16.270 (C)

Direct Time & Expense to complete audit

4.16.420 (C)

Penalty - Failure to File Sales Tax Returns (\$ 50 per return not filed)

4.16.430 (E)

Penalty - Taxpayer concealed information (\$ 500 per violation)

4.16.430 (C)

Penalty - Failure to produce records (3 times the sales tax liability)

4.16.430 (H)

Penalty - Failure to establish Business License (\$ 200 per violation)

5.04.130

Total Due the City of Bethel because of the Audit Findings

Taxpayer further agrees to start filing sales tax returns starting July 1, 2022.

City of Bethel receipt for payment of Audit Balance Due Statement Issued July 15, 2022 by John Sargent.

CITY OF BETHEL
P. O. Box 1387
BETHEL AK 99559 1-907-543-3150
Receipt No: 9.003030 Aug 12, 2022

JOHN & ELIZABETH SARGENT

Previous Balance:
MISCELLANEOUS
SALES TAX AUDIT

Total:

CHECK - WF - Utility Acct

Check No: 5134

Payor:

JOHN & ELIZABETH SARGENT

Total Applied:

Change Tendered:

08/12/2022 5:02 PM



RETURN TO: City of Bethel

P.O. Box 1388
Attn: Finance Director
Bethel, AK 99559
(907) 543-2097
Fax (907) 543-3817

MUNICIPAL TAX LIEN ON PROPERTY

AS PROVIDED BY AS 29.45.650(E); 29.45.700, and BETHEL MUNICIPAL CODE SECTION 4.16.280, SALES TAX (including interest and penalties) HAS BEEN ASSESSED AGAINST THE FOLLOWING NAMED TAXPAYER and their personal **REAL AND PERSONAL PROPERTY**. DEMAND FOR PAYMENT OF THIS LIABILITY HAS BEEN MADE, BUT REMAINS UNPAID. THEREFORE, NOTICE IS HEREBY GIVEN THAT A LIEN IN FAVOR OF THE CITY OF BETHEL EXISTS ON ALL REAL AND PERSONAL PROPERTY AND RIGHTS TO PROPERTY BELONGING TO THIS TAXPAYER FOR THE DELINQUENT AMOUNT OF TAXES, PENALTIES, AND INTEREST OWED TO THE CITY, AND ANY ADDITIONAL PENALTIES AND INTEREST THAT MAY BECOME DUE AND OWING TO THE CITY BEFORE THE LIEN IS SATISFIED.

JOHN & ELIZABETH SARGENT

(Taxpayer)

(DBA)

(Address)

Sales Tax Period

01/01/2019 TO 6/30/2022

Date of Assessment

08/08/2022

Unpaid Balance

Place of filing: Bethel Recording District

This Notice was prepared and signed at Bethel, Alaska this, 8TH Day of August 2022

By:

Peter Williams 8/8/2022

Peter Williams

City Manager – City of Bethel

STATE OF ALASKA)

) ss.

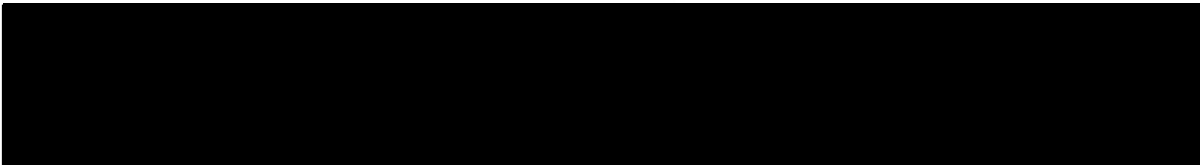
FOURTH JUDICIAL DISTRICT)

On this 8 day of Aug 2022, before me, the undersigned Notary Public in and for the State of Alaska, personally appeared Peter Williams known to me to the City Manager of the City of Bethel that executed the within instrument on behalf of the City of Bethel.



[Signature]
Notary Public

Postmaster Bethel, AK 99559
Expiration Date



JOHN R SARGENT
ELIZABETH D SARGENT

BETHEL AK 99559-

ACCOUNT SUMMARY				
SHARE ACCOUNTS	DIVIDENDS YEAR TO DATE	WITHHOLDING YEAR TO DATE	PREVIOUS BALANCE	NEW BALANCE

SHARE SAV - 10			
Eff. Date	Booked TRANSACTION DESCRIPTION	AMOUNT	BALANCE

City of Bethel Sales Tax Audit

Appeal to City Manager

by John and Elizabeth Sargent

August 14, 2022

Taxpayers

John and Elizabeth Sargent
P.O. Box 2602, Bethel, AK 99559
907-545-7332

Introduction

As aggrieved taxpayers resulting from the city sales tax audit findings, we have the right to file an appeal with the city manager. BMC 4.16.440 states that "a seller aggrieved by an action of the finance director in fixing the amount of tax or in imposing a penalty or interest shall appeal to appeal to the city manager within 30 calendar days from the date of the postmark on the finance director's written notification." The date of postmark on the finance director's written notification was July 16, 2022. See copy of envelope enclosed (Attachment A). Please consider this document our appeal for relief.

Background

Duane Wright was hired by the City of Bethel in the position of finance director after an interview and meet and greet sessions held in Bethel . Almost as soon as the hiring process was under way, Anny Cochrane, Human Resources Director, set about looking for a place for Duane to live. I contacted Anny and told her that I had a duplex side for rent. Anny gave Duane my contact information and we began communicating by email and telephone to facilitate his rental of Unit B at 1113 Naunraq Street in Bethel, Alaska.

In an email from Duane Wright to John Sargent dated April 15, 2022, Duane said, "Let me know if you have everything you need. When is the duplex available?" See Attachment G. In a response to Duane's email, I said, in a response email on April 15, 2022, "Duane, I received 30 day notice from tenant, but she has a lot of furniture and stuff in the house. I just texted her to ask her if she is moving out May 1 or May 6. I'll let you know." Duane responded to my message the same day and said, "Thank you for update." See Attachment G.

After Duane Wright got to Bethel and having reviewed a video tour of Side B of my duplex, he seemed very interested in following through with his strong desire to rent it. On May 4, 2022, Duane and his girlfriend, Signe, came over to 1113 Naunraq Street to look at Side B and seemingly decide together whether they wanted to rent it or not. Duane seemed agreeable to signing the rental agreement on the spot while in Side B, but it was not ready for his signature yet. I still needed to put his name and contact information on the agreement. He said he would sign it in his office the next day.

The next day, I happily presented Duane with a copy of the one-year rental agreement for him to sign to begin renting Unit B at 1113 Naunraq Street. He balked at signing it. He said he had not yet convinced Signe that it was a good idea to sign the agreement and move in to Unit B at Naunraq Street. He needed the night to talk with her. He said he would sign it on Friday, May 6, 2022 when he came to work.

On Friday, May 6, 2022, Duane was not at work. He skipped out on his responsibility to sign the rental agreement like he said he would do. He failed to call me or text me or email me with an explanation. He just stayed away from City Hall, absent.

That is when it dawned on me and my wife what type of person he was. He is a bullshitter, someone who will string you along for the latter part of April 2022 that he wants to rent your place and then stiff you on signing day. My wife and I quickly began searching for someone else to rent Side B, someone responsible. As we began showing Unit B to another prospective tenant, Duane and probably his girlfriend, drove out to 1113 Naunraq Street and tried to find my wife and I to sign the rental agreement and pay the deposit and first month's rent. In an email to me dated May 7, 2022, Duane said, "I have a sign rental agreement and check for you. I came by the house to bring it to you however I missed you. When will you be back?" (Attachment H)

I called him back on Sunday, May 8, 2022 and told him that if his wish to see me was about renting side B of the duplex, it has been rented. He said, "Well, that's that" and we both hung up from the call.

A few weeks later on or about June 20, 2022, Duane comes to my office and hands me the Notice of Compliance Audit that says, "Your financial records and rental documents are subject to an audit under BMC 4.16.350. We will be conducting an Audit of your accounting books and records for the calendar Tax Years Ending: December 31, 2019, December 31, 2020, and December 31, 2021." (Attachment B)

The timing of the sales tax audit letter in reference to residential rental activities that he had personal knowledge of because he was rejected by me as a tenant smacks of impropriety. I wonder if the finance director with his newly bestowed power to punish is out to get me in a reprisal move of the first order.

Agree to Pay

Peter Williams told me that he considered the primary purpose of the sales tax audits on the six City employees targeted as the first group to be audited was to obtain legitimacy going forward and that he was less concerned with interest and penalty charges. He suggested that I negotiate with the City finance director and tell him what I would like waived and what I was willing to pay.

BMC 4.16.290 B. says, "The city manager may, upon recommendation of the city attorney, and with the concurrence of the city council, authorize forgiveness of uncollected sales taxes,

interest and penalty thereon and penalties for failure to file, as part of the compromise and settlement of a disputed claim in an action for collection of such funds." I hereby request forgiveness of uncollected sales taxes, interest, and penalties as part of the compromise and settlement of this disputed claim.

I would greatly appreciate forgiveness of all past sales taxes, interest, and penalties owed. I obtained a business license from the State of Alaska and a City of Bethel business license. I obtained a Certificate Authorizing Collection of City Sales Taxes from the City of Bethel. See copies as Attachments O, P, and Q). My first sales tax return is due by the end of August 2022 for the month of July 2022. See last sentence in email from Duane Wright dated July 29, 2022 that said: "Your next sales tax report is due in August 2022." (Attachment I)

If the City Manager will not entertain the forgiveness option, then I would like to pay the full sales tax liability for the last three years (\$2,304), which is the original assessment amount (\$3,360) minus the senior citizen exemption amount (\$1,056). Please accept this amount, and let me know that I should pay this amount, and stop reading the rest of this appeal.

Signatures


John Sargent


Elizabeth Sargent

Relief Sought

Gross Sales should be reduced by \$1,600 to \$54,400 and the Sales Tax Liability should be reduced by \$96.

Audit item Contested	Amount	Calculation	Incorrect Assumption
Gross Sales	\$56,000	35 mos. x \$1,600/mo.	35 mos. of continuous renting

Reasons

The rental of Unit B at 1113 Naunraq Street in Bethel, Alaska has not been for 35 months straight since the first tenant, Yolanda Lara-Mazer, came with the house when Elizabeth and I purchased it. There have been gaps of days in the beginning of a month following a tenant move-out.

The assumption that John and Elizabeth Sargent rented Unit B for 35 months continuously without any days for repairs, painting, or tenant acquisition is faulty. Thirty-five months assumes full occupancy from August 1, 2019 to June 30, 2022.

John and Elizabeth bought the duplex at 1113 Naunraq Street and closed on the property officially on August 16, 2019. See Statutory Warranty Deed #2019-000693-0 as Attachment L. This means that there was a non-rental period of 15 days in August 2019 (August 1-15, 2019).

Tenant Alice Rearden began her tenancy on October 5, 2020, leaving four days unrented in October 2020, after Gabriel Evan moved out on or about September 30, 2020. See signed Residential Lease Agreement between John and Elizabeth Sargent and Alice Rearden that specifies on the first page that the lease begins October 5, 2020 (Attachment M).

Alice Rearden moved out April 30, 2022. Unit B was unrented for the early part of May 2022 until Joel Villasia began his tenancy on May 10, 2022. See Attachment N). That means a 9-day gap occurred in May 2022.

The total number of days that Unit B has gone unrented since the Sargents purchased the property on August 16, 2019 is 28 days (15 days + 4 days + 9 days). Twenty-eight days is equivalent to about one month of no rental activity and no gross sales. The correct number of months used in the calculation of gross sales should have been 34. The correct amount of gross sales should be \$54,400, which is 34 x \$1,600. The adjustment to the amount of sales tax liability is a reduction of \$96 or ($\$1,600 \times .06$).

Document Evidence

1. Notice of Audit Findings and Statement of Balance Due dated July 15, 2022.
2. Statutory Warranty Deed #2019-000693-0
3. Residential Lease Agreement between John and Elizabeth Sargent and Alice Rearden
4. Residential Lease Agreement between John and Elizabeth Sargent and Joel Villasia

Relief Sought

I claim a sales tax exemption for Gabriel J. Evan, the Yup'ik Vietnam Veteran Senior Citizen of 74 years old who resided at 1113 Naunraq Street, Unit B for 11 months. Therefore, 11 months of rent should be reduced from the gross sales amount or \$17,600. A reduction in gross sales corresponds to a reduction in sales taxes owed or \$1,056 (6% or \$17,600).

Audit item Contested	Amount	Calculation	Action
Gross Sales			Reduce Gross Sales
Sales Taxes			Reduce Sales Taxes

Reasons

Tenant Gabriel Evan completed the Application for Rental in October 2019 (Attachment S) and resided in Unit B from November 1, 2019 to September 30, 2020. See Rental Agreement as Attachment R. In the application, Gabriel revealed that he was born on May 14, 1945, which means that he was 74 years old when he began his residency.

Although the BMC requires senior citizens to have an exemption card to qualify for sales tax exemptions, Mr. Evan may well have had a card. A quick search of the City database can determine if Mr. Evan applied for and was issued a card. Taxpayer requests a reduction \$1,056 as a good faith effort on the City's part and with a full understanding on the seller's part that an

exemption card will be obtained from all future tenants qualifying for a senior citizen sales tax exemption.

BMC 4.16.170 says that “Proof of meeting the age requirement (must be at least sixty-five (65) years of age on January first (1st) of the year for which the exemption card is applied for).” The rental application and City database records will prove that he was 74 years old during his residency and meets the age qualification for exemption.

Document Evidence

1. Rental Application of Gabriel J. Evan
2. Residential Lease Agreement (Gabriel J. Evan, Tenant)

Relief Sought

The total Direct Time & Expense to complete audit in the Notice of Audit Findings and Statement of Balance Due dated July 15, 2022 is \$1,650 and should have been \$1,575, as stated in the Notice of Audit Findings and Statement of Balance Due dated July 12, 2022. Relief sought: \$75 difference.

Audit item Contested	Amount	Calculation	Action
Direct Time & Expense	\$1,650	Clerical error	Findings 7/15/22
Direct Time & Expense	\$1,575	11 hrs. x \$150	Findings 7/12/22

Reasons

There is an obvious clerical error in the amount of direct time & expense reported in the July 12, 2022 notice of findings (Attachment E) versus the July 15, 2022 notice of findings (Attachment F). The difference is \$75 and this amount should be returned and \$1,575 considered as the total direct time & expense amount for further reductions stated in this document.

BMC 4.16.440 D. states, “...The basis and ground for granting any appeal are limited to: 2. The amount of debt is erroneous due to a clerical error...”

Document Evidence

1. Notice of Audit Findings and Statement of Balance Due dated July 12, 2022.
2. Notice of Audit Findings and Statement of Balance Due dated July 15, 2022.

