CITY OF BETHEL

City Council Meeting Agenda, March 10, 2020 – 6:30 PM

Website: https://www.cityofbethel.org/council

Location: Council Chambers, City Hall, 300 Chief Eddie Hoffman Highway, Bethel

Council Members: Mayor Perry Barr, Vice-Mayor Haley Hanson, Fred Watson, Alyssa Leary, Mark Springer, Cece Franko, Michelle DeWitt

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1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PEOPLE TO BE HEARD – FIVE MINUTES PER PERSON**
5. **APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA**
6. **APPROVAL OF MEETING MINUTES**
   - 6.1. *2-25-2020 Regular City Council Meeting
7. **REPORTS OF STANDING COMMITTEES**
   - 7.1. Committee/Commission/Board Agendas And Draft Meeting Minutes
8. **SPECIAL ORDER OF BUSINESS**
9. **UNFINISHED BUSINESS**
   - 9.1. Public Hearing Of Ordinance 20-01: Repealing Title 2.45 Administrative Adjudication (Mayor Barr)
   - 9.2. Public Hearing Of Ordinance 20-02: Amending Bethel Municipal Code 13.08.360 Sewer Services, Experiments And Innovations To Modify The Appeal Procedures (Mayor Barr)
   - 9.3. Public Hearing Of Ordinance 20-03: Repealing Title 2.32 Housing And Urban Development (Mayor Barr)
   - 9.4. Public Hearing Of Ordinance 20-04: Repealing Title 2.36 Civil Defense (Mayor Barr)
   - 9.5. Public Hearing Of Ordinance 20-05: Repealing Title 5.60 Pawn Brokers (Mayor Barr)
   - 9.6. Public Hearing Of Ordinance 20-06: Amending Chapter 4.16 And Creating 4.16a Of The Bethel Municipal Code Adopting The Uniform Alaska Remote Seller Sales Tax Code (Mayor Barr)
10. **NEW BUSINESS**
    - 10.1. *Introduction Of Ordinance 20-07: Amending Bethel Municipal Code 2.52.070 Boards, Committees And Commissions, Vacancies (Mayor Barr)
    - 10.2. AM 20-08: Accepting The Resignation Of Council Member Fred Watson Effective March 10, 2020 And Confirm The Process For The Council's Consideration Of Qualified Candidates To Fill The Vacancy (Mayor Barr)

Posted March 4, 2020 at City Hall, AC Co., Swanson's, and the Post Office.

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Kevin Morgan, Asst. City Clerk

City Clerk's Office Contact Information: Email cityclerk@cityofbethel.net **Phone** 907-543-1384

Items noted with an asterisk (*) are consent agenda items, unless removed from the consent agenda they are approved upon the approval of the agenda.
Ordinances introduced at this meeting may be set for public hearing at the next regular meeting.
The Council may by unanimous consent, after 12:00 AM Fix the Time to Which To Adjourn until the following day at 6:30 PM

10.3. *AM 20-09: Appointment of Committee/Commission/Board members. Jennifer Dobson- Board of Ethics (Mayor Barr)

10.4. *IM 20-04: Presentation Of The City's Water and Sewer Services Expenditures Compared To Budget From July 1, 2019 To February 29, 2020 – Utilities Maintenance – Water and Wastewater Activity Report (Acting City Manager Howell)

11. REPORTS

11.1. Mayor's Report

11.2. City Manager's Report

11.3. Clerk's Report

12. COUNCIL MEMBER COMMENTS

13. EXECUTIVE SESSION

14. ADJOURNMENT

Posted March 4, 2020 at City Hall, AC Co., Swanson's, and the Post Office.

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1. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on February 25, 2020 at 6:30 p.m., in the Council chambers, Bethel, Alaska.

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Comprising a quorum of the Council, the following members were present:
Mayor Perry Barr Council Member Cece Franko Vice-Mayor Haley Hanson City Council Member Mark Springer (telephonically) City Council Member Alyssa Leary City Council Member Michelle DeWitt (telephonically)
Members Absent:
Council Member Fred Watson
Also in attendance were the following:
Acting City Manager Bill Howell, City Clerk Lori Strickler

4. PEOPLE TO BE HEARD – Five minutes per person

Nicholai Joekay- Provided some general information about the upcoming Cama-i Dance Festival scheduled for March 20-22 and asked the City Council to provide the tax reimbursement for the admissions to the event.

5. APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA

Main Motion: Approve the Consent and Regular Agenda.

Moved by:	Haley Hanson
Seconded by:	Alyssa Leary
In favor:	Perry Barr, Cece Franko, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt

Opposed:	None
Results:	Motion Carries

Amend the agenda to Postpone Indefinitely the Executive Session Item 13.2, Agreement between the City of Bethel and Orustararmiut Native Council on Tribal Police and Tribal Courts.

Moved by:	Mark Springer
Seconded by:	Alyssa Leary
In favor:	Perry Barr, Cece Franko, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt
Opposed:	None
Results:	Motion Carries

Remove from the consent agenda 10.04 Introduction of Ordinance 20-04- Council Member Springer.

6. APPROVAL OF MEETING MINUTES

Item 6.1. - *2-10-2020 Special City Council Meeting
Passed on the consent agenda.

Item 6.2. - *2-11-2020 Regular City Council Meeting
Passed on the consent agenda.

7. REPORTS OF STANDING COMMITTEES

Item 7.1. - Committee/Commission/Board Agendas And Draft Meeting Minutes

Port Commission-
No one available to provide a report.

Planning Commission, Vice- Mayor Hanson-
Met on February 13th to discuss amendments to the code concerning structures in general use and residential areas. Next meeting on March 12th.

Community Action Grant Technical Review Board, Mayor Barr-
Thanked all of the volunteers for their hard work to support the Community through

the City's bodies. Identified the deadlines for the Community Action Grant applications.

Parks, Recreation, Aquatic Health and Safety Center Committee, Council Member DeWitt-
A Special meeting will be held with the Finance Committee on Friday to go over the Pool financial statement. Looking over the Pool Maintenance Report and making sure the city is taking steps to ensure entities are held accountable for any damage caused by the facility freeze-ups.

Finance Committee, Council Member Franko-
Had a meeting last night. Next meeting will be a Joint Meeting on Friday to discuss the pool financial statements.

Public Works Committee, Council Member Leary-
Looking over modifications to the City's code provisions on plastic bags and polystyrene containers.

Public Safety and Transportation Commission, Council Member Springer-
A quorum of the body has not been established a meeting has not been held.

8. SPECIAL ORDER OF BUSINESS

9. UNFINISHED BUSINESS

10. NEW BUSINESS

Item 10.1. - *Introduction Of Ordinance 20-01: Repealing Title 2.45 Administrative Adjudication (Mayor Barr)

Passed on the consent agenda.

Item 10.2. - *Introduction Of Ordinance 20-02: Amending Bethel Municipal Code 13.08.360 Sewer Services, Experiments And Innovations To Modify The Appeal Procedures (Mayor Barr)

Passed on the consent agenda.

Item 10.3. - *Introduction Of Ordinance 20-03: Repealing Title 2.32 Housing And Urban Development (Mayor Barr)

Passed on the consent agenda.

Item 10.4. - *Introduction Of Ordinance 20-04: Repealing Title 2.36 Civil Defense (Mayor Barr)

Main Motion: Introduce Ordinance 20-04.

Moved by:	Mark Springer
Seconded by:	Cece Franko
In favor:	Perry Barr, Cece Franko, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt
Opposed:	None
Results:	Motion Carries

Item 10.5. - *Introduction Of Ordinance 20-05: Repealing Title 5.60 Pawn Brokers (Mayor Barr)

Passed on the consent agenda.

Item 10.6. - *Introduction Of Ordinance 20-06: Amending Chapter 4.16 And Creating 4.16a Of The Bethel Municipal Code Adopting The Uniform Alaska Remote Seller Sales Tax Code (Mayor Barr)

Passed on the consent agenda.

Item 10.7. - *Resolution 20-03: Establishing A City Council Member Travel Policy (Council Member Leary)

Passed on the consent agenda.

Item 10.8. - AM 20-05: Allow Action Memorandums That Authorize The City Manager To Negotiate And Execute Lease Amendments And That Authorize The City Manager To Apply For Grants To Fall On The Consent Agenda (Vice-Mayor Hanson)

Main Motion: Approve AM 20-05.

Moved by:	Haley Hanson
Seconded by:	Alyssa Leary
In favor:	Perry Barr, Cece Franko, Haley Hanson, Alyssa Leary, Mark Springer, Michelle

	DeWitt
Opposed:	None
Results:	Motion Carries

Item 10.9. - *AM 20-06: Appointment Of Committee/Commission/Board Members. Alicia Miner- Board Of Ethics (Mayor Barr)

Passed on the consent agenda.