Relief Sought

The Direct Time & Expense to complete audit should **not** be \$1,575 as stated in the Notice of Audit Findings and Statement of Balance Due dated July 12, 2022 or \$1,650 as stated in the Notice of Audit Findings and Statement of Balance Due dated July 15, 2022. The relief sought is that this entire amount be waived because the finance director failed to provide a detailed log book, accounting records, spreadsheet, or other documentation upon my request that showed the dates, times, and activities performed in the finance department to clearly demonstrate how the 11 hours of “professional time” was spent and who spent the time. The finance

director also used an arbitrary and capricious figure of \$150 per hour to calculate the total amount due. The director also requested six more months of materials than the BMC allows, artificially inflating the amount of time spent on the audit because these six months of documents were included in the review and time used to mention them in his letters and emails.

Audit item Contested	Amount	Calculation	Action
Direct Time & Expense	\$1,650	11 hrs. x \$150/hr.	Findings 7/15/22
Direct Time & Expense	\$1,575	11 hrs. x \$150/hr.	Findings 7/12/22

Reasons

The Direct Time & Expense to complete audit item listed in the table on the July 15, 2022 Notice of Audit Findings and Statement of Balance Due (Attachment F) indicates that Bethel Municipal Code section 4.16.420 (C) was used to calculate, estimate, or otherwise determine that \$1,575 or \$1,650 is the correct amount owed. There is no mention of the rate per hour in the Bethel Municipal Code or even that city employee hours are to be used in the calculation and cost estimate.

Finance Director Duane Wright sent an email to John Sargent dated August 2, 2022 in which Mr. Wright stated, “the audit department incurred 11 hours of professional time to complete the sales tax audit related to your failure to file. This time is billed at an hourly rate of \$150.00 per hour for a total of \$1,650” (Attachment J).

The hourly rate of \$150 per hour does not appear in the City of Bethel’s Fee and Rate Schedule posted on its website: www.cityofbethel.org > Services > Fee and Rate Schedule (Attachment T). In fact, there is no fee or rate in the City’s Fee and Rate Schedule for the cost of a sales tax audit. The City may waive the cost of the sales tax audit specified (\$1,575 or \$1,650) in its entirety based on this fact and I would be extremely grateful.

In the email from Duane Wright to John Sargent dated July 29, 2022, Mr. Wright stated in the second paragraph that, “To request an appeal, you must make application and pay a \$50 fee.” See Attachment I. The \$50 fee referred to by the finance director appears in the City’s Fee and Rate Schedule, but the \$150 an hour rate used to calculate the cost of a sales tax audit does NOT. The \$150 an hour rate appears to be an arbitrary and capricious rate and cannot and should not be used to determine the cost to complete the audit.

If the City insists on applying a cost to perform the sales tax audit, then a full and detailed accounting of the dates, times, and cost of each person in the Finance Department should be presented for a correct determination of the cost. When I asked the finance director for his spreadsheet and other records of how he calculated the “Direct Time & Expense to complete the audit,” he sent the email mentioned in the previous paragraph and only stated that “11 hours of professional time” was incurred to complete the audit and that those 11 hours were “billed at an hourly rate of \$150 per hour.” Not only were no details provided to me on how the

11 hours were determined, but no reasoning, logic, or support documentation was provided for the \$150 rate applied.

The City Manager is aware of the use of log books to document dates, times, and events. I have heard him recommend to several city employees, including myself, to keep a detailed log of events by dates and times, when appropriate. Where is the log book of the “professional time” incurred in the conduction of my sales tax audit? Which audit department personnel incurred those hours? What rate of pay were each of those finance department personnel paid at the time of incurring this professional time? The Finance Department provided none of these answers.

If the finance director incurred all 11 hours of “professional time” to conduct the sales tax audit, then the cost should be based on his rate of pay per hour. The salary of the finance director in the FY 2022 City Budget is \$136,591 per year. The salary of the finance director in the FY 2021 City Budget is \$141,372 per year. See Attachment K.

If some or all of the finance director’s hours were used to conduct the sales tax audit were done in FY 2021, then \$65.66 per hour should be used to determine the cost of the audit, if the finance director incurred all the hours, which is unknown. The calculation is the annual salary divided by the number of full-time hours in a year (2,080) or $\$136,591 / 2,080 = \65.66 .

If some or all of the finance director’s hours were used to conduct the sales tax audit were done in FY 2023, then \$67.96 per hour should be used to determine the cost of the audit, if the finance director incurred all the hours, which is unknown. The calculation is the annual salary divided by the number of full-time hours in a year (2,080) or $\$141,372 / 2,080 = \67.96 .

Assuming all 11 hours spent on conducting the sales tax audit were done by the finance director in FY 2023, the highest cost assumption based on the highest paid position in the department and highest rate per fiscal year, then the total cost would be \$747.56 or $\$67.96 \times 11$. This cost is markedly less than the \$1,575 appearing in the Notice of Audit Findings and Statement of Balance due dated July 12, 2022 (Attachment E) or the \$1,650 figure appearing in the Notice of Audit Findings and Statement of Balance due dated July 15, 2022 (Attachment F). The difference between the two figures is \$827.44 or $(\$1,575 - \$827.44)$ and this amount should be returned to taxpayer unless the entire charge is waived, which is my recommendation. The entire amount should be waived because of the lack of data, records, and justification for the calculation and the fact that the method to determine the cost does not appear in either the Bethel Municipal Code 4.16.420 (C) used by the finance director OR the fee and rate schedule used by the finance director to determine the \$50 cost to appeal the audit.

The finance director asked Elizabeth Sargent and I to provide financial records and documents for 3.5 years or 42 months, from January 1, 2019 to June 30, 2022. The Bethel Municipal Code specifies that sales tax audits may only go back three years, not three and a half years. BMC 4.16.360 C. states that **“A seller’s tax liability under this chapter may be determined and**

assessed for a period of three (3) years after the date the return was filed or due to be filed with the city. No civil action for the collection of such tax may be commenced after the expiration of the three- (3-) year period except an action for taxes, penalties and interest due from those filing periods that are the subject of a written demand or assessment made within the three- (3-) year period, unless the seller waives the protection of this section."

BMC 4.16.310 C. states that, "When the city initiates an audit or estimate pursuant to BMC [4.16.350](#) or [4.16.360](#), the period for claiming a refund under subsection [A](#) of this section is the same as the period under audit, but in no case more than three (3) years from the date of sale." Three years is the limit a sales tax audit may go back in time. Three years from June 2022, the end period of the City's audit on my wife and I, is July 1, 2019. Once again, the three years that should have been reviewed for this sales tax audit are July 1, 2019 to June 30, 2020 (Year 1), July 1, 2020 to June 30, 2021 (Year 2), and July 1, 2021 to June 30, 2022 (Year 3).

The finance director burdened me with the provision of documents for the period January 1, 2019 to June 30, 2019, an extra six months, unnecessarily and outside of the BMC requirements. The Notice of Compliance letter from Duane Wright dated June 20, 2022 (Attachment B) asked for books and records for the "calendar tax years ending" in December 2019, 2020, and 2021. In his email to me dated July 5, 2022 (Attachment C), Duane Wright asked for "copies statements from all financial institution (bank, credit union, etc.) accounts for 2019, 2020, and 2021..." His request went back six months farther than it should have gone back.

In his email to John Sargent dated July 8, 2022 (Attachment D), Duane Wright said that I must provide "all financial information on all accounts at all financial institutions for the period (1/1/2019 to 6/30/2022)." This period constitutes 42 months of records, six months more than the BMC allows.

The reason this is important is that Mr. Wright spent time and expense poring over six months of documents that he never should have requested. Mr. Wright said in an email dated August 2, 2022 (Attachment J) that "the audit department incurred 11 hours of professional time to complete the sales tax audit..." His audit department spent 11 hours reviewing 42 months of materials, when they should have only reviewed 36 months of materials. If you divide the six "extra" months of materials by 42, you get the percentage of materials that should NOT have been reviewed or 14.28%. This percentage times 11 hours of "professional time" equals 1.57 hours that should have never been part of the audit review total or the amount of hours that should be reduced from 11. The total hours then equals 11 hours - 1.57 hours = 9.43 hours. This calculation assumes that there is a relationship between the amount of material to be reviewed and the hours it will take to review that material, which is a valid assumption.

Document Evidence

1. Email from Duane Wright to John Sargent dated August 2, 2022.
2. Notice of Audit Findings and Statement of Balance Due dated July 12, 2022.
3. Notice of Audit Findings and Statement of Balance Due dated July 15, 2022.

4. City of Bethel Fee and Rate Schedule posted on City of Bethel website (www.cityofbethel.org).
5. FY 2023 City of Bethel Budget page with FY 2022 City of Bethel Budget figures on it.

Relief Sought

The penalty – Failure to File Sales Tax Returns (\$50 per return not filed) figure of \$1,750 appears to be based on 35 months of sales tax filings times \$50 each month. While this calculation is specified in the Bethel Municipal Code, the amount may be forgiven. Relief sought is this amount forgiven.

Audit item Contested	Amount	Calculation	Document
Penalty - Failure to File Sales Tax Returns	\$1,750	\$50 x 35 mos.	Findings, July 15, 2022

Reasons

BMC 4.16.290 B. says, “The city manager may, upon recommendation of the city attorney, and with the concurrence of the city council, authorize forgiveness of uncollected sales taxes, interest and penalty thereon and penalties for failure to file, as part of the compromise and settlement of a disputed claim in an action for collection of such funds.” I hereby request forgiveness of \$1,750 in penalties as part of the compromise and settlement of this appeal and disputed claim.

Finance director Duane Wright said in an email to John Sargent dated July 29, 2022 (Attachment I), “You now have an on-going obligation to collect, file and remit sales taxes and reports on a monthly basis starting July 1, 2022. Your next sales tax report is due in August 2022.” He stated that because I have a State of Alaska business license, a City of Bethel business license, and a Certificate Authorizing Collection of City Sales Taxes Pursuant to BMC 04.16.100.

Document Evidence

1. State of Alaska Business License #2160248
2. City of Bethel Business License #10786
3. Certificate Authorizing Collection of City Sales Taxes Pursuant to BMC 04.16.100

Relief Sought

I seek elimination of the \$500 penalty listed on the Notice of Audit Findings and Statement of Balance Due dated July 15, 2022 that claims the taxpayer concealed information. Every type of document requested and information requested by Duane Wright for all the years and months requested was provided by John and Elizabeth Sargent to Duane Wright.

Audit item Contested	Amount	Calculation
Penalty – Taxpayer Concealed information	\$500	\$500 per violation

Reasons

The finance director handed to John Sargent and mailed John and Elizabeth Sargent a Notice of Compliance Audit dated June 20, 2022 (Attachment B). The notice listed documents that were to be provided by July 5, 2022:

- Books, journals, ledgers, and documents used to manage the rental business.
- Monthly bank statements for accounts you and your spouse own for the 36 months under examination.
- All lease/rental agreements, rental applications and other rental documentation used in conjunction with the business.
- Copies of all federal income tax returns filed by you for the years under examination.

I handed Duane Wright an envelope with rental agreements for all months that John and Elizabeth Sargent operated the business and copies of the two federal income tax returns filed by me that were completed at the time (2019 and 2020). I told Mr. Wright that Carmen Jackson, CPA, was in the process of completing my 2021 tax return and had not yet completed the return. I could not provide to him what I did not have to give.

The Bethel Municipal Code 4.16.350 D. states that, "In addition to the information required on returns, the city may request, and the seller must furnish, any **reasonable** information deemed necessary for a correct computation of the tax." I did not consider personal bank statements reasonable for the finance director to request for a sales tax audit of residential rental activities, especially after I gave him copies of all rental agreements with the rental amount collected each month therein. I did not provide the bank statements after the notice of compliance audit dated June 20, 2022.

Mr. Wright sent an email dated July 5, 2022 (Attachment C) in which he thanked me providing some of the material requested for the audit. He requested that I provide the following additional documents:

- Federal Tax Return – Form 1040 for 2021.
- Detailed description of 2020 Form 1040 – Schedule C – gross revenue [REDACTED]; business and nature of business activities.
- Copies of statements from all financial institution accounts for 2019, 2020, and 2021.
- Copies of the real estate closing statement/documents on the purchase of the rental property.

Carmen Jackson completed my 2021 federal income tax return just prior to or just after Mr. Wright's email request. I copied the return and provided it in a package with a detailed description of the business activities reported on 2020 Form 1040 Schedule C (cleaning the Bethel Evangelical Covenant Church once a week) and copies of the real estate closing document that showed that the Sargent's purchased the property on August 16, 2019. I provided the information by the deadline stated in his email: noon, July 8, 2022.

I did not supply Mr. Wright with personal bank account statements because I felt it was an overreach on his part and not a reasonable request of information necessary for him to

determine the amount of sales I received for renting side B of my duplex. This point is further validated by the fact that the two Notice of Audit Findings and Statement of Balance Due documents dated July 12, 2022 (Attachment E) and July 15, 2022 (Attachment F) contain the same amount of gross sales: [REDACTED]. It appears that Mr. Wright simply multiplied 35 months times \$[REDACTED] rent per month to get \$[REDACTED] in gross sales. This amount could have been, and most likely was determined from the rental agreements provided after the first request. My personal bank statements and my wife's personal bank statements were not necessary or reasonable for Mr. Wright to use to determine the gross sales amount of [REDACTED].

Mr. Wright sent a nasty email to me dated July 8, 2022 (Attachment D) and again requested that I provide all financial account activity statements for all financial institutions by July 11, 2022. I still considered my personal bank statements and my wife's personal bank statements and unreasonable document request for him to make a determination of gross sales of my duplex.

I spoke to City Manager Peter Williams about this unreasonable request of Mr. Wright. Mr. Williams told me that he did not know why personal bank statements were requested by Mr. Wright, but in the conversation about it advised me to "give the finance director what he wants and let the chips fall where they may." In other words, Mr. Williams said to comply with the finance director's information requests and allow him to determine the results of the audit. I decided to do just that, reluctantly.

Mr. Williams told me that it was real easy to print my bank statements from my computer. I could go online, access my account, and print the bank statements. I told him that I had already gone to the Alaska USA Federal Credit Union and requested that they print out all of my bank statements for 2019 (12 months), 2020 (12 months), 2021 (12 months), and 2022 (6 months). I also asked the credit union to print my wife, Elizabeth's bank statements for the same months. The credit union complied with my request and I picked up a thick stack of printed bank statements and delivered them to Mr. Wright by the deadline. I gave Mr. Wright all bank statements for John and Elizabeth's joint account, John's account, and Elizabeth's account, three in total.

In the end, after three requests by the finance director to me and Elizabeth Sargent to provide bank statements, federal income statements, rental agreements, duplex purchase document, and other information – I DID PROVIDE THE DOCUMENTS AND INFORMATION. See information provided to finance director.

This penalty of \$500 should be erased because I did not conceal any information or documents. I provided them all over the course of the finance director's three document/information requests and deadlines.

Document Evidence

1. Notice of Compliance Audit from Finance Director's Office, dated June 20, 2022
2. Email from Duane Wright to John Sargent dated July 5, 2022.
3. Email from Duane Wright to John Sargent dated July 8, 2022.
4. Documents and information submitted to finance director. Obtain from him.

Relief Sought

I seek relief of the entire penalty amount for failure to establish a Business License (\$200 per violation).

Audit item Contested	Amount	Calculation
Penalty – Failure to establish Business License (\$200 per violation)	\$200	\$200 per violation

Reasons

The City Manager, Peter Williams, told me in June 2022 that it had come to his attention that I did not have a City of Bethel business license and that I should get the license. He indicated that I should do this to be legitimate and told me that I did not want to go through three years of audit review. He told me to get the business license several weeks prior to me being given the Notice of Compliance Audit letter from Duane Wright dated June 20, 2022.

Three weeks later, Mr. Williams called me into his office and told me to shut the door. In a private meeting, he said that he told me to get a business license and I had not taken any steps to comply with his request. I countered his comment with a statement that went like this: "Yes, I have. I went online to see about getting a State of Alaska business license, which I know is a necessary first step in getting a City of Bethel business license. On the form, the State wants to know if I want to start a proprietorship or a partnership." I told Pete that the proprietorship application appeared to be a lot easier to fill out, but that I needed to speak to my wife, Elizabeth, about what her preference was for our business.

Mr. Williams appeared satisfied with my response—that I was taking action to get a City of Bethel Business License. A day or two later, I showed Mr. Williams my new State Business License for Boss Lady Rentals, named in honor of my wife.

In early July 2022, Finance Director Duane Wright provided me with a City of Bethel Business License (#10786) and a Certificate Authorizing Collection of City Sales Taxes Pursuant to BMC 04.16.100. See Attachments O, P, and Q.

My wife, Elizabeth Sargent and I, complied with the City Manager's request to get a City Business License and the requisite State Business License and corresponding Certificate Authorizing Collection of City Taxes. Mr. Williams told me in a close-door meeting in his office that his priority in the sales tax audit effort by the Finance Department was to get people legit, to get them on the path to compliance. He said he cared less about interest and penalties and most about forward compliance. John and Elizabeth Sargent are there! We will complete our

first sales tax return by August 31, 2022, as directed by Duane Wright in his email dated July 29, 2022 (Attachment I).

Document Evidence

1. State of Alaska Business License for Boss Lady Rentals #2160248
 2. City of Bethel Business License for Boss Lady Rentals #10786
 3. Certificate Authorizing Collection of City Sales Taxes Pursuant to BMC 04.16.100.
-

speech to City Council made 8/23/2022 - people to be heard

My name is John Sargent. My last name is spelled, s - a - r - g - e - n - t. I am one of the victims of a sales tax audit by the new finance director. My wife and I own a duplex. I was asked in the audit letter to provide three and a half years of personal financial information. I turned in a stack of papers this thick, including personal bank statements.

After the finance director got done reviewing the documents I turned in, he gave me a Notice of Audit Findings and Statement of Balance Due dated July 12, 2022. In that document, he accused my wife, Elizabeth Sargent of running an illegal mask-making business. He said she made: \$560 in gross sales. He listed these charges against Elizabeth:

\$33.60	Sales tax
\$.74	interest on sales tax
\$150	time and expense to complete audit
\$600	Failure to file sales tax returns
\$500	concealing information
\$100.80	failure to produce records
\$200	Failure to establish business license

\$1,585.14 total due

The coronavirus is a contagious disease. It was making people sick and killing people. Wearing masks was one way to keep people safe and save lives. There was an extreme shortage of masks in Bethel. There was not enough for everyone.

My wife volunteered to make masks during the COVID-19 pandemic emergency. She used her own sewing machine, her own thread, and her own materials. She gave her time freely to make masks and then gave them to the city. The city gave them away free to the community.

It was the City of Bethel who asked for volunteers to come forward to make masks. It was a prominent council member who opened up the Bethel Search and Rescue building to serve as a place where volunteer mask makers could come together and make masks. Making masks at the Search and Rescue building occurred for months on a volunteer basis.

Months later, the City decided that all volunteer mask makers needed to be paid for their time with CARES Act grant funds. The City forced all volunteers to come up with invoices for the amount of time they put in making masks and paid them.

My wife did not own and operate an illegal mask-making business like it says in this audit finding. If the City's "forensic analyst" was doing his job, he would have collected evidence. He would have realized that it was a COVID-19 pandemic, wearing masks saved lives, the community of Bethel was short on masks, and the City called on community volunteers to help make masks to give away to everyone. No masks were sold. The City orchestrated the mask-making effort and insisted on payment to all volunteers long afterward.

Fortunately, the finance director waived the charges against my wife, but not before leaving us both with a bad taste in our mouth for the City of Bethel and the Finance Department. The next time the City needs volunteers, you can count us out!

I have a message for all the other COVID-19 mask-makers out there. I hope you are not the victims of a sale tax audit and fictitious charges against you. May God protect you.

Hey Volunteer Firefighter/EMTs! You get a stipend for your services. Are you selling your services to the City? Do you have a business license and a sales tax collection certificate? Watch out. The City's "forensic analyst" could be gunning for you next.

22-01 EC

RECORD C

Bethel Municipal Code Provisions Ordinances

Chapter 2.05

CITY OFFICERS GENERALLY

Sections:

- 2.05.010 Definitions.**
- 2.05.020 Oath.**
- 2.05.030 *Repealed.***
- 2.05.040 Conflicts of interest and code of ethics – Generally.**
- 2.05.050 Improper influence in grants, contracts, or leases.**
- 2.05.060 Representative of the city of Bethel.**
- 2.05.070 Outside employment restricted.**
- 2.05.080 Report of financial and business interests.**
- 2.05.090 Contents of statement.**
- 2.05.100 Modified requirements for professionals.**
- 2.05.110 Administration and inspection.**
- 2.05.120 Records, public information.**
- 2.05.130 Refusal or failure to disclose.**
- 2.05.140 Application of state statutes.**
- 2.05.150 Conflict of interest – Elected city officials.**
- 2.05.160 Conflict of interest – Municipal employee.**
- 2.05.170 Procedure for declaring potential conflicts of interest – City manager.**
- 2.05.180 Conflict with collective bargaining agreement.**
- 2.05.190 Employment prohibited.**
- 2.05.200 Political activity.**
- 2.05.210 Advisory opinions.**
- 2.05.220 Immunity.**
- 2.05.230 Conformity to law.**

2.05.010 Definitions.

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

- A. “Appointed body” means any municipal commission, board, or committee created by ordinance or resolution with members of the public appointed subject to the confirmation by the city council.
- B. “Appointed official” means a board or commission member appointed by the mayor subject to confirmation by the city council.

- C. "City official" means a person who holds elective office under the ordinances of the city, or who is a member of a board or commission whose appointment is subject to confirmation by the city council.
- D. "Elected official" means a person holding an elective office subject to municipal elections under this code.
- E. "Financial interest" includes the receipt of a pecuniary benefit or the expectation of a pecuniary benefit.
1. A financial interest of a person includes a financial interest of any member of the person's household.
 2. A person has a financial interest in an organization if the person:
 - a. Has an ownership interest in the organization; or
 - b. Is a director, officer or employee of the organization.
 3. Whether a financial interest is substantial is determined on a case-by-case basis.
- F. "Hired consultant and contractors" means a person or organization hired by the city as an independent contractor and not as an employee.
- G. "Immediate family member" means:
1. The spouse of the person;
 2. Another person cohabiting with the person in a conjugal relationship that is not a legal marriage;
 3. A child, including a stepchild and an adoptive child, of the person;
 4. A parent, sibling, grandparent, aunt or uncle of the person; and
 5. A parent or sibling of the person's spouse.
- H. "Municipal employee" means any person employed by the city, whether full time or part time, temporary or permanent, but excluding elected officials and appointed officials.
- I. "Municipal officer" includes the city manager, city attorney and city clerk.
- J. "Source of income" means an employer or other person or entity paying compensation, dividends, or interest, directly or indirectly, for services, products, or investments. If the income being reported is derived from employment by a sole proprietorship, partnership, or corporation in which the reporting person, the spouse or children, or a combination of them, hold a controlling interest, that proprietorship, partnership, or corporation may be designated as the source of income without specifying clients or customers if the business is one that is normally conducted on a cash basis and typically does not keep records of individual customers. In all other cases, the clients or customers of the proprietorship, partnership, or corporation shall be listed as sources of income of the person whose income is being reported, whose spouse, children, or a combination of them holds a controlling interest. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.020 Oath.

All municipal officers and city officials shall, before entering upon the duties of their office, individually take an oath, in writing, to honestly, faithfully, and impartially perform and discharge the duties of their office and trust. This oath shall be filed in their personnel file. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.030 Resignation.

Repealed by [Ord. 19-19](#).

2.05.040 Conflicts of interest and code of ethics – Generally.

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

1. Use their official position or office for the primary purpose of obtaining personal financial gain or financial gain for an immediate family member or business with which the person is associated or in which the person owns stock. This provision does not apply to financial gain from salary under the terms of employment.
2. No city official shall use the implied authority of office or position for the purposes of unduly influencing the decision of others, or promoting a personal interest within the community. City officials will refrain from using their title except when duly representing the city in an authorized capacity. Unless duly appointed by the council to represent the interest of the full council, councilmembers shall refrain from implying their representation of the whole by the use of their title.
3. Solicit or receive money for advice or assistance given in the course of the officer's or employee's employment or relating to that employment.
4. Serve as a paid consultant on a private interest or as a paid representative of any person or entity before a municipal department, utility, or elected or appointed public body of the city.
5. Solicit or accept a gift if it can be reasonably inferred that the gift is intended to influence the elected official's independence of judgment in the exercise of official duties.
 - a. An item is a "gift" under this subsection if it is:
 - i. Money, an item of value, service, loan, travel or hospitality accommodation, entertainment, or employment; and
 - ii. Provided to an elected official, or to another person or entity designated by the elected official, for less than full value.
 - b. Unless rebutted by other factors, food or beverage for immediate consumption is presumed not to be given under circumstances in which it could be reasonably inferred that they are intended to influence the elected official's independence of judgment in the exercise of official duties.

- c. The following unsolicited gifts are allowed; provided, that if disclosure is required, the gift disclosure form is timely filed with the municipal clerk within thirty (30) days of the receipt of the gift:
 - i. Payment for a business meal offered as a courtesy in the context of municipal duties; provided, that such meals shall not be accepted on a basis so frequent from any one (1) source or a combination of sources as to raise an appearance of the use of the person's public position for private gain. No disclosure is required.
 - ii. A discount or price available to public sector officials generally, or to a large business category of public officials to which the elected officials belong. No disclosure is required.
 - iii. A monetary gift or award presented in recognition of meritorious, civic, or voluntary service, so long as presented by a recognized civic or nonprofit charitable organization presenting such a gift or award as part of an established tradition, and not given as financial inducement for official action. An elected official shall disclose a recognition gift or award in excess of one hundred fifty dollars (\$150).
 - iv. A perishable gift for immediate consumption or display, from member(s) of the public expressing general gratitude or holiday cheer. No disclosure is required.
 - v. In-state travel and hospitality discounts or accommodations offered or provided to an elected official shall be applied to any municipal expense for the travel. No disclosure is required. Out of state gifts of travel and hospitality related to providing or obtaining information primarily of matters related to the duties of the elected official are allowed. Gifts in this category in excess of two hundred fifty dollars (\$250) shall be disclosed to the council prior to acceptance.
 - d. Gifts that are not connected with the recipient's status as an elected official are outside the scope of this chapter and no disclosure is required.
6. No city official may vote on any question in which the member has a direct or indirect substantial financial interest. Direct or indirect financial interest shall be disclosed to the presiding officer prior to the discussion on the question, for a ruling on a request from the member with the financial interest to be excused from discussion vote. The decision of the presiding officer on a request by a member of the governing body or an appointed body to be excused from a vote may be overridden by the majority vote of the body. If there are not at least four (4) members in attendance who are qualified to vote, the matter shall be tabled until the next regular or special meeting at which four (4) members qualified to vote on the matter are in attendance.
7. No city official, municipal officer, appointed official or municipal employee shall participate in any official action in which they have a substantial financial interest. Prohibited participation includes voting as a member of the city council, taking part in debate, soliciting the vote of a member of the city council, or encouraging any municipal official or officer to act in a certain way.
8. No city official, municipal officer or municipal employee may disclose information they know to be confidential concerning employees of the city, city property, city government, or other city affairs, including but not limited to confidential information disclosed during an executive session, unless authorized or required by law to do so.

B. Nothing in this section is intended to limit the scope of additional restrictions, prohibitions and disclosure requirements applicable to municipal employees, appointees and elected officials under this chapter. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.050 Improper influence in grants, contracts, or leases.

A. A municipal officer or municipal employee, or immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a substantial personal or substantial financial interest in a city grant, contract, or lease if the municipal officer or public employee may take or withhold official action that affects the award, execution, or administration of the city grant, contract, or lease.

B. The prohibition in subsection [A](#) of this section does not apply to a city grant, contract, or lease competitively solicited unless the employee:

1. Is employed by the department or division awarding the grant, contract, or lease, or is employed by the department or division for which the grant, contract, or lease is let;
2. Takes official action with respect to the award, execution, or administration of the grant, contract, or lease.

C. A municipal employee shall report in writing to their supervisor any personal or financial interest held by the employee, or an immediate family member, in a city grant, contract, or lease that is awarded, executed, or administered by the department or division served by the employee.

D. The city council may provide a waiver from this section as provided in BMC [4.20.150](#). [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.060 Representative of the city of Bethel.

City officials, municipal officers, and municipal employees of the city of Bethel shall support the direction of the city council when representing the city of Bethel or acting on behalf of the city. All such individuals shall clearly make known any personal communication or action which contradicts city council direction as representing their own personal views and/or ideas. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.070 Outside employment restricted.

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

city manager. If the employee is the city manager, city attorney, or city clerk, the employee shall request approval from the city council, which will have the responsibility for determining compatibility, and, upon a determination that the services or employment are not incompatible or in conflict with official duties, may approve the services or employment in writing. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.080 Report of financial and business interests.

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

B. The city manager and any appointed councilmember and planning commissioner shall file a statement under oath with the city clerk, within thirty (30) days after appointment to office, specifying sources of business interests and income. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.090 Contents of statement.