Item 10.10. - AM 20-07: Direct Administration To Prepare And Submit A 2020 Cops Hiring Program Application To The U.S. Department Of Justice, In Partnership With The Lower Kuskokwim School District, To Request $125,000 For One School Resource Officer Position (Acting City Manager Howell)

Main Motion: Approve AM 20-07.

Moved by:	Alyssa Leary
Seconded by:	Mark Springer
In favor:	Perry Barr, Cece Franko, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt
Opposed:	None
Results:	Motion Carries

11. REPORTS

Item 11.1. - Mayor's Report

Item 11.2. - City Manager's Report

Item 11.3. - Clerk's Report

12. COUNCIL MEMBER COMMENTS

Mayor Barr-Returned from Juneau where Council Member Watson and himself took part in the AML conference. They discussed online sales tax, Medicaid/Medicare issues, and met with legislators. They presented the priorities for the City of Bethel including the Public Works Building floor and Calcium Chloride for the streets.

Vice-Mayor Hanson-
Provided the community spring break dates for the Schools.

Council Member Leary-
Thanked Kadri Limani for his service to the City of Bethel. Let the public know that she intends to evaluate solutions to help improve the hauled services operations for the customers.

Council Member Franko-
No comments.

Council Member Springer-
Use caution on the ice road, it has drifted a lot. Thanked the water and sewer drivers for their hard work.

Council Member DeWitt-
No Comment

13. EXECUTIVE SESSION

Item 13.1. - AS 44.62.310 (C)(2) Subjects That Tend To Prejudice The Reputation And Character Of Any Person - City Manager And City Attorney Review and Employment Agreement Development (Note, All City Manager and Attorney Candidates May be Discussed During the Executive Session) (Mayor Barr)

Main Motion: Move into Executive Session. AS 44.62.310 (C)(2) Subjects That Tend To Prejudice The Reputation And Character Of Any Person - City Manager And City Attorney Review and Employment Agreement Development. Those in attendance were City Clerk, City Manager and City Council.

Moved by:	Haley Hanson
Seconded by:	Mark Springer
In favor:	Perry Barr, Cece Franko, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt
Opposed:	None
Results:	Motion Carries

Main Motion: Accept the Employment Agreement between the City of Bethel and Elizabeth Bakalar.

Moved by:	Alyssa Leary

Seconded by:	Mark Springer
In favor:	Perry Barr, Cece Franko, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt
Opposed:	None
Results:	Motion Carries

Main Motion: Accept the Employment Agreement between the City of Bethel and Vincenzo Corazza.

Moved by:	Haley Hanson
Seconded by:	Alyssa Leary
In favor:	Perry Barr, Cece Franko, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt
Opposed:	None
Results:	Motion Carries

Item 13.2. - AS 44.62.310 (C)(3)Matters Which By Law, Municipal Charter, Or Ordinance Are Required To Be Confidential - Attorney Client Privilege, Agreement Between The City Of Bethel And Orutsararmiut Native Council On Tribal Police And Tribal Courts (Acting City Manager Howell)

Postponed Indefinitely.

14. ADJOURNMENT

Main Motion: Adjournment.

Moved by:	Mark Springer
Seconded by:	Alyssa Leary
In favor:	Perry Barr, Cece Franko, Haley Hanson, Alyssa Leary, Mark Springer, Michelle DeWitt
Opposed:	None
Results:	Motion Carries

Meeting ended at 7:20 p.m.

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Perry Barr, Mayor

ATTEST:

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Lori Strickler, City Clerk

City of Bethel Joint Committee Meeting
Special Meeting - Friday, February 28, 2020 6:30 pm
City Hall Council Chambers, Bethel, AK
Finance Committee and
Parks, Recreation, Aquatic Health & Safety Center Committee

Finance Committee

Joni Beckham

Robert Rey

Cecilia Franko

David Trantham, Jr

Jason Brown

Mary Beth Whalen

Jim Chevigny

Christine Blake

Ken Fay

Teddi Worrock

Parks and Recreation Committee

Brian Lefferts

Judy Wasierski

Kathy Hanson

Beverly Hoffman

Peter Evon

Garrett Hussion

Kathryn Baldwin

Michelle DeWitt

Stacey Reardon

Corbin Ford

I. CALL TO ORDER

II. ROLL CALL

III. PEOPLE TO BE HEARD – Three minutes per person

IV. APPROVAL OF AGENDA

V. SPECIAL ORDER OF BUSINESS

A. Discussion of YK Fitness Center Finances with Christina Trent

VI. COMMITTEE MEMBER COMMENTS

VII. ADJOURNMENT

Posted February 25, 2020 at City Hall, AC Co., Swanson’s, and the Post Office.

Charlie Dan, Public Works Assistant

City of Bethel Police Dept.

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

PUBLIC NOTICE
REGULAR MEETING OF THE
PUBLIC SAFETY & TRANSPORTATION COMMISSION
WEDNESDAY, March 04, 2020 –6:30 p.m.
300 STATE HIGHWAY – CITY COUNCIL CHAMBERS
AGENDA

Members
Madelene Reichard
Chair

Mark Springer
Council Representative

Azara Mohammadi

Ex-Officio Members

Amy Davis
Acting Police Chief

Daron Solesbee
Acting Fire Chief

Jesslyn McGowan
Recorder

"The Public Safety and Transpiration Commission does not have enough people appointed to the body to hold their regular meeting. If you are interested in volunteering please go to the City's website www.cityofbethel.net to get more information.

Jesslyn McGowan

Jesslyn McGowan, *Recorder*
POSTED on February 25, 2020
POST OFFICE, AC QUICKSTOP, CORINA'S CASE LOT, CITY HALL, & POLICE DEPT.
Next Public Safety and Transportation Commission Meeting will be ***April 01, 2020***

"Deep Sea Port and Transportation Center of the Kuskokwim"

City of Bethel Community Action Grant Technical Review Board Meeting Minutes

December 2, 2019 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	Lucinda Alexie
Leif Albertson, Vice Chair	Amber Jones
Jennifer Dobson	Louise Russell
BOARD MEMBERS ABSENT:	
Perry Barr, Council Rep.	
ALSO IN ATTENDANCE:	
John Sargent, Recorder & Ex Officio	

III. PEOPLE TO BE HEARD

None.

IV. APPROVAL OF AGENDA

MOVED:	L. Albertson	Approval of Agenda as amended (delete Charlie Dan from attendance)
SECONDED:	L. Russell	
VOTE ON MAIN MOTION	6-0 Motion Passes	

V. APPROVAL OF MINUTES

MOVED:	J. Dobson	Approve November 19, 2019 Meeting Minutes.
SECONDED:	L. Russell	
VOTE ON MAIN MOTION	6-0 Motion Passes	

VI. UNFINISHED BUSINESS

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

	Avg.
Healing Thru Music & Dance	
145+123+155+121+140+111 =795	132.5
After School Youth Art Studio	
142+140+113+112+111+91 = 709	122.3
Library Jesuit Adult Services Coordinator	
170+162+150+152+163+165 = 962	60.3

Skiku Ski Week - Bethel 2020
149+165+151+147+160+140 = 912 152.0

Funding Recommendations
Healing Through Music & Dance > $6,000
Stipulations: No harmonicas. Looper and Mackie purchased with CAG funds must remain in Bethel.

After School Youth Art Studio > $4,500
Stipulations: Funding for one quarter only. One class a week for 20 weeks. Applicant must put number of attendees in exit report.

Library Jesuit Adult Services Coordinator > $14,000
Stipulations: None.

Skiku Ski Week > $7,575
Stipulations: Age range is K-6. Need to purchase more boots in various sizes so that more children can use the equipment. Put the number of participants at each event in exit report.

B. Review amount of CAG funding available.
John presented memorandum in packet on the amount of CAG funds available for distribution.