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

B. The statement filed shall include the following information relating to the filer's immediate family living in the household excluding filer's dependent children:

1. The source of all income of five thousand dollars (\$5,000) during the preceding calendar year, including taxable capital gains, except that a source of income that is a gift must be included if the value of the gift exceeds two hundred fifty dollars (\$250);
2. The name and address of each business entity owned or in which an interest was held during the preceding calendar year, including a statement of the nature of the interest owned or held, except that an interest held in a retirement account or an interest of less than five thousand dollars (\$5,000) in the stock of a publicly traded corporation need not be included;
3. The name and address of each business in which the filer is an officer, director, manager, or employee during the preceding calendar year;
4. The identity and nature of each interest in real property located within the city limits, including an option to buy, owned at any time during the preceding calendar year;

5. A list of all contracts, bids, or offers to contract with the city during the preceding year, including those made through a proprietorship, partnership, or corporation in which the filer or an immediate family member, or a combination of them, holds a controlling interest. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.100 Modified requirements for professionals.

Notwithstanding other provisions of this chapter, medical and psychiatric doctors, attorneys, psychologists or other professionals are not required to disclose as sources of income the names of individual patients or clients who receive professional services normally considered to be confidential. This exemption shall not apply to the identity of any corporation or other business entity having a contract with the professional producing income of five thousand dollars (\$5,000) or more for services to its members or a defined group, nor to the identity of clients receiving services that do not fall within the candidate's or official's field of professional expertise. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.110 Administration and inspection.

The city clerk shall administer the provisions of this chapter. The clerk shall prepare and keep available for distribution standardized forms on which the reports required by this chapter shall be filed. The city clerk may make such alterations to the forms as may be necessary. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.120 Records, public information.

All statements required to be filed by this chapter are public records. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.130 Refusal or failure to disclose.

- A. If a candidate fails or refuses to file the statement required by this chapter, their filing shall be refused or, if previously accepted, shall be returned and their name shall be withheld or removed from the filing records of candidates.
- B. A person who refuses or knowingly fails to make a required disclosure of information as provided in this chapter or who files a statement containing false or misleading information knowing it to be false or misleading shall be guilty of a violation and upon conviction is punishable by a fine as provided for violations in Chapter [1.06](#) BMC and may be removed from the office in which they are seated. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.140 Application of state statutes.

- A. Nothing in this chapter is intended to curtail, modify, or otherwise circumvent the application of the Alaska Statutes to any conduct involving bribery or other offenses against public administration.
- B. All municipal officers as defined by AS [39.50](#) are exempt from the provisions of AS [39.50](#) relating to conflicts of interest or financial disclosures. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.150 Conflict of interest – Elected city officials.

- A. Except as provided herein a city official may not participate in any official action in which the official or a member of the official's immediate family has a substantial financial interest. For purposes of this section participation shall not include discussing the matter with city officials or addressing the city council as a private citizen, but shall include voting and participating in the debate as a councilmember.
- B. A city official shall disclose any substantial financial interest in any matter before the body, prior to debating or voting upon the matter. Any official of the body may raise a question concerning another member's financial interests, in which case the member in question shall disclose relevant facts concerning the official's financial interests in the subject of the action.
- C. Whether the direct or indirect financial interest is substantial shall be determined by the presiding officer on a case-by-case basis, with evaluation of these factors:
1. Whether the financial interest is a substantial part of the consideration;
 2. Whether the financial interest directly and substantially varies with the outcome of the official action;
 3. Whether the financial interest is immediate and known or conjectural and dependent on the factors beyond the official action;
 4. Whether the financial or private interest is monetarily significant;
 5. Other factors deemed appropriate by the presiding officer under the specifics of the disclosure and the nature of the action taken before the council body, or commission.
- D. After a city official has made known any substantial financial interest in any question to be voted upon by the body:
1. The officer shall ask to be excused from the debate and vote on the matter;
 2. The presiding officer shall rule on the request;
 3. The decision of the presiding officer shall be final unless overridden by a majority vote of the body.
- E. In the event that the official with a substantial financial interest is the presiding officer, the request shall be ruled upon by a vote of the body. An official may not participate in the matter if the presiding officer or a majority

vote of the body determines the financial interest is substantial. Neither the city official making the request nor any other city official, who has disclosed a similar or related interest in the same matter, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.160 Conflict of interest – Municipal employee.

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

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

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

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

C. A complaint to the city manager or mayor for conflict of interest based on substantial financial or private interest in official action by a municipal employee shall be filed as a notice of potential violation under BMC [2.05.210](#). [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.170 Procedure for declaring potential conflicts of interest – City manager.

The city manager who has or may have a substantial financial interest in an official action shall disclose the facts concerning the manager's financial interests to the city council prior to taking any official action. If the city council determines the manager has a substantial financial interest in the action, the city council shall excuse the manager and assign another city employee to the matter. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.180 Conflict with collective bargaining agreement.

In the event any section or provision in this chapter conflicts with an applicable collective bargaining agreement for a public employee, the collective bargaining agreement shall control with respect to that employee. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

2.05.190 Employment prohibited.

No member of the council may be employed by the city in any capacity within a twelve- (12-) month period immediately following the term of that individual unless the member is employed as a hired consultant or contractor and a waiver has been provided by the city council. [Ord. 19-19 § 2, 2019; Ord. 18-16 § 2; Ord. 13-04 § 2.]

2.05.200 Political activity.

The following limitations shall apply to political activity:

A. Departments, boards, and commissions of municipal government shall not:

1. Expend municipal funds for the support, opposition or endorsement of candidates for any elected government office.
2. Expend municipal funds for paid advertisement which advocates or promotes a particular position, or solicits members of the public to advocate or promote a particular position, on legislation or other action pending before the council.
3. Permit an administrative division of municipal government to endorse or oppose candidates for elected federal, state, municipal or other local office even if such endorsement does not include expenditure of funds. This prohibition applies to municipal employees while on duty and to the use of municipal property or facilities in a manner not made available to members of the public.
4. Authorize that money held by the municipality be used to influence the outcome of an election, except as permitted by state law under AS [15.13.145](#).
5. Actively campaign or prepare, publish, broadcast, or distribute by any means material of a partisan nature on any ballot measure, including referendums, initiatives, bond issues or other special elections.

B. Subject to restrictions in AS [15.13.145](#) on the use and expenditure of municipal funds to influence the outcome of a ballot proposition or question, the city manager may designate in advance, in writing, one (1) or more executive employees to appear before the council, appointed public bodies of the municipality, community councils, civic organizations, and media representatives in support of or in opposition to any ballot measure coming before the voters in a municipal election. The designated executive employees shall be selected from

among the employees with principal responsibility for carrying out policies and programs relevant to the ballot measure.

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

D. A municipal employee shall not serve as a member of the Bethel city council or in elective office of the state, federal, or another local government. A municipal employee who is elected to one (1) of these offices shall resign immediately from municipal employment. This section is not intended to modify AS [29.20.630](#) or prohibit an employee from being a member of the Lower Kuskokwim School Board or Advisory School Board.

E. For purposes of this section, public safety volunteers, hired consultants or contractors are not considered municipal employees (BMC [3.64.060](#)). [Ord. 19-19 § 2, 2019; Ord. 18-16 § 2; Ord. 13-04 § 2.]

2.05.210 Advisory opinions.

A. Upon the request of an elected official or municipal officer, the city attorney shall issue an advisory opinion interpreting this chapter. The requester shall supply any additional information requested by the city attorney in order to issue the opinion.

B. The city attorney may offer oral advice if delay would cause substantial inconvenience or detriment to the requester. Within two (2) working days after providing the oral advice, the city attorney shall provide a brief written statement summarizing its contents.

C. The city attorney may reconsider, revoke, or modify an advisory opinion at any time.

D. A request for advice made under subsection [A](#) of this section is confidential to the extent permitted by law unless the subject of the opinion waives confidentiality and authorizes in writing the release of the request or the full text of the advisory opinion.

E. The city attorney shall make the advisory opinion issued under this section available for public inspection with sufficient deletions to prevent disclosure of the persons whose identities are confidential under subsection [D](#) of this section. [Ord. 19-19 § 2, 2019.]

2.05.220 Immunity.

A city official or municipal officer is not liable under this chapter for an action carried out in accordance with the advice of the city attorney issued under BMC [2.05.210](#), Advisory opinions, if the official or officer fully disclosed all relevant facts reasonably necessary to the issuance of the advice. [Ord. 19-19 § 2, 2019.]

2.05.230 Conformity to law.

If any section or provision of this chapter is held to be contrary to law by a court of competent jurisdiction or by action of the Alaska State Legislature, that section or provision shall be deemed invalid. All other sections and provisions of this chapter shall continue in full force and effect. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2. Formerly 2.05.220.]

The Bethel Municipal Code is current through Ordinance 22-34, passed October 11, 2022.

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.

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Chapter 2.06

BOARD OF ETHICS

Sections:

- 2.06.010 Filing of the complaint, content and limitation of action.**
- 2.06.020 Settlement of complaint.**
- 2.06.030 Confidentiality.**
- 2.06.040 Screening of the complaint.**
- 2.06.050 Probable cause for hearing.**
- 2.06.060 Procedures for hearing notification and the hearing record.**
- 2.06.070 Board of ethics established.**
- 2.06.080 Function and authority.**
- 2.06.090 Hearing procedures.**
- 2.06.100 Penalties and remedies.**
- 2.06.110 Protection of public interest.**

2.06.010 Filing of the complaint, content and limitation of action.

- A. Any person may file a complaint by delivering to the city clerk's office a complaint alleging a city official's or municipal employee's conduct violates Chapter [2.05](#) BMC.
- B. A complaint shall:
 - 1. Identify the section of the code of ethics alleged to have been violated and substantiate the complaint by providing a written explanation of the reason for believing that a violation has occurred with any documentary and testimonial evidence supporting the allegation.
 - 2. Be signed and affirmed by the complainant.
 - 3. Be filed within one (1) year of the alleged violation.
- C. *Procedures.*
 - 1. When the complaint is filed in the city clerk's office, the city clerk shall:
 - a. Date, number and log the confidential complaint.
 - b. Send a copy of the complaint and attached documentation to the respondent with notice of the confidentiality requirements.

2. The city clerk shall contact a hearing examiner for appointment to screen the complaint. The hearing examiner shall have a law degree or three years' experience in administrative hearings. The hearing examiner may request, through the city clerk, public background material associated with the complaint.
3. The city clerk shall prepare and maintain a confidential file available only to the hearing examiner and the respondent, which contains a copy of the complaint and associated documentation used by the hearing examiner in their screening. [Ord. 19-19 § 3, 2019.]

2.06.020 Settlement of complaint.

- A. A resolution and settlement of any complaint may be presented at any time prior to the decision of the board and upon agreement of the parties and approval of the board.
- B. A proposed resolution and settlement shall include remedial actions agreed to by the respondent; and any proposed preventative actions to be undertaken to avoid similar violation by respondent or others in the future.
- C. A proposed resolution and settlement has no effect unless approved by the board. The board will give the complaining person the opportunity to review and comment on the proposed resolution and settlement prior to approving it. Until approved by the board, a proposed resolution and settlement must be kept confidential.
- D. The proposed resolution and settlement becomes public record upon final approval by the board. [Ord. 19-19 § 3, 2019.]

2.06.030 Confidentiality.

- A. The filing of a complaint and information gathered or obtained by the hearing examiner during the screening will take place under a confidential process. Confidentiality shall be maintained by the complainant, the respondent, the hearing examiner, the board, the clerk, and all contacted municipal officials from the filing of the complaint, until such time the hearing examiner has determined probable cause. If the hearing examiner does not determine probable cause, the complaint shall remain confidential.
- B. All third (3rd) parties contacted who are not municipal officials shall be asked to maintain confidentiality.
- C. All portions of board meetings held solely to make a decision are confidential and are held in closed adjudicatory session.
- D. It is not a violation of this section for a person to contact an attorney or to participate in a criminal investigation.
- E. The respondent may, in writing, waive the confidentiality protection of this section as to the complaint, the response and associated documentation.

F. Prior to a determination of probable cause, if confidential provisions of this chapter are violated by anyone other than the respondent or the respondent's witness(es), the complaint shall be dismissed with prejudice. [Ord. 19-19 § 3, 2019.]

2.06.040 Screening of the complaint.

A. The hearing examiner shall within seven days review and screen each complaint forwarded to them to determine whether it contains allegations, which if true could constitute conduct in violation of Chapter [2.05](#) BMC.

B. The hearing examiner shall then screen the complaint in closed adjudicatory session. The hearing examiner's request for information to the city clerk and the responses shall be kept confidential between the hearing examiner, the respondent and the city clerk's office.

C. After the screening, the hearing examiner shall, by formal written order, either accept the complaint in whole or in part, or reject the complaint in its entirety, or remand the complaint to the appropriate agency. The formal order shall contain the hearing examiner's findings and recommendations.

1. If the hearing examiner accepts a complaint, in part or in whole, the clerk shall notify the complainant and respondent of the acceptance of the complaint.

a. The hearing examiner through the city clerk's office shall request the respondent to provide full and fair disclosure of all facts and circumstances pertaining to the alleged violation(s). Misrepresentation of material facts in a response to the hearing examiner from the respondent is a violation of this code. The respondent shall provide a response to the request through the city clerk's office within ten (10) calendar days filing period after notice of the hearing examiner's acceptance of a complaint. If the ten- (10-) day filing period for response has expired, and no response has been received from the respondent, the clerk shall provide notice of lack of response to the hearing examiner who shall proceed in determining probable causes.

b. After the ten- (10-) day filing period for the respondent has closed, the hearing examiner may continue with the investigation for up to an additional ten (10) days or may immediately proceed to determining probable cause.

2. If the hearing examiner rejects the complaint, the city clerk shall, within ten (10) calendar days from the decision, forward the written order of the hearing examiner's rejection and a copy of the complaint to the complainant and respondent. All material associated with the rejected complaint shall be held confidentially unless the respondent waives the confidentiality protection.

3. If the hearing examiner finds allegations of a violation of municipal, state, or federal law outside the board's authority they shall reject the complaint in whole or in part and refer the complaint to the appropriate agency. A complaint that is rejected shall be held confidentially. A complaint that is referred shall be subject to public disclosure in accordance with or imposed by other provisions of law. [Ord. 19-19 § 3, 2019.]

2.06.050 Probable cause for hearing.

- A. The hearing examiner shall consider all information gathered and determine whether there is probable cause to believe that a violation within the board's jurisdiction has occurred.
- B. If probable cause is not found, all parties are notified and the information gathered for the screening remains confidential unless the respondent provides a written waiver of the release of confidentiality rights.
- C. If probable cause is determined by the hearing examiner the city clerk shall schedule a hearing with the board within forty-five (45) days of the hearing examiner's formal written order. The chair may rule on a request for continuance or extension of the hearing date without calling a board meeting as long as there has been an opportunity for the other party to respond to the request for continuance. The continuance may be granted for good cause. The chair's determination shall be in writing and shall specify the date to which the deadline has been changed or the time frame which has been extended. [Ord. 19-19 § 3, 2019.]

2.06.060 Procedures for hearing notification and the hearing record.

- A. The notice of hearing shall be sent out by the city clerk to the complainant, respondent and the board and shall include:
1. The complaint;
 2. Documents submitted to the hearing examiner in their screening of the complaint;
 3. The hearing examiner's formal written order;
 4. Listing of relevant Bethel Municipal Code chapters;
 5. Notice that the parties may be represented by legal counsel at their own expense;
 6. Notice of the hearing material filing deadline, which shall be at least twenty (20) days prior to the hearing date. Material filing may include written arguments and exhibits. Submissions shall become part of the record and shall be mailed or personally served to the board members and the parties within seven (7) business days after the written arguments and exhibits are due.
 - a. Any hearing material not filed by the deadline shall not be accepted by the city clerk. Evidence may be submitted at the time of the hearing if the board chair determines that the evidence was not discovered or could not have been obtained prior to the material filing deadline, or if the evidence is relevant and it is in the interest of justice that it be considered.
 7. Notice of filing deadline for witness lists which shall be at least twenty (20) days prior to the hearing date. Within five (5) days after receipt of witness lists and requests for subpoenas, the city clerk shall serve the parties. Upon request by a party, the chair, on the board's behalf, may issue subpoenas as follows:

- a. The parties may summon witnesses and request the production of records, books, and papers by the issuance of subpoenas;
 - b. Subpoenas shall be served as prescribed by Rule 45 of the Alaska Rules of Civil Procedure. Failure of any person to comply with a subpoena or order issued by the board is a violation of city code. Remedies, enforcement actions and penalties for such violations shall be consistent with the terms of Chapter [1.06 BMC](#). Such remedies are not exclusive and the city may pursue any and all legal and equitable remedies available under law necessary to enforce such subpoenas and orders, including application to Superior Court.
8. Notice of the party's ability to settle the complaint as provided under BMC [2.06.020](#).
 9. The board shall dispose of a complaint within ninety (90) calendar days from the hearing examiner's formal written order. [Ord. 19-19 § 3, 2019.]

2.06.070 Board of ethics established.

- A. There is hereby established a board of ethics.
- B. The board shall be comprised of five members and one (1) alternate member appointed by the mayor and confirmed by the council. Each member appointed and confirmed must be qualified in accordance with BMC [2.60.040](#). The alternate member shall have all the powers and duties of a regular member only while serving as a replacement for a regular member.
- C. The terms of the appointments to the committees shall be for a period of three (3) years. In the event of a vacancy, a new member shall be appointed by the mayor and confirmed by the council and serve the remaining term. During initial creation of the board the appointment terms shall be staggered.
- D. Committee members can be removed by the council for cause. Cause shall be:
 1. Is absent from the city for more than ninety (90) days without first being excused by the body;
 2. Fails to attend three (3) hearings within any calendar year.
 3. Submits a written resignation which is accepted by the body or the mayor;
 4. Dies;
 5. Fails to qualify and give the oath of office within thirty (30) days after city council confirmation of the appointment;
 6. Ceases to be a resident of the city;
 7. Is convicted of a felony or an offense involving a violation of the oath of office for the body; or
 8. Becomes disqualified from holding the seat under other provisions of this code.

- E. The members of the board shall annually elect a chair from among its members. If the chair is absent or has a conflict, the members shall elect another member to sit as presiding examiner of that hearing.
- F. A quorum of the board shall be a majority of all members who are not excused for cause, such as being the complainant, the respondent, a witness, having a conflict of interest, or other for cause recusal. However, in no event may a quorum be less than three (3).
- G. In the event a quorum cannot be met due to disqualification of members, the case documentation and information shall be considered solely by a hearing examiner.
- H. Decisions of the board shall be adopted by a majority of the members who are qualified to act on the matter, where a quorum is present.
- I. Unless the board delegates such authority to another member, the presiding examiner shall have authority to make procedural decisions between board meetings on behalf of the board. Examples of matters that may be decided by such delegation include scheduling hearings, establishing pre-hearing requirements and filing deadlines for exhibits, witness lists, and deciding other procedural matters.
- J. The presiding examiner shall vote on every question, unless required to abstain for cause, and shall not have power to veto any action of the board.
- K. Meetings of the board may be called by the chair or three (3) members. [Ord. 19-19 § 3, 2019.]

2.06.080 Function and authority.

The board of ethics has authority to perform the following functions:

- A. Administer oaths, hold hearings, and take testimony, issue subpoenas, and consider and accept stipulations or possible settlement agreements, recommend disciplinary action to the appropriate appointing authority, assess penalties, and make referrals;
- B. Make recommendations to the city council for amendments to Chapter [2.05](#) BMC and this chapter. [Ord. 19-19 § 3, 2019.]

2.06.090 Hearing procedures.

- A. The board chair shall preside over the hearing and shall make all rulings on issues of procedure, continuances, form and conduct of the hearing and admissibility of evidence. Evidence not filed by the material filing deadline should only be accepted by the chair if the evidence was not discovered or could not have been obtained prior to the material filing deadline, or if the evidence is relevant and it is in the interest of justice that it be considered.
- B. The chair may limit testimony by any person to reduce cumulative or repetitive testimony. The chair may vary the hearing procedures as long as the parties are afforded a fair and reasonable opportunity to be heard.

C. Technical rules of evidence do not apply, but the board's findings shall be based upon a preponderance of the evidence. All testimony and other evidence taken at the hearing shall be recorded and retained according to applicable records retention schedules.

D. The parties may each have the opportunity to be heard, and cross-examine witness, who shall testify under oath.

E. The hearing shall be subject to the following order:

1. Introduction of the case by the chair;
2. Opening statement by complainant;
3. Opening statement by respondent;
4. Complainant witnesses:
 - a. Complainant questions witnesses;
 - b. Respondent may cross-examine the complainant's witnesses;
 - c. Board members may ask questions of the complainant's witnesses;
5. Respondent's witnesses:
 - a. Respondent questions witnesses;
 - b. Complainant may cross-examine the respondent's witnesses;
 - c. Board members may ask questions of the complainant's witnesses;
6. Complainant's closing statement;
7. Respondent's closing statement;
8. Complainant rebuttal.
9. The board may move into a closed adjudicatory session to deliberate.
10. The board shall vote in open session on the following:
 - a. The board does or does not find by a preponderance of the evidence one (1) or more violations within the jurisdiction of the board; and
 - b. The board does or does not provide recommendations to an appointing authority or supervisor for further administrative or remedial actions; and
 - c. What if any specific sanctions, corrective actions or referrals, the board recommends.

F. A finding of a violation of this code shall be supported by a preponderance of the evidence presented at the hearing. The board's decision shall be in writing, shall state it is a final decision, and shall state the parties have

thirty (30) days from the date of distribution to appeal to the Superior Court. The decision shall include findings of fact and conclusions and shall be reasonably specific to provide a clear and precise understanding of the reason for the decision.

G. The board's decision shall be filed with the city clerk within thirty (30) days after the completion of the hearing and served to the parties by the clerk within ten (10) days after the board's decision has been filed. Final administrative decisions may be appealed to the Superior Court per the Alaska Rules of Appellate Procedure, Part 600. [Ord. 19-19 § 3, 2019.]

2.06.100 Penalties and remedies.

- A. The board, upon a finding of a violation of Chapter [2.05](#) BMC, may singly or in combination:
1. Impose a civil fine of not more than five thousand dollars (\$5,000);
 2. Order divestiture, establishment of a blind trust, restitution or forfeiture;
 3. Order the municipal employee or city official to stop engaging in any official action related to the violation;
 4. Recommend that the supervisor take disciplinary action, including dismissal. In the event the ethics board recommends disciplinary action and the appointing authority disagrees with the recommendation, the appointing authority must provide a written explanation for the appointing authority's action to the board within fourteen (14) days of the service of the board's decision.
- B. If the board determines that a former municipal employee or city official has violated Chapter [2.05](#) BMC, it shall issue a public statement of its findings, conclusions and recommendations. Additionally, it shall recommend the city seek all available recommended remedies.
- C. Actions taken in violation of Chapter [2.05](#) BMC shall be treated as follows:
1. In addition to any other action provided by law, a city grant, contract, or lease entered into in violation of Chapter [2.05](#) BMC is voidable by the city. In determining whether to void a grant, contract or lease, the interest of third (3rd) parties who could be damaged may be taken into account. The city may give notice of intent to void a grant, contract or lease under this section no later than thirty (30) days after the board's determination of a violation under this code.
 2. Any city action taken in violation of Chapter [2.05](#) BMC is voidable, except that the interest of third (3rd) parties in the nature of the violation may be taken into account. The city may pursue any other available legal or equitable remedies.
- D. Any municipal official that intentionally violates any provision of Chapter [2.05](#) BMC may be required to pay the city an additional civil penalty up to twice the amount that any person obtained as a result of the violation. This provision may be imposed in addition to any penalty imposed under subsection [\(A\)\(1\)](#) of this section.

E. A penalty imposed under this section is exclusive of and not instead of any other penalty that may be imposed according to law. To the extent that violations under this code are punishable in a criminal action, that section is in addition to the civil remedies in this code.

F. Any person that violates any provision of this code is liable in damages to the city for any losses or increased costs incurred by the city as a result of the violation.

G. A decision of the board is final. An appeal from a decision of the board may be appealed to the Superior Court per the Alaska Rules of Appellate Procedure. [Ord. 19-19 § 3, 2019.]

2.06.110 Protection of public interest.

This code shall be liberally construed in favor of protecting the public interest in full disclosure of conflicts of interests and promoting high standards of ethical conduct for city government. However, the code shall be narrowly construed where it would limit or hinder an elected official's right and duty to vote or otherwise participate in any issue before the elected body or in performing their duties. [Ord. 19-19 § 3, 2019.]

The Bethel Municipal Code is current through Ordinance 22-34, passed October 11, 2022.

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2.60.040 Composition of committees, commissions, and ad hoc committees.

- A. All committees and commissions shall consist of seven (7) council-appointed adult voting members. One (1) member shall be a member of the city council and act as the council representative to provide a direct line of communication between the advisory board and the city council. Each council member shall be appointed to only one (1) committee, commission, and/or ad hoc committee.
- B. In addition to the seven (7) adult voting members, the council may appoint up to two (2) alternative members and one (1) youth member to any advisory committee or commission.
- C. An ad hoc committee may have fewer but not more members than the number provided under subsections [A](#) and [B](#) of this section, and in no event less than five (5) members.
- D. Each committee or commission shall annually elect a chair and a vice chair from its membership. An ad hoc committee shall elect a chair and vice chair at the first (1st) meeting of the body. The vice chair shall act in the absence of the chair or in the event the chair is unable to act.
- E. The city manager is responsible for the effective management of committee, commission, and ad hoc committee operations and shall provide the staff required to assist the body in discharging its duties. The city manager shall appoint at least one (1) ex officio member to provide staff support to each committee, commission, and ad hoc committee. Ex officio members report to and take direction from the city manager and not from the body to which they are appointed.

The duties of the ex officio member include but are not limited to: preparation and posting of agendas, packet materials, meeting minutes, and other relevant documents in accordance with Alaska Statutes ([44.62.310](#) through [44.62.319](#)), Bethel Municipal Code, and city policy. The ex officio member appointed to the body shall also provide subject matter expertise to the body.

An ex officio member is a nonvoting member of the body, but may add items to the agenda and participate in discussion. [Ord. 21-55 § 2, 2022; Ord. 21-20 § 4, 2021.]

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Article V. Community Action Grant Committee

2.60.140 Establishment of community action grant committee.

There is established a community action grant committee for the purpose of advising the city council regarding the funding of community action grants. [Ord. 21-20 § 4, 2021.]

2.60.150 Community action grant committee duties.

A. The community action grant committee shall:

1. Make recommendations to the city council on funding opportunities to individuals and organizations that request financial support through the community action grant program.
2. Hold two (2) meetings each fiscal quarter.
3. Review grant applications submitted to the city and evaluate the qualifications of the applicant and the request for funding.
4. Score the qualifying applications and make recommendations to the city council on funding. The review and scoring of the applications shall focus on advancing the community's opportunities, sustainability, and well-being with components that foster community wellness, positive impact to the community's vulnerable populations, and/or civic engagement of Bethel residents and project beneficiaries.
5. Review and make recommendations to the council on the progress toward achieving the goals set out in the city's comprehensive plan as they relate to programs and needs of the community that may be supported by the grant program.
6. Monitor the community action grant fund balance and associated transfers from the alcohol tax revenue.
7. Provide a forum for public comment and input regarding the community action grant program.
8. Perform other such duties as the city council may from time to time refer. [Ord. 21-20 § 4, 2021.]

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Introduced by: Council Member Sigmon
Introduction Date: March 12, 2013
Public Hearing: March 26, 2013
Action: Passed
Vote: 4-1

CITY OF BETHEL, ALASKA

Ordinance #13-04

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

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

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

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

Chapter 2.05

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

Sections:

~~2.05.010 — Conduct in office — Investigations.~~

~~2.05.020 — Oath.~~

~~2.05.030 — Delivery of office.~~

~~2.05.040 — Reports.~~

~~2.05.050 — Resignation.~~

~~2.05.060 — Conflicts of interest.~~

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

~~2.05.010 Conduct in office — Investigations.~~

A. Definitions.

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

Introduced by: Council Member Sigmon
Introduction Date: March 12, 2013
Public Hearing: March 26, 2013
Action: Passed
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~~2. City employees shall include all persons employed full time or part time, in a permanent or temporary capacity, in an active or inactive status by the city of Bethel.~~

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

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

~~2.05.020 Oath.~~

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

~~2.05.030 Delivery of office.~~

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

~~2.05.040 Reports.~~

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

Introduced by: Council Member Sigmon
Introduction Date: March 12, 2013
Public Hearing: March 26, 2013
Action: Passed
Vote: 4-1

~~2.05.050 Resignation.~~

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

~~2.05.060 Conflicts of interest.~~

~~A. Prohibitions.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~E. Violations:~~

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

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

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

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

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

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

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

Chapter 2.05 City Officers Generally

2.05.010 Definitions

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

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

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

2.05.020 Oath.

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

2.05.030 Resignation.

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

2.05.040 Conflicts of interest and Code of Ethics- Generally

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

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

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

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

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

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

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

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

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

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

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

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

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

2.05.050 Improper influence in grants, contracts, or leases.

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

2.05.060 Representative of the city of Bethel.

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

2.05.070 Outside employment restricted.

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

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

2.05.080 Report of financial and business interests.

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

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

2.05.090 Contents of statement.

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

B. The statement filed shall include the following information relating to the filer's immediate family living in the household excluding filer's dependent children:

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

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

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

2.05.100 Modified requirements for professionals.

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

2.05.110 Administration and inspection.

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

2.05.120 Records, public information.

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

2.05.130 Refusal or failure to disclose.

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

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

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2.05.140 Application of state statutes.