MOVED:	L. Russell	Approve CAG funding recommendations as agreed during Committee as a Whole discussion.
SECONDED:	J. Dobson	
VOTE ON MAIN MOTION	6-0 Motion Passes	

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

MOVED:	J. Dobson	Approve 2020 CAG Calendar as presented in packet.
SECONDED:	L. Albertson	
VOTE ON MAIN MOTION	6-0 Motion Passes	

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

MOVED:	J. Dobson	John send out emails to CAG recipients who are late submitting their exit reports.
SECONDED:	A. Jones	
VOTE ON MAIN MOTION	6-0 Motion Passes	

VII. NEW BUSINESS

A. Introduction: New Council Member Representative Perry Barr.
Board agreed to postpone this item to the next meeting.

B. Bethel Friends of Canines Request for Reallocation of CAG funds.

MOVED:	A. Jones	Approve Bethel Friends of Canines request to reallocate the use of approved CAG funds to another staff member not mentioned in application.
SECONDED:	J. Dobson	
VOTE ON MAIN MOTION	6-0 Motion Passes	

VIII. BOARD MEMBER COMMENTS

A. Jones: This is my last meeting. I am resigning from the Board because my school program started.
L. Alexie: None
L. Russell: Diverse group of applicants this time.
L. Albertson: Closing of liquor store may result in decline of CAG funds in future.
J. Dobson: I appreciate working with the Board during these meetings.
J. Sargent: Great to see the time and effort Board members put into these meetings.
S. Grady Deaton: There are a lot of potential applicants out there.

IX. ADJOURNMENT

MOVED:	A. Jones	Adjourn the meeting.
SECONDED:	L. Albertson	
VOTE ON MAIN MOTION	6-0 Motion Passes	

Meeting Adjourned at 9:40 pm.

APPROVED THIS ______ day of________________ 2019.

Respectfully Submitted:

______________________________ ATTEST: ______________________________
S. Grady Deaton, Chair John Sargent, Recorder

Introduced by: Mayor Barr
Introduction Date: February 25, 2020
Public Hearing March 10, 2020
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #20-01

AN ORDINANCE BY THE BETHEL CITY COUNCIL REPEALING TITLE 2.45 ADMINISTRATIVE ADJUDICATION

WHEREAS, the Bethel Municipal Code contains a number of different appeal processes which apply to various different appeal conditions;

WHEREAS, in an effort to consolidate and update the appeal processes in the Bethel Municipal Code, it is necessary to eliminate the need to cross reference multiple different locations for a single appeal;

WHEREAS, cross-referencing multiple areas of the code for a single appeal is complicated for the public and the staff and creates a concern that if not fully evaluated important pieces of an appeal procedure may be missed.

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

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

Section 2. Amendment: Section 2.45 of the Bethel Municipal Code, Administrative Adjudication is hereby repealed.

~~Chapter 2.45~~

~~ADMINISTRATIVE ADJUDICATION~~

~~Sections:~~

~~2.45.010 Applicability of section.~~

~~2.45.020 Definitions.~~

~~2.45.030 Accusation.~~

~~2.45.040 Application for administrative decision.~~

~~2.45.050 Notice of appeal.~~

~~2.45.060 Date of hearing.~~

~~2.45.070 Hearing procedures.~~

~~2.45.010 Applicability of section.~~

~~Except as otherwise provided by this code or by law, the provisions of this chapter apply to all quasi-judicial proceedings and administrative hearings conducted by city officials, agencies, boards and commissions and the city council. Where the provisions of this chapter are in conflict with the specific provisions of another law, statute or ordinance, the provisions of that law, statute or ordinance shall govern.~~

~~2.45.020 Definitions.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~A. "Administrative hearing" means any hearing, formal conference or other proceeding before a city board, agency, commission or official which is required by law or by this code as a condition precedent to the determination by such board, agency, commission or official of any matter relating to the rights, privileges, duties, obligations or remedies of an identified individual.~~

~~B. "Agency, board and commission" means any elected or appointed body, department, division or other administrative organ of the city having any legislative, quasi-judicial or administrative functions.~~

~~C. "Official" means any person elected, appointed, named or employed by the city to conduct as part of his duties quasi-judicial proceedings or administrative hearings.~~

~~D. "Quasi-judicial proceeding" means any hearing, formal conference or other proceeding before a city board, commission or official to review the legality, appropriateness or wisdom of official actions taken on behalf of the city as they relate to the particular legal rights, privileges, duties, obligations or remedies of identified individuals.~~

~~2.45.030 Accusation.~~

~~An administrative hearing permitted under this code to determine whether a right, authority, license, privilege or permit should be suspended, revoked, limited or conditioned shall be initiated by the filing of an accusation on behalf of the official, board or commission empowered to take such action. The accusation:~~

~~A. Shall set forth in writing, in ordinary and concise language, the acts or omissions with which the respondent is charged so that a defense may be prepared;~~

~~B. Shall specify the ordinance, statute or regulation which the respondent is alleged to have violated, but may not consist merely of charges phrased in the language of the statute and rule; and~~

~~C. Must be served personally on the respondent, or in compliance with the Alaska Rules of Court.~~

~~2.45.040 Application for administrative decision.~~

~~An administrative hearing permitted under this code to determine whether a right, authority, license, permit or privilege shall be granted, issued or reviewed is initiated by the filing of a written application for such administrative action with the official, board or commission empowered by law to take such action. The written application must identify the applicant, specify the nature of the right, authority, license, permit or privilege desired by the applicant, explain the reasons for such application, and recite the legal authority for such application. The application shall be served personally on the official, agency, board or commission empowered to make the decision.~~

~~2.45.050 Notice of appeal.~~

~~Where, under the provisions of this code, a quasi-judicial proceeding is permitted to review an administrative action, the appellant shall apply in writing to the official, board or commission empowered to hear such appeal and shall identify himself, cite the administrative decision from which the appeal is taken, and in a succinct and coherent manner state the reasons for such appeal.~~

~~2.45.060 Date of hearing.~~

~~Unless otherwise provided in this code, the following shall apply:~~

~~A. Where an administrative hearing is allowed following an accusation as described in BMC 2.45.030, such hearing shall take place no less than thirty (30) calendar days and no more than sixty (60) calendar days following the date of service of such accusation on the respondent unless the parties agree to extend or reduce the time for a hearing. Any changes in scheduling are subject to approval of the hearing officer.~~

~~B. Where an administrative hearing is permitted upon formal application by one seeking any right, authority, license, permit or privilege, such hearing shall take place no less than forty-five (45) calendar days and no more than ninety (90) calendar days following date of actual receipt of such application by the administrative official, agency, board or commission empowered to conduct such administrative hearing unless the parties agree to extend or reduce the time for a hearing. Any changes in scheduling are subject to approval of the hearing officer.~~

~~C. Where a quasi-judicial proceeding is permitted to review any administrative action taken on behalf of the city, such proceeding shall take place no more than sixty (60) calendar days following the date a written notice of appeal as provided by BMC 2.45.050 is filed with the official, board or commission empowered to hear such appeal unless the parties agree to extend the time for a hearing. Any changes in scheduling are subject to approval of the hearing officer.~~

~~2.45.070 Hearing procedures.~~

~~Administrative hearings and quasi-judicial proceedings shall be conducted informally and may be governed by such rules and procedures as the official board or commission~~

~~empowered to conduct such hearings or proceedings may choose to establish, except that:~~

~~A. Parties may appear in person or through counsel.~~

~~B. Parties may present witnesses and evidence on their own behalf.~~

~~C. Parties or their counsel may cross examine opposing witnesses on matters relevant to the issues, impeach witnesses regardless of which party first called the witness to testify, and rebut evidence against the party.~~

~~D. Relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule which makes improper the admission of the evidence over objection in a civil action. Hearsay evidence may be considered provided there are guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence which the proponent can procure by reasonable efforts.~~

~~E. All administrative hearings and quasi-judicial proceedings shall be open to the public, unless otherwise agreed by all parties to such hearings or proceedings.~~

~~F. All parties shall have the right to subpoena witnesses and documents using a form provided by the city clerk and submitted to the city clerk for issuance at least ten (10) business days before the date of the hearing.~~

~~G. All administrative hearings and quasi-judicial proceedings shall be memorialized by an electronic recording.~~

~~2.45.080 Scope of review.~~

~~Unless otherwise provided in this code, officials, boards or commissions empowered to conduct quasi-judicial proceedings may hear and decide de novo all matters appealed and may exercise independent judgment as to the weight of evidence supporting or refuting the findings of the city official, board or commission from whose decision the appeal is taken, and may exercise independent judgment on legal issues raised by the~~

~~parties. Decisions by department heads or city officials may be modified, remanded or affirmed by the reviewing official, board or commission.~~

~~2.45.090 Decisions.~~

~~Unless otherwise provided in this code, no later than thirty (30) calendar days following an administrative hearing or quasi-judicial proceeding conducted under this chapter, the official, agency, board or commission empowered to conduct an administrative hearing or proceeding shall issue a written decision based on findings and conclusions adopted by the official, agency, board or commission. Such findings must be in writing and must be reasonably specific so as to provide interested persons and, where appropriate, reviewing authorities, a clear and precise understanding of the reasons for the decision entered. The decision, findings of fact and conclusions of law shall be forwarded to all parties to the appeal. A final appealable decision must indicate that it is a final order and that a party disputing the decision has thirty (30) calendar days to appeal.~~