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

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

2.05.150 Conflict of interest-elected city officials.

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

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

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

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

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

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

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

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

2.05.160 Conflict of interest – municipal employee.

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

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

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

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

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

2.05.170 Procedure for declaring potential conflicts of interest –City Manager

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

2.05.180 Conflict with collective bargaining agreement.

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

2.05.190 Employment prohibited.

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

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

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

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

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

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

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

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

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

2.05.210 Procedures for violation reporting.

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

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

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

2.05.220 Conformity to law.

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

2.06 Board of Ethics

2.06.010 Board of ethics established – general provisions.

A. There is hereby established a Board of Ethics.

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

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

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

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

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

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

2.06.020 Function and authority.

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

- A. Investigate reported violations of Chapter 2.05.
- B. Hear and decide written complaints of violations of Chapter 2.05.
- C. Hear and decide on requests for exceptions as specified in Chapter 2.05.
- D. Make findings and recommendations concerning sanctions, civil penalties and remedies for violations as provided in the code.
- E. Adopt recommended policies and procedures governing the board's conduct of business.
- F. Upon application of the complainant, respondent, or at the board's discretion, compel, by subpoena the appearance and sworn testimony at a specified time and place of a person the board reasonably believes may be able to provide information relating to a matter under investigation by the board or the production of documents, records or other items the board reasonably believes may relate to the matter under consideration.
- G. Administer oaths and receive testimony from witnesses appearing before the board.
- H. Request city agencies to cooperate with the board in the exercise of the board's jurisdiction.
- I. Request the advising attorney to seek assistance of the district or superior court to enforce the board's subpoena.
- J. Conduct investigative hearings in executive session, pursuant to notifications alleging violations of matters within the authority of the board.

2.06.030 Confidentiality; initial review.

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

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

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

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

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

2.06.040 Disclosure of complaint of potential violation prohibited.

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

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

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potential violation filed with the board, unless:

i. The respondent elects to proceed in public; or

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

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

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

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

2.06.050 Conduct of investigation and standard of proof.

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

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

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

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

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

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potential violation, and other persons appearing before the board.

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

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

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

8. The board's findings shall be binding.

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

2.06.060 Deliberations of the board.

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

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

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

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

2.06.070 Board member disclosures.

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

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

2.06.080 Duty of cooperation.

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

2.06.090 Decisions on the record.

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

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

2.06.100. Timely completion.

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

2.06.110 Sanctions, civil penalties and remedies.

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

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

2.06.120 Record of proceedings and public record.

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

2.06.130 Settlement of complaints.

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

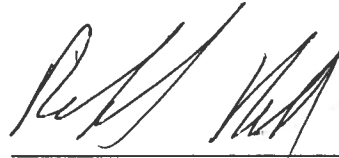
B. A proposed resolution and settlement is subject to approval by the Board and has no effect unless approved by the Board. The Board will give the complaining person the opportunity to review and comment on the proposed resolution and settlement prior to approving it. Until approved by the Board, a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

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

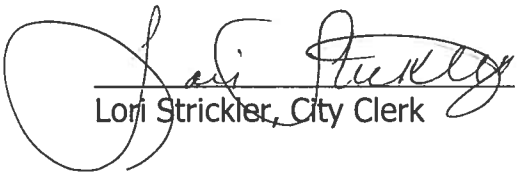
SECTION 3. Effective Date. This ordinance shall become effective immediately, upon passage by the City Council.

ENACTED THIS 26 DAY OF MARCH 2013, BY A VOTE OF 4 IN FAVOR AND 1 OPPOSED.

ATTEST:



Richard Robb, Mayor Pro Tem


Lori Strickler, City Clerk

Introduced by: Council Member Albertson
Introduction Date: September 10, 2019
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Vote: 5-0

CITY OF BETHEL, ALASKA

Ordinance #19-19

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING CHAPTER 2.50, CITY OFFICERS GENERALLY AND REPEALING AND REPLACING 2.60, BOARD OF ETHICS IN THE BETHEL MUNICIPAL CODE

WHEREAS, the Bethel City Council, acting as the Board of Ethics finds the provisions of chapter 2.06 to be confusing and difficult to process;

WHEREAS, it is in the best interest of the community members and our public officials to have clear and concise code provisions to help ensure fair processing and evaluation of ethical complaints;

WHEREAS, the council further finds the submission of a complaint to an attorney acting as a hearing officer examiner as opposed to a lay board, more ;

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 permanent and general in nature and shall be placed in the Bethel Municipal Code

SECTION 2. Amendment The Bethel Municipal Code Section 2.05, is amended as follows (new language is underlined and ~~old language is stricken out~~).

Chapter 2.05

CITY OFFICERS GENERALLY

Sections:

- 2.05.010 Definitions.
- 2.05.020 Oath.
- 2.05.030 Resignation.
- 2.05.040 Conflicts of interest and code of ethics – Generally.
- 2.05.050 Improper influence in grants, contracts, or leases.
- 2.05.060 Representative of the city of Bethel.

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- 2.05.070 Outside employment restricted.
- 2.05.080 Report of financial and business interests.
- 2.05.090 Contents of statement.
- 2.05.100 Modified requirements for professionals.
- 2.05.110 Administration and inspection.
- 2.05.120 Records, public information.
- 2.05.130 Refusal or failure to disclose.
- 2.05.140 Application of state statutes.
- 2.05.150 Conflict of interest – Elected city officials.
- 2.05.160 Conflict of interest – Municipal employee.
- 2.05.170 Procedure for declaring potential conflicts of interest – City manager.
- 2.05.180 Conflict with collective bargaining agreement.
- 2.05.190 Employment prohibited.
- 2.05.200 Political activity.
- 2.05.210 Procedures for violation reporting.
- 2.05.220 Conformity to law.

2.05.010 Definitions.

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

A. "Appointed body" means any municipal commission, board, or committee created by ordinance or resolution with members of the public appointed subject to the confirmation by the city council.

B. "Appointed official" means a board or commission member appointed by the mayor subject to confirmation by the city council.

C. "City official" means a person who holds elective office under the ordinances of the city, or who is a member of a board or commission whose appointment is subject to confirmation by the city council.

D. "Elected official" means a person holding an elective office subject to municipal elections under this code.

E. "Financial interest" includes the receipt of a pecuniary benefit or the expectation of a pecuniary benefit.

1. A financial interest of a person includes a financial interest of any member of the person's household.

2. A person has a financial interest in an organization if the person:

a. Has an ownership interest in the organization; or

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b. Is a director, officer or employee of the organization.

3. Whether a financial interest is substantial is determined on a case-by-case basis.

F. "Hired consultant and contractors" means a person or organization hired by the city as an independent contractor and not as an employee.

G. "Immediate family member" means:

1. The spouse of the person;
2. Another person cohabiting with the person in a conjugal relationship that is not a legal marriage;
3. A child, including a stepchild and an adoptive child, of the person;
4. A parent, sibling, grandparent, aunt or uncle of the person; and
5. A parent or sibling of the person's spouse.

H. "Municipal employee" means any person employed by the city, whether full time or part time, temporary or permanent, but excluding elected officials and appointed officials.

I. "Municipal officer" includes the city manager, city attorney and city clerk.

J. "Source of income" means an employer or other person or entity paying compensation, dividends, or interest, directly or indirectly, for services, products, or investments. If the income being reported is derived from employment by a sole proprietorship, partnership, or corporation in which the reporting person, the spouse or children, or a combination of them holds a controlling interest, that proprietorship, partnership, or corporation may be designated as the source of income without specifying clients or customers if the business is one that is normally conducted on a cash basis and typically does not keep records of individual customers. In all other cases, the clients or customers of the proprietorship, partnership, or corporation shall be listed as sources of income of the person whose income is being reported, whose spouse, children, or a combination of them holds a controlling interest.

2.05.020 Oath.

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

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2.05.0XX Prohibited conduct.

~~A. Municipal employees and city officials may not discriminate, harass, bully or engage in abusive conduct or retaliate against another individual while in their official capacity.~~

~~B. A council member shall not make false statements on which the council, city staff or other agencies rely to establish policy or make important decisions. A council member violates this rule if he/she knows it is untrue, or if the person has knowledge that would lead a reasonable person of ordinary prudence to conclude that the statement is untrue.~~

~~C. A council member shall not divulge confidential information until or unless:~~

- ~~1. The council itself has made the information public; or~~
- ~~2. The reason for the confidentiality has passed.~~

2.05.030 — Resignation.

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

2.05.040 Conflicts of interest and code of ethics – Generally.

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

1. Use their official position or office for the primary purpose of obtaining personal financial gain or financial gain for an immediate family member or business with which the person is associated or in which the person owns stock. This provision does not apply to financial gain from salary under the terms of employment.
2. No city official shall use the implied authority of office or position for the purposes of unduly influencing the decision of others, or promoting a personal interest within the community. City officials will refrain from using their title except when duly representing the city in an authorized capacity. Unless duly appointed by the council to represent the interest of the full council, councilmembers shall refrain from implying their representation of the whole by the use of their title.
3. Solicit or receive money for advice or assistance given in the course of the officer's or employee's employment or relating to that employment.
4. Represent a client before the city council for a fee, except employee members of the unions pursuant to labor agreements. Serve as a paid consultant on a private

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interest or as a paid representative of any person or entity before a municipal department, utility, or elected or appointed public body of the City.

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

a. An item is a "gift" under this subsection if it is:

i. Money, an item of value, service, loan, travel or hospitality accommodation, entertainment, or employment; and

ii. Provided to an elected official, or to another person or entity designated by the elected official, for less than full value.

b. Unless rebutted by other factors, food or beverage for immediate consumption is presumed not to be given under circumstances in which it could be reasonably inferred that they are intended to influence the elected official's independence of judgment in the exercise of official duties.

c. The following unsolicited gifts are allowed; provided, that if disclosure is required, the gift disclosure form is timely filed with the municipal clerk within thirty (30) days of the receipt of the gift:

i. Payment for a business meal offered as a courtesy in the context of municipal duties; provided, that such meals shall not be accepted on a basis so frequent from any one (1) source or a combination of sources as to raise an appearance of the use of the person's public position for private gain. No disclosure is required.

ii. A discount or price available to public sector officials generally, or to a large business category of public officials to which the elected officials belong. No disclosure is required.

iii. A monetary gift or award presented in recognition of meritorious, civic, or voluntary service, so long as presented by a recognized civic or nonprofit charitable organization presenting such a gift or award as part of an established tradition, and not given as financial inducement for official action. An elected official shall disclose a recognition gift or award in excess of one hundred fifty dollars (\$150).

iv. A perishable gift for immediate consumption or display, from member(s) of the public expressing general gratitude or holiday cheer. No disclosure is required.

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v. In-state travel and hospitality discounts or accommodations offered or provided to an elected official shall be applied to any municipal expense for the travel. No disclosure is required. Out of state gifts of travel and hospitality related to providing or obtaining information primarily of matters related to the duties of the elected official are allowed. Gifts in this category in excess of two hundred fifty dollars (\$250) shall be disclosed to the council prior to acceptance.

d. Gifts that are not connected with the recipient's status as an elected official are outside the scope of this chapter and no disclosure is required.

6. No city official may vote on any question in which the member has a direct or indirect substantial financial interest. Direct or indirect financial interest shall be disclosed to the presiding officer prior to the discussion on the question, for a ruling on a request from the member with the financial interest to be excused from discussion vote. The decision of the presiding officer on a request by a member of the governing body or an appointed body to be excused from a vote may be overridden by the majority vote of the body. If there are not at least four (4) members in attendance who are qualified to vote, the matter shall be tabled until the next regular or special meeting at which four (4) members qualified to vote on the matter are in attendance.

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

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

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

2.05.050 Improper influence in grants, contracts, or leases.

A. A municipal officer or municipal employee, or immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a substantial personal or substantial financial interest in a city grant, contract, or lease if the municipal officer or

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public employee may take or withhold official action that affects the award, execution, or administration of the city grant, contract, or lease.

B. The prohibition in subsection A of this section does not apply to a city grant, contract, or lease competitively solicited unless the employee:

1. Is employed by the department or division awarding the grant, contract, or lease, or is employed by the department or division for which the grant, contract, or lease is let;
2. Takes official action with respect to the award, execution, or administration of the grant, contract, or lease.

C. A municipal employee shall report in writing to his/her supervisor any personal or financial interest held by the employee, or an immediate family member, in a city grant, contract, or lease that is awarded, executed, or administered by the department or division served by the employee.

D. The city council may provide a waiver from this section as provided in BMC 4.20.240.

2.05.060 Representative of the city of Bethel.

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

2.05.070 Outside employment restricted.

Municipal employees shall not engage in any employment or self-employment which is incompatible with or in conflict with his/her public employment. A public employee who wishes to engage in other employment or self-employment shall request prior approval from the city manager. If the manager determines that the employment is not incompatible and is not in conflict with the proper discharge of official duties, the manager may give written approval. Any change in an employee's approved outside service or employment activities must be reported to the city manager. If the employee is the city manager, city attorney, or city clerk, the employee shall request approval from the city council, which will have the responsibility for determining compatibility, and, upon a determination that the services or employment are not incompatible or in conflict with official duties, may approve the services or employment in writing.

2.05.080 Report of financial and business interests.

A. A candidate for elective municipal office shall file a statement under oath with the city clerk, at the time of filing a nominating petition and declaration of candidacy,

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specifying the candidate's business interests and income sources, and shall file a similar statement of income sources and business interests with the city clerk not later than April fifteenth (15th) of each year that they hold office.

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

2.05.090 Contents of statement.

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

B. The statement filed shall include the following information relating to the filer's immediate family living in the household excluding filer's dependent children:

1. The source of all income of five thousand dollars (\$5,000) during the preceding calendar year, including taxable capital gains, except that a source of income that is a gift must be included if the value of the gift exceeds two hundred fifty dollars (\$250);
2. The name and address of each business entity owned or in which an interest was held during the preceding calendar year, including a statement of the nature of the interest owned or held, except that an interest held in a retirement account or an interest of less than five thousand dollars (\$5,000) in the stock of a publicly traded corporation need not be included;
3. The name and address of each business in which the filer is an officer, director, manager, or employee during the preceding calendar year;
4. The identity and nature of each interest in real property located within the city limits, including an option to buy, owned at any time during the preceding calendar year;
5. A list of all contracts, bids, or offers to contract with the city during the preceding year, including those made through a proprietorship, partnership, or corporation in which the filer or an immediate family member, or a combination of them, holds a controlling interest.

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2.05.100 Modified requirements for professionals.

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

2.05.110 Administration and inspection.

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

2.05.120 Records, public information.

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

2.05.130 Refusal or failure to disclose.

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

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

2.05.140 Application of state statutes.

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

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

2.05.150 Conflict of interest – Elected city officials.

A. Except as provided herein a city official may not participate in any official action in which the official or a member of the official's immediate family has a substantial financial interest. For purposes of this section participation shall not include discussing

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the matter with city officials or addressing the city council as a private citizen, but shall include voting and participating in the debate as a councilmember.

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

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

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

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

1. The officer shall ask to be excused from the debate and vote on the matter;
2. The presiding officer shall rule on the request;
3. The decision of the presiding officer shall be final unless overridden by a majority vote of the body.

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

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2.05.160 Conflict of interest – Municipal employee.

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

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

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

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

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

2.05.170 Procedure for declaring potential conflicts of interest – City manager.

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

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2.05.180 Conflict with collective bargaining agreement.

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

2.05.190 Employment prohibited.

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

2.05.200 Political activity.

The following limitations shall apply to political activity:

A. Departments, boards, and commissions of municipal government shall not:

1. Expend municipal funds for the support, opposition or endorsement of candidates for any elected government office.
2. Expend municipal funds for paid advertisement which advocates or promotes a particular position, or solicits members of the public to advocate or promote a particular position, on legislation or other action pending before the council.
3. Permit an administrative division of municipal government to endorse or oppose candidates for elected federal, state, municipal or other local office even if such endorsement does not include expenditure of funds. This prohibition applies to municipal employees while on duty and to the use of municipal property or facilities in a manner not made available to members of the public.
4. Authorize that money held by the municipality be used to influence the outcome of an election, except as permitted by state law under AS 15.13.145.
5. Actively campaign or prepare, publish, broadcast, or distribute by any means material of a partisan nature on any ballot measure, including referendums, initiatives, bond issues or other special elections.

B. Subject to restrictions in AS 15.13.145 on the use and expenditure of municipal funds to influence the outcome of a ballot proposition or question, the city manager may designate in advance, in writing, one (1) or more executive employees to appear before the council, appointed public bodies of the municipality, community councils, civic organizations, and media representatives in support of or in opposition to any ballot measure coming before the voters in a municipal election. The designated executive

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employees shall be selected from among the employees with principal responsibility for carrying out policies and programs relevant to the ballot measure.

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

D. A municipal employee shall not serve as a member of the Bethel city council or in elective office of the state, federal, or another local government. A municipal employee who is elected to one (1) of these offices shall resign immediately from municipal employment. This section is not intended to modify 29.20.630 or prohibit an employee from being a member of the Lower Kuskokwim School Board or Advisory School Board.

E. For purposes of this section, public safety volunteers, hired consultants or contractors are not considered municipal employees (BMC 3.64.060).

2.05.210 Advisory opinions

A. Upon the written request of an elected official or municipal officer, the city attorney shall issue an advisory opinion interpreting this chapter. The requester shall supply any additional information requested by the city attorney in order to issue the opinion.

B. The city attorney may offer oral advice if delay would cause substantial inconvenience or detriment to the requester. Within two (2) working days after providing the oral advice, the city attorney shall provide a brief written statement summarizing its contents.

C. The city attorney may reconsider, revoke, or modify an advisory opinion at any time.

D. A request for advice made under subsection (a) of this section is confidential to the extent permitted by law unless the subject of the opinion waives confidentiality and authorizes in writing the release of the request or the full text of the advisory opinion.

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E. The city attorney shall make the advisory opinion issued under this section available for public inspection with sufficient deletions to prevent disclosure of the persons whose identities are confidential under subsection (d) of this section.

2.05.220 Immunity.

A city official or municipal officer is not liable under this chapter for an action carried out in accordance with the advice of the city attorney issued under 2.05.xxx, Advisory opinion if the official or officer fully disclosed all relevant facts reasonably necessary to the issuance of the advice.

2.05.210 Procedures for violation reporting.

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

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

2.05.220 230 Conformity to law.

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

SECTION 3. Repeal and Replacement. Bethel Municipal Code Section 2.06, repealed and replaced as follows old language is stricken out.

Chapter 2.06

BOARD OF ETHICS

Sections:

City of Bethel, Alaska

Ordinance #19-19
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~~2.06.010 Board of ethics established—General provisions.~~
~~2.06.020 Function and authority.~~
~~2.06.030 Confidentiality—Initial review.~~
~~2.06.040 Disclosure of complaint of potential violation prohibited.~~
~~2.06.050 Conduct of investigation and standard of proof.~~
~~2.06.060 Deliberations of the board.~~
~~2.06.070 Board member disclosures.~~
~~2.06.080 Duty of cooperation.~~
~~2.06.090 Decisions on the record.~~
~~2.06.100 Timely completion.~~
~~2.06.110 Sanctions, civil penalties and remedies.~~
~~2.06.120 Record of proceedings and public record.~~
~~2.06.130 Settlement of complaints.~~

~~2.06.010 Board of ethics established—General provisions.~~

~~A. There is hereby established a board of ethics.~~

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

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

~~D. A quorum of the board shall be a majority of all members who are not excused for cause, such as being the complainant, the respondent, a witness, having a conflict of interest, or other for cause recusal. However, in no event may a quorum be less than three (3).~~

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

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

~~G. The presiding officer shall vote on every question, unless required to abstain for cause, and shall not have power to veto any action of the board. [Ord. 13-04 § 2.]~~

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~~2.06.020~~Function and authority.

~~The board of ethics has authority to perform the following functions:~~

- ~~A. Investigate reported violations of Chapter 2.05 BMC.~~
- ~~B. Hear and decide written complaints of violations of Chapter 2.05 BMC.~~
- ~~C. Hear and decide on requests for exceptions as specified in Chapter 2.05 BMC.~~
- ~~D. Make findings and recommendations concerning sanctions, civil penalties and remedies for violations as provided in this code.~~
- ~~E. Adopt recommended policies and procedures governing the board's conduct of business.~~
- ~~F. Upon application of the complainant, respondent, or at the board's discretion, compel, by subpoena, the appearance and sworn testimony at a specified time and place of a person the board reasonably believes may be able to provide information relating to a matter under investigation by the board or the production of documents, records or other items the board reasonably believes may relate to the matter under consideration.~~
- ~~G. Administer oaths and receive testimony from witnesses appearing before the board.~~
- ~~H. Request city agencies to cooperate with the board in the exercise of the board's jurisdiction.~~
- ~~I. Request the advising attorney to seek assistance of the district or superior court to enforce the board's subpoena.~~
- ~~J. Conduct investigative hearings in executive session, pursuant to notifications alleging violations of matters within the authority of the board.~~

~~2.06.030~~Confidentiality—Initial review.

~~A. Each written complaint of a violation of Chapter 2.05 BMC received by the city manager or mayor shall be submitted to the clerk's office and be assigned an identification number, which shall be used in lieu of names when referring to the complaint to maintain confidentiality. The city manager, city attorney, city clerk and the board shall keep all written complaints of potential violation confidential during investigation and the board's deliberative process. Complaints of potential violation may be disclosed only to the staff members of the city clerk's office providing administrative support to the board, members of the board, and legal counsel. Upon receipt of a notification of potential violation, the board shall, at its next scheduled meeting or earlier, as determined by the board chair, review the complaint of potential violation in~~

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~~executive session and determine if further action on the notification of potential violation is warranted.~~

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

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

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

~~2.06.040 — Disclosure of complaint of potential violation prohibited.~~

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

~~A. No person, including the complainant, shall knowingly disclose to another person, or otherwise make public in violation of this chapter, the contents of a complaint of potential violation filed with the board, unless:~~

- ~~1. The respondent elects to proceed in public; or~~
- ~~2. The written report of the board is electronically published by the city clerk.~~

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

~~C. Any person involved with a complaint of potential violation, including the filer of the complaint, shall keep the matter confidential. The confidentiality extends from the filing~~

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~~of the complaint and shall continue until the matter is concluded and made public. Maintaining confidentiality is essential to allowing for a neutral investigation into the matter. If the board finds that any person has violated the confidentiality of a complaint of potential violation, the board shall refer the matter for investigation. If a person is found to have breached confidentiality, they shall be subject to sanctions of three hundred dollars (\$300) for a first (1st) offense, five hundred dollars (\$500) for a second (2nd) offense and one thousand dollars (\$1,000) for each subsequent offense.~~

~~D. Public disclosure resulting from corrective action under this chapter is not a violation of this section. [Ord. 13-04 § 2.]~~

~~2.06.050 Conduct of investigation and standard of proof.~~

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

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

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

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

~~D. The board may question the respondent, the person who filed the complaint of potential violation, and other persons appearing before the board.~~

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

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

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

~~H. The board's findings shall be binding.~~

~~I. When the board's investigation is conducted in executive session, the public shall be excluded and the session shall be electronically recorded. The recording shall be available for access as a public record after publication by the city clerk of the proposed resolution and settlement under BMC 2.06.110. [Ord. 13-04 § 2.]~~

~~2.06.060—Deliberations of the board.~~

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

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

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

~~D. The board shall reconvene in open session when deliberations are complete. [Ord. 13-04 § 2.]~~

~~2.06.070 Board member disclosures.~~

~~When an investigation is convened in executive session to determine whether the respondent has violated Chapter 2.05 BMC, the board members will be requested to disclose any conflict of interest, ex parte communications, or other facts that may affect their qualification to hear the matter. After such a disclosure, the other members of the board shall determine whether a member shall be excused for cause. [Ord. 13-04 § 2.]~~

~~2.06.080—Duty of cooperation.~~

~~A city official or the city manager subject to a complaint of a violation shall work cooperatively with the city clerk to establish a hearing date and shall appear at the place and time set for the hearing, regardless of the respondent's intentions concerning defense or exercise of other rights. Failure to appear, except when failure results from a serious condition or event that prevented the respondent's appearance, is a breach of respondent's duties under this chapter and in itself may result in a summary finding of violation by the board and imposition of remedies, penalties and disciplinary action under BMC 2.06.110. Nothing in this section shall prevent the rescheduling of a hearing for cause upon written request of the respondent or the complainant. [Ord. 13-04 § 2.]~~

~~2.06.090 Decisions on the record.~~

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

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~~A. Whether the board finds by a preponderance of the evidence one (1) or more violations within the jurisdiction of the board; and~~

~~B. Whether the board recommends further administrative or remedial actions; and~~

~~C. What specific sanctions, corrective actions or referrals, if any, the board recommends.~~

~~D. If the board does not find a violation under Chapter 2.05 BMC, the board shall prepare a confidential statement of closure listing the complainant and respondent, the assigned identification number, the allegations, the hearing date, and the finding that no allegation was substantiated by the board in whole or in part, and the date of board closure. At the sole discretion of the respondent, the board may release the statement of closure as a public document. [Ord. 13-04 § 2.]~~

~~2.06.100 — Timely completion.~~

~~The board shall complete action on a complaint of potential violation and investigations within ninety (90) days of the filing of the complaint of potential violation. By a majority vote, the board may extend the completion date for up to an additional ninety (90) days, or longer for good cause shown. [Ord. 13-04 § 2.]~~

~~2.06.110 Sanctions, civil penalties and remedies.~~

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

~~A. A recommendation to the city council that the office of a city councilmember or the position of city manager be declared vacant for a serious violation that is (1) flagrant or (2) willful and knowing.~~

~~B. A member of a board or commission may be removed from the board or commission.~~

~~C. A public or private reprimand may be given to the official.~~

~~D. The official may be ordered to refrain from voting, deliberating, or participating in any matter in violation of Chapter 2.05 BMC.~~

~~E. The committee assignments of an official may be revoked.~~

~~F. An official's privilege to travel at city expense on city business may be revoked or restricted.~~

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~~G. A contract, or transaction or appointment, which was the subject of an official act or action of the city that involved the violation of a provision of Chapter 2.05 BMC, may be voided or terminated.~~

~~H. The official must forfeit or make restitution of any financial benefit received as a consequence of a violation of Chapter 2.05 BMC.~~

~~I. A civil fine of not more than one thousand dollars (\$1,000) per violation may be imposed. [Ord. 13-04 § 2.]~~

~~2.06.120 Record of proceedings and public record.~~

~~Permanent records and minutes shall be kept of board's proceedings. Such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the city clerk, and shall be a public record open to inspection by any person. Every finding and recommendation shall be directed to the city council at the earliest possible date. [Ord. 13-04 § 2.]~~

~~2.06.130 Settlement of complaints.~~

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

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

~~C. The proposed resolution and settlement becomes public record upon final approval by the board. [Ord. 13-04 § 2.]~~

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Chapter 2.06

BOARD OF ETHICS

2.06.010 Filing of the complaint, content and limitation of action.

A. Any person ~~or entity~~, may file a complaint of ~~unethical conduct of a city official, or municipal employee to the Board of Ethics~~ by delivering to the City Clerk's Office a complaint alleging facts which, if true, would constitute a alleging a city official, or municipal employee's conduct violates ~~violation of~~ Bethel Municipal Code 2.05.

B. A complaint shall:

1. Identify the section of the code of ethics alleged to have been violated and substantiate the complaint by providing a written explanation of the reason for believing that a violation has occurred with any documentary and testimonial evidence supporting the allegation.
2. Be signed and affirmed by the complainant.
3. Be filed within one year of the alleged violation.

C. Procedures.

1. When the complaint is filed in the City Clerk's Office, the city clerk shall;
 - a. date, number and log the confidential complaint.
 - b. send a copy of the complaint and attached document to the respondent with notice of the confidentiality requirements.
2. The city clerk shall contact a ~~hearing officer~~ hearing examiner for appointment to screen the complaint. The hearing examiner shall have a law degree or three years experience in administrative hearings. ~~The hearing officer~~ hearing examiner may request through the city clerk, public background material associated with the complaint.
3. The city clerk shall prepare and maintain a confidential file available only to the ~~hearing officer~~ hearing examiner and the respondent, which contains a

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copy of the complaint and associated documentation used by the hearing officer examiner in their screening.

2.06.020 Settlement of complaint.

- A. A resolution and settlement of any complaint may be presented at any time prior to the decision of the board and upon agreement of the parties and approval of the board.
- B. A proposed resolution and settlement shall include remedial actions agreed to by the respondent; and any proposed preventative actions to be undertaken to avoid similar violation by respondent or others in the future.
- C. A proposed resolution and settlement is has no effect unless approved by the board. The board will give the complaining person the opportunity to review and comment on the proposed resolution and settlement prior to approving it. Until approved by the board, a proposed resolution and settlement must be kept confidential.
- D. The proposed resolution and settlement becomes public record upon final approval by the board.