~~2.45.100 Reconsideration.~~

~~A decision of a board, commission or official reached at the conclusion of a quasi-judicial proceeding or administrative hearing may be reconsidered or reheard only if:~~

~~A. There was substantial procedural error in the original proceedings;~~

~~B. The official, board or commission acted without jurisdiction in the original proceeding; or~~

~~C. The original decision was based on fraud or misrepresentation.~~

~~Any person seeking reconsideration or rehearing must file a request with the city clerk together with the materials supporting one (1) or more of the grounds stated in this section within fifteen (15) calendar days of the decision for which reconsideration or rehearing is requested. A rehearing shall be conducted in the same manner as the original proceeding.~~

~~2.45.110 Ex parte contacts prohibited.~~

~~Officials, boards or commissions while acting in their quasi-judicial capacity shall be impartial in all matters both in fact and in appearance. No member of any board,~~

~~commission or any official shall receive or otherwise engage in ex parte communications with the appellant, applicant or other parties adversely affected by the appeal or application or members of the public concerning the appeal or application or issues specifically presented in the notice of appeal either before the appeal hearing or during the period of time the matter is subject to reconsideration. This section shall not be deemed to prevent those charged with conducting administrative hearings or quasi-judicial proceedings from discussing matters relating to the appeal among themselves or to prohibit communications between the city staff and such persons where staff members are themselves not named parties to an appeal or members of any body which has in its own name become an active party to the appeal.~~

~~2.45.120 Conflicts of interest.~~
~~No person shall serve on any administrative hearing or quasi-judicial proceeding if:~~

~~A. That person or a member of his immediate family has a financial interest in any property affected by the application or appeal;~~

~~B. That person or a member of his immediate family could foreseeably profit in any material way through resolution of the matters before such official, agency, board or commission;~~

~~C. That person believes they could not be fair and impartial or due to the person's job, position or other reason, a reasonable person would believe the person serving could not be fair and impartial; or~~

~~D. That person would be faced with a violation of the code of ethics of the city by voting on or participating in the application or appeal.~~

~~2.45.130 Transition measures.~~
~~The provisions of this chapter shall apply only to those appeals or applications for administrative decisions filed on or after the effective date of the ordinance from which this chapter is derived.~~

~~2.45.140 Appeals from administrative decision.~~

~~A final decision issued under BMC 2.45.090 may be appealed to the Superior Court, Fourth Judicial District, within thirty (30) calendar days of the date the decision was issued. For the purposes of this section the date of issuance is the date upon which the decision was mailed or delivered to the parties.~~

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

ENACTED THIS __ DAY OF MARCH 2020 BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

____
Perry Barr, Mayor

ATTEST:

____
Lori Strickler, City Clerk

Introduced by: Mayor Barr
Introduction Date: February 25, 2020
Public Hearing March 10, 2020
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #20-02

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE 13.08.360 SEWER SERVICES, EXPERIMENTS AND INNOVATIONS TO MODIFY THE APPEAL PROCEEDURES

WHEREAS; Ordinance 20-01 repeals Chapter 2.45, Administrative Adjudication which is referenced in 13.08.360;

WHEREAS; the City is in the process of updating the appeal processes to ensure they are more streamlined for the public and the staff administering the appeal procedures.

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

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

Section 2. Amendment: Section 13.08.360 of the Bethel Municipal Code, is amended as follows, new language is underlines removed language is stricken.

Title 13 Public Services

Chapter 08 Sewer Services

13.08.360 Experiments and innovations.

A. Nothing in this chapter shall be construed to prohibit the use of experimental and/or innovative processes or procedures for waste treatment. The request to operate ~~operation of~~ such device, process or procedure shall be made to and have the prior written approval of the public works director following an evaluation of the public works committee. ~~After a public hearing of the public works committee,~~ the public works director and committee shall evaluate ~~the advice of the public works committee in considering approving of all~~ such devices, processes and procedures to ensure that they are not in conflict with the health and welfare of the city.

~~Applications for approval of such devices, processes and procedures shall be made to the public works director and any appeal from a decision of the public works director shall be in accordance with the appeal procedures set out in Chapter 2.45 BMC~~

B. Denial of a request to operate such device, process or procedure by the public works director may be appealed in writing to the city manager within (30) thirty calendar days of written notice of the denial. All appeals must include the following information:

1. The name, address, telephone number and fax number (if available) of the interested party filing the appeal;

2. The signature of the person authorized to file the appeal;

3. A detailed statement of the legal or factual grounds for the appeal;

4. Copies of any relevant documents;

5. An appeal fee in the amount listed in the most current city of Bethel schedule of rates. Charges and fees shall be paid to the city and must be received by the deadline for filing the written appeal. This fee shall be refundable if the appellant prevails in the appeal to the city manager.

The city manager shall respond, in writing, within twenty (20) business days from the date the appeal fee is made. If the City manager denies the appeal, the written decision shall state that it is the final agency decision and that within (30) days from the date of the decision an appeal may be made to the Alaska Superior Court, Fourth Judicial District at Bethel, Alaska, pursuant to the Alaska Rules of Appellate Procedure.

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

ENACTED THIS __ DAY OF MARCH 2020 BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

____
Perry Barr, Mayor

ATTEST:

____
Lori Strickler, City Clerk

Introduced by: Mayor Barr
Introduction Date: February 25, 2020
Public Hearing March 10, 2020
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #20-03

AN ORDINANCE BY THE BETHEL CITY COUNCIL REPEALING TITLE 2.32 HOUSING AND URBAN DEVELOPMENT

WHEREAS; the code provision is obsolete and unnecessary;

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

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

Section 2. Amendment: Section 2.32 of the Bethel Municipal Code, Housing and Urban Development is hereby repealed.

~~Chapter 2.32~~

~~HOUSING AND URBAN DEVELOPMENT POWERS~~

~~Sections:~~

~~2.32.010 Powers adopted.~~
~~2.32.020 Scope of powers.~~
~~2.32.030 Implementation authority.~~

~~2.32.010 Powers adopted.~~

~~Housing and urban development powers are adopted and assumed by the city and made a matter of record by this chapter. [Ord. 117 § 2, 1979.]~~

~~2.32.020 Scope of powers.~~

~~Housing and urban development powers are limited to development of a senior citizens' housing project. [Ord. 117 § 3, 1979.]~~

~~2.32.030 Implementation authority.~~

~~The mayor or city manager is authorized to enter into such contracts, agreements or arrangements necessary to implement and carry out the powers assumed in BMC 2.32.010 and 2.32.020. [Ord. 117 § 4, 1979.]~~

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

ENACTED THIS __ DAY OF MARCH 2020 BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

____
Perry Barr, Mayor

ATTEST:

____
Lori Strickler, City Clerk

Introduced by: Mayor Barr
Introduction Date: February 25, 2020
Public Hearing March 10, 2020
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #20-04

AN ORDINANCE BY THE BETHEL CITY COUNCIL REPEALING TITLE 2.36 CIVIL DEFENSE

WHEREAS; the Council Civil Defense authority was repealed with the state of Alaska declared that all homeland security and civil defense functions of this state be coordinated by and through the Department of Military and Veterans' Affairs. All duties mentioned in 2.36 are now conducted by state personnel.

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

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

Section 2. Amendment: Section 2.36 of the Bethel Municipal Code, Civil Defense is hereby repealed.

~~Chapter 2.36~~

~~CIVIL DEFENSE~~

~~Sections:~~

~~2.36.010 Purpose – Expenditures.~~
~~2.36.020 Definitions.~~
~~2.36.030 Director – Powers and duties.~~
~~2.36.040 Director – Emergency powers.~~
~~2.36.050 Organization membership.~~
~~2.36.060 Administration.~~
~~2.36.070 Violations.~~

~~2.36.010 Purpose – Expenditures.~~

~~The declared purposes of this chapter are to provide for the preparation and carrying out of plans for civil defense of persons and property within the city in the event of a disaster, and to provide for the coordination of disaster and civil defense functions of the city with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such disaster and civil defense activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. [Prior code § 2.40.010.]~~

~~2.36.020 Definitions.~~

~~As used in this chapter:~~

~~A. "Civil defense" means the preparation for the carrying out of all emergency functions other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters. It shall not include nor does any provision of this chapter apply to any situation relating to a labor controversy.~~

~~B. "Disaster" means actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or similar public calamity. [Prior code § 2.40.020.]~~

~~2.36.030 Director – Powers and duties.~~

~~There is created the position of director of disaster and civil defense. The city manager shall be director of disaster and civil defense. The director is empowered:~~

~~A. To request the city council to proclaim the existence or threatened existence of a disaster and the termination thereof or to issue such proclamation subject to the confirmation by the city council at the earliest practicable time;~~

~~B. To request the Governor to proclaim a state of extreme emergency when, in the opinion of the director, the resources of the area or region are inadequate to cope with the disaster;~~

~~C. To control and direct the effort of the disaster and civil defense organization of the city for the accomplishment of the purposes of this chapter;~~

~~D. To direct coordination and cooperation between divisions, services and staff of the disaster and civil defense organization of the city and to resolve questions of authority and responsibility that may arise between them;~~

~~E. To represent the disaster and civil defense organization of the city in all dealings with public or private agencies pertaining to disaster and civil defense;~~

~~F. To review and recommend for adoption by the city, disaster and civil defense and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. [Prior code § 2.40.030.]~~

~~2.36.040 Director – Emergency powers.~~

~~In the event of the proclamation of a state of extreme emergency by the Governor or the State Director of Civil Defense, the director is empowered:~~

~~A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disasters; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council;~~

~~B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the city for the fair value thereof;~~

~~C. To require emergency services of any city officer or employee and, in the event of the proclamation of a state of extreme emergency by the Governor in the region in~~

~~which the city is located, to command the aid of as many citizens of the city as he thinks necessary in the execution of his duties, such as are provided by state law for registered disaster and civil defense worker volunteers;~~

~~D. To requisition necessary personnel or material of any city department or agency;~~

~~E. To execute all of his ordinary powers as city manager, all of the special powers conferred upon him by this chapter or resolutions adopted pursuant thereto, all powers conferred upon him by statute, agreement approved by the city council or by any other lawful authority, and to exercise complete authority over the city. [Prior code § 2.40.040.]~~

~~2.36.050 Organization membership.~~

~~All officers and employees of this city, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, be charged with duties incident to the protection of life and property in the city during such a disaster, shall constitute the disaster and civil defense organization of the city. [Prior code § 2.40.050.]~~

~~2.36.060 Administration.~~

~~The functions and duties of the city disaster and civil defense organization shall be managed on a day-to-day basis by a coordinator appointed by the director, and other activities shall be distributed among such staff as the director shall prescribe. [Prior code § 2.40.060.]~~

~~2.36.070 Violations.~~

~~It shall be an infraction:~~

~~A. Wilfully to obstruct, hinder or delay any member of the disaster and civil defense organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;~~

~~B. To do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such an act is of such a nature as to imperil the lives or property of inhabitants of this city, or to prevent, hinder or delay the defense or protection thereof;~~

~~C. To wear, carry or display, without authority, any means of identification specified by the disaster and civil defense agency of the state.~~

~~D. Each infraction of this chapter shall be subject to a maximum penalty of one thousand dollars ($1,000). [Ord. 07-28 § 2; prior code § 2.40.070.]~~

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

ENACTED THIS __ DAY OF MARCH 2020 BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

____
Perry Barr, Mayor

ATTEST:

____
Lori Strickler, City Clerk

Introduced by:	Mayor Barr
Introduction Date:	February 25, 2020
Public Hearing	March 10, 2020
Action:	
Vote:	

CITY OF BETHEL, ALASKA

Ordinance #20-05

AN ORDINANCE BY THE BETHEL CITY COUNCIL REPEALING TITLE 5.60 PAWN BROKERS

WHEREAS; the code provision is obsolete and unnecessary;

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

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

Section 2. Amendment: Section 5.60 of the Bethel Municipal Code, Pawnbrokers is hereby repealed.

~~Chapter 5.60~~

~~PAWNBROKERS~~

~~Sections:~~

~~5.60.010 Pawnbrokers – License.~~

~~A. *Required.* No person may engage in the business of lending money in exchange for the security of personal property given by a customer, and no person shall engage in the business of purchasing personal property from a customer with an agreement to resell the property to the customer or the customer's assignee at an agreed upon price, without first (1st) having obtained a pawnbroker license from the finance director of his~~

~~designee. The requirement that a pawnbroker obtain a pawnbroker license is in addition to the requirements of obtaining a business license under Chapter~~ 5.04 ~~BMC.~~

~~B. *Qualifications of Pawnbrokers and Employees.* A pawnbroker and every person employed by a pawnbroker shall:~~

~~1. Be eighteen (18) years of age or older; and~~

~~2. Not have been convicted of a crime involving larceny, theft, receiving and concealing stolen property, unlawful sale of alcohol, illegal manufacture or sale of a controlled substance, bootlegging, manufacture or sale of controlled substances, bootlegging, manufacture or sale of controlled substances, dealing with illegally obtained property or involving misrepresentation or fraud within five (5) years prior to the date of application or employment.~~

~~C. *Application.* The applicant shall complete an application on a form developed by the finance director or his designee. An applicant for a pawnbroker's license shall describe in his application the terms and conditions of the lending agreement used or intended for use, including the time period allowed for redemption of articles, the rate or amount of interest or other charge made for the use of money lent, and the manner in which the pawnbroker identifies or intends to identify redemption terms to customers.~~

~~D. *Bond.* An applicant for a pawnbroker's license shall file a surety bond in the amount of twenty-five thousand dollars ($25,000) with his/her initial application. The applicant shall deliver the original bond to the city. The bond shall provide that the bonding company shall contact the city thirty (30) days prior to cancellation of the surety bond. The bond shall also require the bonding company to issue a yearly certificate of continuing coverage to the city, regardless of whether the bond provides for continuing coverage until notification of termination,~~

~~E. *Location of Business.* A pawnbroker's license shall be issued only for a single location, to be specified on the license. [Ord. 00-11 § 2; Ord. 00-04 § 2.]~~

~~5.60.020 Pawnbrokers – Conduct of business.~~

~~A. *Hours.* A pawnbroking establishment may be open for the transaction of business only between the hours of 8:00 a.m. and 10:00 p.m.~~

~~B. *Record of Articles Pawned or Purchased.* A pawnbroker shall maintain a card, in a form approved or supplied by the police department, for each item pawned or purchased, to be kept at the pawnbroker's place of business. The pawnbroker or his/her employees shall record the following information in legible English at the time of each loan, purchase, or sale:~~

~~1. The date of the transaction;~~

~~2. The name of the pawnbroker or the person conducting the transaction on behalf of the pawnbroker;~~

~~3. The name, age, address and the driver's license number or social security number of each customer, as well as a physical description of the customer including height, weight, race, and color of hair and eyes;~~

~~4. A description of the property bought or received in pledge, which includes, where applicable, the name of the maker, the serial number or other number and all other marks inscribed, as well as a detailed physical description of the item, including notations of any scratches, engravings, colors of metals, and the number/colors of gems;~~

~~5. The price paid or amount loaned; and~~

~~6. The signature of the customer, and the document or license with which the pawnbroker or pawnbroker's employee compared the signature.~~

~~C. *Reports to Police.* The licensee shall make a weekly report to the chief of police on a form provided by the police to the pawnbroker. If no such form is provided, the pawnbroker shall provide copies of the pawnbroker's cards described in subsection B of this section.~~

~~D. *Retention of Records.* The records required by this section shall be retained for three (3) years. [Ord. 00-11 § 3; Ord. 00-04 § 2.]~~

~~5.60.030 Pawnbrokers – Prohibited acts.~~

~~A. A pawnbroker may not purchase or receive an article from a person under the age of eighteen (18) years or from a person eighteen (18) years of age or older who purchased or received the article from a person under eighteen (18) years of age for the purpose of pawning it.~~

~~B. A pawnbroker may not purchase or pawn an article if the customer cannot provide proof of ownership of the article or if the pawnbroker has knowledge of facts that would cause a reasonable person to believe that the article may have been stolen, embezzled or otherwise illegally obtained.~~

~~C. A pawnbroker may not purchase or pawn property from a person who is or appears to be under the influence of drugs or intoxicating beverages.~~

~~D. Property purchased by a pawnbroker or acquired by expiration of a redemption period may not be resold, entered into stock or removed from the premises specified on the pawnbroker's license for a period of thirty (30) days after such property has been reported to the chief of police pursuant to BMC 5.60.020. [Ord. 00-04 § 2.]~~

~~5.60.040 Pawnbroker duties upon notification of property reported stolen and disposition of seized property.~~

~~A. The police department may give verbal or written notice to a pawnbroker that an item of property has been reported stolen. The police department may simultaneously place a hold order on the property. A hold order is an order requiring the pawnbroker to keep the item of property on his or her premises while the police department determines whether it will require the item of property for purposes of prosecuting a crime.~~