2.06.030 Confidentiality.

- A. The filing of a complaint and information gathered or obtained by the hearing officer examiner during the screening, will take place under a confidential process. Confidentiality shall be maintained by the complainant, the respondent, the hearing officer examiner, the board, the clerk, and all contacted municipal officials from the filing of the complaint, until such time the hearing officer examiner has determined probable cause. If the hearing officer examiner does not determine probable cause, the complaint shall remain confidential.
- B. All third parties contacted who are not municipal officials shall be asked to maintain confidentiality.
- C. All portions of board meetings held solely to make a decision are confidential and are held in closed adjudicatory session.
- D. It is not a violation of this section for a person to contact an attorney or to participate in a criminal investigation.

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E. The respondent may, in writing, waive the confidentiality protection of this section as to the complaint, the response and associated documentation.

F. Prior to a determination of probable cause, if confidential provisions of this chapter are violated by anyone other than the respondent or the respondent's witness(s), the complaint shall be dismissed with prejudice.

2.06.040 Screening of the complaint.

A. The Hearing Officer examiner shall within seven days review and screen each complaint forwarded to them to determine whether it contains allegations, which if true could constitute conduct in violation of Chapters 2.05.

B. The hearing officer examiner shall then screen the complaint in closed adjudicatory session. The hearing officer's examiner's request for information to the city clerk and the responses shall be kept confidential between the hearing officer examiner, the respondent and the city clerk's office.

C. After the screening, the hearing officer examiner shall, by formal written order either accept the complaint in whole or in part or, reject the complaint in its entirety or remand the complaint to the appropriate agency. The formal order shall contain the hearing officer's examiner's findings and recommendations.

1. If the hearing officer examiner accepts a complaint, in part or in whole, the clerk shall notify the complainant and respondent of the acceptance of the complaint.

a. The hearing officer examiner through the city clerk's office shall request the respondent to provide full and fair disclosure of all facts and circumstances pertaining to the alleged violation(s). Misrepresentation of material facts in a response to the hearing officer examiner from the respondent is a violation of this code. The respondent shall provide a response to the request through the city clerk's office within 10 calendar days filing period after notice of the hearing officer's examiner's acceptance of a complaint. If the 10-day filing period for response has expired, and no response has been received from the respondent, the clerk shall provide notice of lack of response to the hearing officer examiner who shall proceed in determining probable causes.

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b. After the 10-day filing period for the respondent has closed, the hearing officer examiner may continue with the investigation for up to an additional 10 days or may immediately proceed to determining probable cause.

2. If the hearing officer examiner rejects the complaint, the city clerk shall within 10 calendar days from the decision, forward the written order of the hearing officer's examiner's rejection and a copy of the complaint to the complainant and respondent. All material associated with the rejected complaint shall be held confidentially unless the respondent waives the confidentiality protection.

3. If the hearing officer examiner find allegations of a violation of municipal, state, or federal law outside the board's authority they shall reject the complaint in whole or in part and refer the complaint to the appropriate agency. If the complaint that is rejected shall be held confidentially and the referred complaint and associated documents shall be subject to public disclosure in accordance with or imposed by other provisions of law.

~~D. If an individual or entity files two or more complaints rejected by a hearing officer examiner and directed at the same individual, the hearing officer examiner may make a recommendation to the board of ethics if in their opinion the rejected complaints are for the purpose of harassment or to otherwise cause the individual public shame or embarrassment.~~

2.06.050 Probable cause for hearing.

A. The hearing officer examiner shall consider all information gathered and determine whether there is probable cause to believe that a violation within the board's jurisdiction has occurred.

B. If probable cause is not found, all parties are notified and the information gathered for the screening remains confidential unless the respondent provides a written waiver of the release of confidentiality rights.

C. If probable cause is determined by the hearing officer examiner the city clerk shall schedule a hearing with the board within 45 days of the hearing officer's examiner's formal written order. The chair may rule on a request for continuance or extension of the hearing date without calling a board meeting as long as there has been an opportunity for the other party to respond to the request for continuance. The continuance may be granted for good cause. The chair's determination shall be in

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writing and shall specify the date to which the deadline has been changed or the time frame which has been extended.

2.06.060 Procedures for hearing notification and the hearing record.

A. The notice of hearing shall be sent out by the city clerk to the complainant, respondent and the board and shall include:

1. The Complaint;
2. Documents submitted to the hearing officer examiner in their screening of the complaint;
3. The hearing officer's examiner's formal written order;
4. Listing of relevant Bethel Municipal Code Chapters;
5. Notice that the parties may be represented by legal counsel at their own expense;
6. Notice of the hearing material filing deadline, which shall be at least 20 days prior to the hearing date. Material filing may include written arguments and exhibits. Submissions shall become part of the record and shall be mailed or personally served to the board members and the parties within seven business days after the written arguments and exhibits are due.
 - a. Any hearing material not filed by the deadline shall not be accepted by the city clerk. Evidence may be submitted at the time of the hearing if the board chair determines that the evidence was not discovered or could not have been obtained prior to the material filing deadline, or if the evidence is relevant and it is in the interest of justice that it be considered.
7. Notice of filling deadline for witness lists which shall be at least 20 days prior to the hearing date. Within five days after receipt of witness lists and requests for subpoenas, the city clerk shall serve the parties. Upon request by a party, the chair, on the board's behalf, may issue subpoenas as follows:
 - a. the parties may summon witnesses and request the production of records, books, and papers by the issuance of subpoenas;

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b. subpoenas shall be served as prescribed by Rule 45 of the Alaska Rules of Civil Procedure. Failure of any person to comply with a subpoena or order issued by the board is a violation of city code. Remedies, enforcement actions and penalties for such violations shall be consistent with the terms of BMC Chapter 1.08. Such remedies are not exclusive and the city may pursue any and all legal and equitable remedies available under law necessary to enforce such subpoenas and orders, including application to superior court.

8. Notice of the party's ability to settle the complaint as provided under BMC 2.06.020.

9. The board shall dispose of a complaint within 90 calendar days from the hearing officer's examiner's formal written order.

2.06.070 Board of ethics established.

A. There is hereby established a board of ethics.

B. The board shall be comprised of five members and one alternate member appointed by the mayor and confirmed by the council. ~~At a minimum, one member of the board shall be a licensed attorney.~~ Each member appointed and confirmed must be qualified in accordance with BMC 2.52.040. The alternate member shall have all the powers and duties of a regular member only while serving as a replacement for a regular member.

C. The terms of the appointments to the committees shall be for a period of three (3) years. In the event of a vacancy, a new member shall be appointed by the mayor and confirmed by the council and serve the remaining term. During initial creation of the board the appointment terms shall be staggered.

D. Committee members can be removed by the council for cause. Cause shall be:

1. Is absent from the city for more than ninety (90) days without first being excused by the body;

2. Fails to attend three (3) hearings within any calendar year.

3. Submits a written resignation which is accepted by the body or the mayor;

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4. Dies;

5. Fails to qualify and give the oath of office within thirty (30) days after city council confirmation of the appointment;

6. Ceases to be a resident of the city;

7. Is convicted of a felony or an offense involving a violation of the oath of office for the body; or

8. Becomes disqualified from holding the seat under other provisions of this code.

~~C. Members of the board shall not:~~

~~1. Hold other elected office, appointed position with the city or political party office;~~

~~2. Endorse or engage in any political or campaign activity on behalf of any candidate for public office; and~~

D. The members of the board shall annually elect a chair from among its members. If the chair is absent or has a conflict, the members shall elect another member to sit as presiding officer examiner of that hearing.

E. A quorum of the board shall be a majority of all members who are not excused for cause, such as being the complainant, the respondent, a witness, having a conflict of interest, or other for cause refusal. However, in no event may a quorum be less than three (3).

F. In the event a quorum cannot be met due to disqualification of members, the case documentation and information shall be considered solely by a hearing officer examiner.

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

H. Unless the board delegates such authority to another member, the presiding officer examiner shall have authority to make procedural decisions between board meetings on behalf of the board. Examples of matters that may be decided by such delegate include scheduling hearings, establishing pre-hearing requirements and filing deadlines for exhibits, witness lists, and deciding other procedural matters.

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

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J. Meetings of the board may be called by the chair or three members.

2.06.080 Function and authority.

The board of ethics has authority to perform the following functions:

~~A. Prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this code;~~

B. Administer oaths, hold hearings, and take testimony, issue subpoenas, and consider and accept stipulations or possible settlement agreements, recommend disciplinary action to the appropriate appointing authority, assess penalties, and make referrals;

C. Make recommendations to the city council for amendments to Chapters 2.05 and 2.06.

2.06.090 Hearing procedures.

A. The board chair shall preside over the hearing and shall make all rulings on issues of procedure, continuances, form and conduct of the hearing and admissibility of evidence. Evidence not filed by the material filing deadline should only be accepted by the chair if the evidence was not discovered or could not have been obtained prior to the material filing deadline, or if the evidence is relevant and it is in the interest of justice that it be considered.

B. The chair may limit testimony by any person to reduce cumulative or repetitive testimony. The chair may vary the hearing procedures as long as the parties are afforded a fair and reasonable opportunity to be heard.

C. Technical rules of evidence do not apply, but the board's findings shall be based upon ~~reliable and relevant~~ preponderance of the evidence. All testimony and other evidence taken at the hearing shall be recorded and retained according to applicable records retention schedules.

D. The parties may each have the opportunity to be heard, and cross-examine witness, who shall testify under oath.

E. The hearing shall be subject to the following order:

1. Introduction of the case by the chair;
2. Opening statement by complainant;
3. Opening statement by respondent;
4. Complainant witnesses:

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- a. Complainant questions witnesses
 - b. Respondent may cross-examine the complainant's witnesses;
 - c. Board members may ask questions of the complainant's witnesses;
5. Respondent's witnesses:
- a. Respondent questions witnesses;
 - b. Complainant may cross-examine the respondent's witnesses;
 - c. Board members may ask questions of the complainant's witnesses;
6. Complainant's closing statement;
7. Respondent's closing statement;
8. Complainant rebuttal.
9. The board may move into a closed adjudicatory session to deliberate.
10. The board shall vote in open session on the following:
- a. The board does or does not find by a preponderance of the evidence one or more violations within the jurisdiction of the board; and
 - b. The board does or does not provide recommendations to an appointing authority or supervisor for further administrative or remedial actions; and
 - c. What if any specific sanctions, corrective actions or referrals, the board recommends.

F. A finding of a violation of this code shall be supported by clear and convincing a preponderance of the evidence presented at the hearing. The Board's decision shall be in writing, shall state it is a final decision, and shall state the parties have 30 days from the date of distribution to appeal to the Superior Court. The decision shall include findings of fact and conclusions and shall be reasonably specific to provide a clear and precise understanding of the reason for the decision.

G. The board's decision shall be filed with the city clerk within 30 days after the completion of the hearing and served to the parties by the clerk within 10 days after the board's decision has been filed. Final administrative decisions may be appealed to the Superior Court per the Alaska Rules of Appellate Procedure, part 600.

2.06.100 Penalties and remedies.

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A. The board, upon a finding of a violation of chapter 2.05, may singly or in combination:

1. Impose a civil fine of not more than \$5,000;
2. Order divestiture, establishment of a blind trust, restitution or forfeiture;
3. Order the municipal employee or city official to stop engaging in any official action related to the violation;
4. Recommend that the supervisor take disciplinary action, including dismissal. In the event the ethics board recommends disciplinary action and the appointing authority disagrees with the recommendation, the appointing authority must provide a written explanation for the appointing authority's action to the board within 14 days of the service of the board's decision.

B. If the board determines that a former municipal employee or city official has violated chapter 2.05, it shall issue a public statement of its findings, conclusions and recommendations. Additionally, it shall recommend the city seek all available recommended remedies.

C. Actions taken in violation of chapter 2.05 shall be treated as follows:

1. In addition to any other action provided by law, a city grant, contract, or lease entered into in violation of Chapter 2.05 is voidable by the city. In determining whether to void a grant, contract or lease, the interest of third parties who could be damaged may be taken into account. The City may give notice of intent to void a grant, contract or lease under this section no later than 30 days after the board's determination of a violation under this code.
2. Any city action taken in violation of Chapter 2.05 is voidable, except that the interest of third parties in the nature of the violation may be taken into account. The city may pursue any other available legal or equitable remedies.

D. Any municipal official that intentionally violates any provision of chapter 2.05 may be required to pay the city an additional civil penalty up to twice the amount that any person obtained as a result of the violation. This provision may be imposed in addition to any penalty imposed under subsection (A) (1) of this section.

E. A penalty imposed under this section is exclusive of and not instead of any other penalty that may be imposed according to law. To the extent that violations under this code are punishable in a criminal action, that section is in addition to the civil remedies in this code.

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F. Any person that violates any provision of this code is liable in damages to the city for any losses or increased costs incurred by the city as a result of the violation.

G. A decision of the board is final. An appeal from a decision of the board may be appealed to the Superior Court per the Alaska Rules of Appellate Procedure.

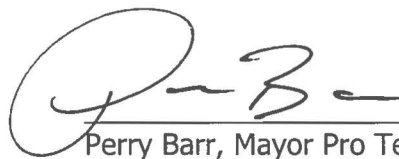
2.06.110 Protection of public interest.

This code shall be liberally construed in favor of protecting the public interest in full disclosure of conflicts of interests and promoting high standards of ethical conduct for city government. However, the code shall be narrowly construed where it would limit or hinder an elected officials right and duty to vote or otherwise participate in any issue before the elected body or in performing their duties.

SECTION 4. Classification. This ordinance is of permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 5. Effective Date. This Ordinance shall become effective upon the approval by the Bethel City Council.

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL ALASKA,
THIS 8 DAY OF OCTOBER 2019, BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.**


Perry Barr, Mayor Pro Tempore

ATTEST:

Lori Strickler, City Clerk

22-01 EC

RECORD INDEX

Record A Communications

- Communications to and from Parties (22-01 EC Record A. P3-40)
- Communications from Office of Administrative Hearings (22-01 EC Record A. P43-75)

Record B.1. Documents Reviewed by Office of Administrative Hearings

- Community Action Grant Committee Documents (22-01 EC Record B.1. P3-183)
- Outside Employment Documents (22-01 EC Record B.1. P184-224)

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- Sales Tax Documents (22-01 EC Record B.2. P1-22)

Record C Bethel Municipal Code and Ordinances

- Bethel Municipal Code Provisions (22-01 EC Record C. P2-25)
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