~~1. If the hold order is placed verbally, the police department shall give written confirmation of the hold order within ten (10) days of placing the verbal hold order. If the police department does not give written confirmation of a verbal hold order within the ten- (10-) day period, the verbal hold order expires at the end of the period. A hold order, whether made in writing or verbally with confirmation, remains in effect for sixty (60) days. The police department may extend a hold order for additional sixty- (60-) day periods by giving written notice to the pawnbroker prior to the expiration of the hold order.~~

~~2. While a hold order is in effect, the pawnbroker shall make reasonable efforts to hold the property safe from alteration, loss, or damage. The pawnbroker shall not sell, transfer or otherwise dispose of the property. The pawnbroker shall so place an identifying tag or other suitable identification upon the property, which shall contain the officer's name, date and case number.~~

~~3. Nothing in this subsection shall be interpreted to prohibit peace officers from seizing property at any time in accordance with applicable law.~~

~~4. The police department shall not place a hold on any item unless they have probable cause to believe that the item is stolen or evidence to a crime. Any hold that is placed on an item will be removed as soon as practicable after the item on hold is determined not to be stolen, or is determined to be no longer needed for evidence or for investigation of criminal activity.~~

~~B. If the police department seizes the item of property reported stolen and subsequently intends to dispose of the property, it shall give written notice of the intent to dispose of the property to the pawnbroker. The police department shall also give written notice to any other person claiming ownership or legal interest in the property, to the extent that the police department is aware of such claims. However, the police department need not give notice to a person who has been convicted of theft of the property or who has otherwise waived interest in the property.~~

~~1. In its written notice regarding intent to dispose of the property, the police department shall require that any claims to the property be submitted to the police department in writing within thirty (30) days of the date of the notice.~~

~~2. If more than one (1) party submits a claim for seized property within the thirty- (30-) day time period, then a hearing shall be held by a hearing officer appointed by the city manager to determine legal entitlement to the property. Any such hearing shall be conducted in accordance with the rules and procedures outlined in BMC 5.60.050(D), with respect to representation, witnesses, and evidence, except that the burden of proof shall be on the person or persons asserting a legal right to the property. The hearing officer shall determine which party, if any, has proved his or her right to the property by a preponderance of the evidence, then the property shall be returned to the pawnbroker. The hearing officer's decision shall be limited to determining which party, if any, has established ownership of, or legal entitlement to, the property.~~

~~3. If only one (1) party responds within the thirty- (30-) day time period, the property may be either returned to that party without a hearing or, if the indicia of ownership in possession of the police department are inconsistent with the claim, the matter may be referred to the hearing officer for a determination of the validity of the claim prior to return.~~

~~4. For purposes of determining ownership, the hearing officer may consider indicia of ownership. Indicia of ownership include, among other things, timely filed complaints or police reports of stolen property; local, state or national police information databases; documents in possession of the police department; license or property identification numbers; markings on the property; or other similar indicia of ownership.~~

~~5. If no individual claims an interest in the property within the time period set forth in the notification, then the police department may dispose of the property.~~

~~C. If the police department gives written or verbal notice to the pawnbroker that an item of property has been reported stolen but does not place a hold order on the item,~~

~~the pawnbroker must still hold the item for sixty (60) days in order to give a person claiming ownership of the property an opportunity to request return of the property. During that time, the pawnbroker must take reasonable measures to protect the item of property from alteration, loss or damage, and the pawnbroker may not sell, transfer, or otherwise dispose of the property.~~

~~1. If the person entitled to have the property requests return of the property, accompanied by evidence of ownership, the pawnbroker must either return the property to that person or deny the person's request.~~

~~2. If the pawnbroker denies a person's request to return the property, the pawnbroker must ask the city manager to appoint an administrative hearing officer to determine entitlement to the property. The pawnbroker must make this request within fifteen (15) days of denying the person's request to return the property. Failure to either return the property or request a hearing officer within the fifteen-(15-) day period shall result in suspension or revocation of the pawnbroker's license.~~

~~3. Any hearing under this subsection shall be conducted following the procedures provided for in BMC 5.60.050 with respect to representation, witnesses, and evidence, except that the burden of proof shall be on the person or persons asserting a legal right to the property. The hearing officer shall determine which party, if any, has proved his or her right to the property by a preponderance of the evidence. If no party proves his or her right to the property by a preponderance of the evidence, then the property shall be returned to the pawnbroker. The hearing officer may request copies of police reports to assist in this determination. The hearing officer's decision shall be in writing and the hearing officer shall send a copy of the decision to the parties and to the police department. Except while the matter is pending on appeal, failure of the pawnbroker to comply with the hearing officer's order shall result in immediate revocation of the pawnbroker's license.~~

~~4. For purposes of determining ownership, the hearing officer may consider indicia of ownership. Indicia of ownership include, among other things, timely filed complaints or police reports of stolen property; local, state or national police information databases; documents in possession of the police department; license or~~

~~property identification numbers; marking on the property; or similar indicia of ownership.~~

~~5. If no person requests return of the property within the sixty- (60-) day period, the pawnbroker may sell, transfer, or dispose of the property in accordance with this chapter.~~

~~6. Nothing in this subsection shall be interpreted to prohibit police officers from seizing property at any time in accordance with applicable law.~~

~~D. A pawnbroker is not entitled to a finder's fee or reward for return of the property unless a hearing officer finds that it is warranted. [Ord. 00-04 § 2.]~~

~~5.60.050 Suspension or revocation of pawnbroker's license.~~

~~A. The city manager shall suspend or revoke a pawnbroker's license upon a determination that the pawnbroker has wilfully made an untruthful or misleading statement in his/her pawnbroker license application; the pawnbroker has provided a faulty bond in support of his/her application; the pawnbroker conducted his/her business in a manner violating BMC 5.60.020; the pawnbroker has engaged in acts prohibited in BMC 5.60.030; the pawnbroker has failed to meet his/her obligation under BMC 5.60.040; or the pawnbroker has in any manner violated a provision of this chapter or the Bethel Municipal Code.~~

~~B. The pawnbroker may appeal the suspension or revocation to the city council. The pawnbroker must give notice of his/her appeal in writing to the city manager either in person or by mail within seven (7) calendar days of the suspension or revocation. If notice is given by mail, it must be postmarked within seven (7) calendar days of the suspension or revocation. The notice need not be in a particular form, but must evidence the desire to have the city council review the city manager's decision. The notice must also list the reasons why the pawnbroker believes the city manager's decision is incorrect and be signed by the pawnbroker.~~

~~C. Upon receipt of notice of appeal, the city manager shall cause copies of all pertinent documents related to the appeal including any records of the city manager's decision to be distributed to the councilmembers. The council shall consider the appeal at a regular or special meeting within sixty (60) days after it has been filed.~~

~~D. In an appeal proceeding, both the appellant/pawnbroker and the city manager/appellee may be represented by an authorized representative, may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on matters relevant to the issues, impeach witnesses, and rebut adverse evidence. Relevant evidence shall be admitted if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule that makes improper the admission of the evidence over objection in a civil action. Hearsay evidence may be used to supplement or explain direct evidence but it is not sufficient by itself to support a finding unless it would be admissible over objection in a civil action. The rules of privilege are effective to the same extent that they are recognized in a civil action. Irrelevant and unduly repetitious evidence shall be excluded. The city manager/appellee has the burden of proof by a preponderance of the evidence.~~

~~E. Prior to its closed session to consider the appeal, the council shall hear oral argument by the parties, if requested to do so by either party. Consideration of an appeal by the council is a quasi-judicial function as that term is used in the state Open Meetings Act, AS 44.62.30(d)(l), and the council may consider such an appeal and make its decision in closed session.~~

~~F. After due deliberation, the council may affirm, reverse or modify the city manager's decision, or remand the matter to the city manager with instructions for further proceedings. The council shall announce its decision and state the specific reasons for its decision, either orally in an open-tape recorded meeting, or in writing, and shall give written notice of its decision to the parties by personal delivery or certified mail. The council's decision is a final decision of an administrative agency that may be appealed to the Superior Court in accordance with court rules. [Ord. 00-04 § 2.]~~

Introduced by: Mayor Barr
Introduction Date: February 25, 2020
Public Hearing March 10, 2020
Action:
Vote:

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

ENACTED THIS __ DAY OF MARCH 2020 BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

____
Perry Barr, Mayor

ATTEST:

____
Lori Strickler, City Clerk

Introduced by: Mayor Barr
Introduction Date: February 25, 2020
Public Hearing March 10, 2020
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #20-06

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING CHAPTER 4.16 AND CREATING 4.16A OF THE BETHEL MUNICIPAL CODE ADOPTING THE UNIFORM ALASKA REMOTE SELLER SALES TAX CODE

WHEREAS; the inability to effectively collect sales tax on sales of property, products or services transferred or delivered into Alaska is seriously eroding the sales tax base of communities, causing revenue losses and imminent harm to residents through the loss of critical funding for local public services and infrastructure;

WHEREAS; the harm from the loss of revenue is especially serious in Alaska because the State has no income tax, and sales tax revenues are one of the primary sources of funding from services provided by local governments;

WHEREAS; the failure to collect sales tax on remote sales creates market distortions by creating an unfair tax advantage for business that limit their physical presence in the taxing jurisdictions but still sell goods and services to consumers, which becomes easier and more prevalent as technology advances;

WHEREAS, the failure to tax remote sales results in the creation of incentives for businesses to avoid a physical presence in the state and its respective communities, resulting in fewer jobs and increasing the share of taxes to those consumers who buy from competitors with a physical presence in the state and its cities;

WHEREAS, the structural advantages for remote sellers, including the absence of point-of-sale tax collection, along with the general growth of online retail, make clear that erosion of the sales tax base is and has been occurring;

WHEREAS, remote sellers who make a substantial number of deliveries into or have large gross revenues from Alaska benefit extensively from the Alaska market, affecting the economy as well as burdening local infrastructure and services;

WHEREAS, given modern computing and software options, it is neither unusually difficult nor burdensome for remote sellers to collect and remit sales taxes associated with sales into Alaska taxing jurisdictions;

WHEREAS, due to a recent decision by the United States Supreme Court and the lack of a state sales tax it is appropriate for the municipalities to collectively amend their sales tax codes to account for remote sellers who do not have a physical presence either in the State of Alaska or in a specific taxing jurisdiction, but do have a taxable connection with the State of Alaska or taxing jurisdiction;

WHEREAS, this ordinance is not retroactive in its application;

WHEREAS, amending local sales tax codes reflects the 2018 Supreme Court "*Wayfair*" decision to allow for the application of the taxing jurisdiction's sales tax code requirements to sellers without a physical presence in the State of Alaska or taxing jurisdiction;

WHEREAS, the intent is to levy municipal sales tax to the maximum limit of federal and state constitutional doctrines; and

WHEREAS, the City of Bethel through Resolution 20-02 has entered into a cooperative agreement with other local governments called the Alaska Intergovernmental Remote Seller Sales Tax Agreement ("the Agreement");

WHEREAS, the terms of the Agreement require adoption of certain uniform provisions for collection and remittance of municipal sales tax applicable to sales made by remote sellers similar to the Streamlined Sales and Use Tax Agreement.

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

<u>SECTION 1.</u> **<u>Classification.</u>** This is a codified Ordinance and shall become part of the Bethel Municipal Code.

<u>Section 2</u>. **<u>Amendment 1</u>**: Bethel Municipal Code 4.16 is amended as follows, new language is <u>underlined</u> old language is ~~stricken~~.

4.16.040 Presumption of taxability.

A. In order to prevent evasion of the sales tax and to aid in its administration, it is presumed that all sales by a person engaging in business are subject to the sales tax; and

B. There is levied by the city a sales tax on all retail sales, services and rentals which commence within the city, or which are in any part rendered, supplied or provided within the city, except as expressly provided otherwise in this chapter.

C. A sales tax applies to all real property within the city that is either rented or sold. The tax applies to commissions on the sale or rental of real property, on the rental of real property, and as limited in BMC 4.16.160, on the sale of real property. The tax applies regardless of whether the seller, buyer, renter, lessee or tenant resides within or outside the city of Bethel.

D. For the purposes of this section, any building or other place of business shall be considered to be within the city if any part thereof or any substantial part of a contiguous parking area or other supporting facility is within the city.

E. For purposes of this chapter, the sales price or purchase price of property must be determined as of the time of acquisition.

F. For purposes of this chapter, a sale of services occurs at the time the services are provided.

G. Remote sales, marketplace facilitators and remote sellers as defined in 4.16A shall comply with the provisions of BMC 4.16A.

4.16.160 Tax exemptions.

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

G. *Compliance with Laws.*

1. Gross receipts or proceeds derived from sales or services which the city is prohibited from taxing under the laws of the state or under the laws and the Constitution of the United States, including, but not limited to:

    a. Sales by the U.S. Postal Service;

b. Purchases made under the authority of or made with any type of certificate issued pursuant to 42 USC Sections 1771 through 1789 (Child Nutrition Act of 1966);

~~c. Interstate sales;~~

d. Air transportation including that portion of any chartered fishing or hunting expedition which covers the cost of air transportation;

e. Gross receipts or proceeds derived from sales to the United States Government, the state, a city or any political department thereof. However, the exemption shall not apply to the sale of materials and supplies to contractors for the manufacture or production of property or rendering services for sale to such government units or agencies on a contract bid award, in which event the contractor shall be deemed the buyer, subject to the payment of the tax;

2. A sale or rental to an employee of the state, its political subdivisions, or the federal government is only exempt when the government employee provides proof that the sale is for government business by paying for the sale with a government voucher, purchase order, check, credit card, or warrant, or providing other verifiable documentation to the seller to allow the seller to readily determine that the sale is for government business;

3. A sale or rental to a federally recognized tribe when the tribal employee provides proof that the sale is for tribal government business by paying for the sale with a tribal voucher, purchase order, check, credit card, or warrant, or providing other verifiable documentation to the seller to allow the seller to readily determine that the sale is for tribal government business.

Section 3. Amendment 2: Adoption on new chapter 4.16A, Alaska Remote Seller Sales Tax Code.

ALASKA REMOTE SELLER SALES TAX CODE

4.16A.010 Interpretation

A. In order to prevent evasion of the sales taxes and to aid in its administration, it is presumed that all sales and services by a person or entity engaging in business are subject to the sales tax.

B. The application of the tax levied under this Code shall be broadly construed and shall favor inclusion rather than exclusion.
C. Exemptions from the tax levied under this Code or from the taxing jurisdiction shall be narrowly construed against the claimant and allowed only when such exemption clearly falls within an exemption defined in this Code or the taxing jurisdiction's Code.
D. The scope of this Code shall apply to remote sellers or marketplace facilitators, delivering products or services to Member municipalities adopting this Code, within the state of Alaska.

4.16A.020 Title to Collected Sales Tax

Upon collection by the remote seller or marketplace facilitator, title to collected sales tax vests in the Commission for remittance to the taxing jurisdiction. The remote seller or marketplace facilitator remits collected sales tax to the Commission on behalf of the taxing jurisdiction, from whom that power is delegated, in trust for the taxing jurisdiction and is accountable to the Commission and taxing jurisdiction.

4.16A.030 – Imposition – Rate

A. To the fullest extent permitted by law, a sales tax is levied and assessed on all remote sales where delivery is made within the local taxing jurisdiction(s) that is a Member, within the state of Alaska.
B. The applicable tax shall be added to the sales price.
C. The tax rate added to the sale price shall be the tax rate for the taxing jurisdiction(s) where the property or product is sold, or service that was rendered is received, and based on the date the property or product was sold or the date the service rendered was received.
D. An Address and Tax Rate Database will be made available to remote sellers and marketplace facilitators, indicating the appropriate tax rate to be applied.
E. The tax assessed shall be consistent with relevant jurisdictional tax caps, single unit sales, and exemptions.
F. When a sale is made on an installment basis, the applicable sales tax shall be collected at each payment, calculated at the sales tax rate in effect, and with the cap applied, at the time of the original sale or the date the service is rendered, based on the local jurisdictions' Code(s).
G. When a sales transaction involves placement of a single order with multiple deliveries made at different points in time that are separately invoiced, the applicable sales tax shall be collected on each separately invoiced delivery, calculated at the sales tax rate in effect, and with the cap applied, at the time

of the original sale or the date the service is rendered.

4.16A.040 – Obligation to Collect Tax - Threshold Criteria

A. Any remote seller or marketplace facilitator must collect and remit sales tax in compliance with all applicable procedures and requirements of law, provided the remote seller or marketplace facilitator has met one of the following Threshold Criteria ("Threshold Criteria") in the previous calendar year:
   1. The remote seller's statewide gross sales, including the seller's marketplace facilitator's statewide gross sales, from the sale(s) of property, products or services delivered into the state meets or exceeds one hundred thousand dollars ($100,000); or
   2. The remote seller, including the seller's marketplace facilitator, sold property, products, or services delivered into the state in two hundred (200) or more separate transactions.

B. For purposes of determining whether the Threshold Criteria are met, remote sellers or marketplace facilitators shall include all gross sales, from all sales of goods, property, products, or services rendered within the state of Alaska.

4.16A.050. – No Retroactive Application

The obligations to collect and remit sales tax required by this chapter are applicable at the effective date of the ordinance adopting the Alaska Remote Seller Sales Tax Code.

4.16A.060 – Payment and Collection

Pursuant to this Code, taxes imposed shall be due and paid by the buyer to the remote seller or marketplace facilitator at the time of the sale of property or product or date service is rendered, or with respect to credit transactions, at the time of collection. It shall be the duty of each remote seller or marketplace facilitator to collect the taxes from the buyer and to hold those taxes in trust for the taxing authority of the taxing jurisdiction. Failure by the remote seller or marketplace facilitator to collect the tax shall not affect the remote seller's, or marketplace facilitator's, responsibility for payment to the Commission.

4.16A.070 – Remote Seller and Marketplace Facilitator Registration Requirement

A. If a remote seller's gross statewide sales within the last calendar year meets or exceeds the Threshold Criteria, the remote seller shall register with the Commission. If a marketplace facilitator's gross statewide sales within the last calendar year meets or exceeds the Threshold Criteria, the marketplace facilitator shall register with the Commission.

B. A remote seller or marketplace facilitator meeting the Threshold Criteria shall apply for a certificate of sales tax registration within thirty (30) calendar days of the effective date of this Code or within thirty (30) calendar days of meeting the Threshold Criteria whichever occurs second. Registration shall be to the Commission on forms prescribed by the Commission.

C. An extension may be applied for and granted based on criteria established by the Commission, based on evidence produced to describe time necessary to update software or other technical needs, not to exceed ninety (90) days.

D. Upon receipt of a properly executed application, the Commission shall confirm registration, stating the legal name of the remote seller or marketplace facilitator, the primary address, and the primary sales tax contact name and corresponding title. The failure of the Commission to confirm registration does not relieve the remote seller or marketplace facilitator of its duty to collect and remit sales tax. Each business entity shall have a sales tax registration under the advertised name.

E. The sales tax certificate is non-assignable and non-transferable.

4.16A.080 – Tax Filing Schedule

A. All remote sellers or marketplace facilitators subject to this Code shall file a return on a form or in a format prescribed by the Commission and shall pay the tax due.

B. Filing of sales tax returns are due monthly; quarterly filing is optional upon application and approval by the Commission, consistent with the code of the local jurisdiction.

C. A remote seller or marketplace facilitator who has filed a sales tax return will be presumed to be making sales in successive periods unless the remote seller or marketplace facilitator files a return showing a termination or sale of the business in accordance with this Code.

D. The completed and executed return, together with the remittance in full for the tax due, shall be transmitted to and must be received by the Commission on or before midnight Alaska Standard Time on the due date. Monthly returns are due the last day of the immediate subsequent month. Quarterly returns are due as follows:

Quarter 1 (January – March)	April 30
Quarter 2 (April – June)	July 31
Quarter 3 (July – September)	October 31
Quarter 4 (October – December)	January 31

E. If the last day of the month following the end of the filing period falls on a Saturday, Sunday, federal holiday or Alaska state holiday, the due date will be extended until the next business day immediately following.

F. Any remote seller or marketplace facilitator holding a remote seller registration shall file a sales tax return even though no tax may be due. This return shall show why no tax is due. If the remote seller or marketplace facilitator intends to continue doing business a return shall be filed reflecting no sales and a confirmation of the intent to continue doing business and shall continue to do so each filing period until the entity ceases doing business or sells the business. If the remote seller or marketplace facilitator intends to cease doing business, a final return shall be filed along with a statement of business closure.

G. The remote seller or marketplace facilitator shall prepare the return and remit sales tax to the Commission on the same basis, cash or accrual, which the remote seller or marketplace facilitator uses in preparing its federal income tax return. The remote seller or marketplace facilitator shall sign the return, and transmit the return, with the amount of sales tax and any applicable penalty, interest or fees that it shows to be due, to the Commission.

H. Remote sellers and marketplace facilitators failing to comply with the provisions of this Code shall, if required by the Commission and if quarterly filing has been chosen, file and transmit collected sales taxes more frequently until such time as they have demonstrated to the Commission that they are or will be able to comply with the provisions of this Code. Six (6) consecutive on-time sales tax filings, with full remittance of the sales taxes collected, shall establish the presumption of compliance and return to quarterly filing.

I. The preparer of the sales tax return shall keep and maintain all documentation supporting any and all claims of exempted sales and purchases. Documentation for exempted sales should include the number of the exemption authorization card presented by the buyer at the time of the purchase; the date of the purchase; the name of the person making the purchase; the organization making the purchase; the total amount of the purchase; and the amount of sales tax exempted. This documentation shall be made available to the Commission upon request. Failure to provide such documentation may invalidate that portion of the claim of exemption for which no documentation is provided.

4.16A.090 – Estimated Tax

A. In the event the Commission is unable to ascertain the tax due from a remote seller or marketplace facilitator by reason of the failure of the remote seller or marketplace facilitator to keep accurate books, allow inspection, or file a return, or by reason of the remote seller or marketplace facilitator filing a false or inaccurate return, the Commission may make an estimate of the tax due based on any evidence in their possession.

B. Sales taxes may also be estimated, based on any information available, whenever the Commission has reasonable cause to believe that any information on a sales tax return is not accurate.

C. A remote seller's or marketplace facilitator's tax liability under this Code may be determined and assessed for a period of six (6) years after the date the return was filed or due to be filed with the Commission. No civil action for the collection of such tax may be commenced after the expiration of the six- (6-) 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 six- (6-) year period, unless the remote seller or marketplace facilitator waives the protection of this section.

D. The Commission shall notify the remote seller or marketplace facilitator, in writing, that the Commission has estimated the amount of sales tax that is due from the remote seller or marketplace facilitator. The Commission shall serve the notice on the remote seller or marketplace facilitator by delivering the notice to the remote seller's or marketplace facilitator's place of business, or by mailing the notice by certified mail, return receipt requested, to the remote seller's or marketplace facilitator's last known mailing address. A remote seller or marketplace facilitator who refuses the certified mail will be considered to have accepted the certified mail for purposes of service.

E. The Commission's estimate of the amount of sales tax that is due from a remote seller or marketplace facilitator shall become a final determination of the amount that is due unless the remote seller or marketplace facilitator, within thirty (30) calendar days after service of notice of the estimated tax:

1. Files a complete and accurate sales tax return for the delinquent periods supported by satisfactory records and accompanied by a full remittance of all taxes, interest, penalties, costs and other charges due; or
2. Files a written notice with the Commission appealing the estimated tax amount in accordance with the appeal procedures.
3. 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 an appeal of an assessment are:
   a. The identity of the remote seller or marketplace facilitator is in error;
   b. 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 appeal); or
   c. The remote seller or marketplace facilitator disputes the denial of exemption(s) for certain sales.

F. The amount of sales tax finally determined to be due under this section shall bear interest and penalty from the date that the sales tax originally was due, plus an additional civil penalty of fifty dollars ($50) for each calendar month or partial month for which the amount of sales tax that is due has been determined.

4.16A.100 – Returns – Filing Contents

A. Every remote seller or marketplace facilitator required by this chapter to collect sales tax shall file with the Commission upon forms furnished by the Commission a return setting forth the following information with totals rounded to the nearest dollar:
   1. Gross sales;
   2. The nontaxable portions separately stating the amount of sales revenue attributable to each class of exemption;
   3. Computation of taxes to be remitted;
   4. Calculated discount (if applicable) based on taxing jurisdiction's code; and
   5. Such other information as may be required by the Commission.

B. Each tax return remitted by a remote seller or marketplace facilitator shall be signed (digital or otherwise) by a responsible individual who shall attest to the completeness and accuracy of the information on the tax return.

C. The Commission reserves the right to reject a filed return for failure to comply with the requirements of this Code for up to three (3) months from the date of filing. The Commission shall give written notice to a remote seller or marketplace facilitator that a return has been rejected, including the reason for the rejection.

4.16A.110 – Refunds

A. Upon request from a buyer or remote seller or marketplace facilitator the Commission shall provide a determination of correct tax rate and amount applicable to the transaction. In the case of an overpayment of taxes, the remote seller or marketplace facilitator shall process the refund and amend any returns accordingly.

B. If the claimant is a remote seller or marketplace facilitator, and the tax refund is owed to any buyer, the remote seller or marketplace facilitator submits, and the Commission approves, a refund plan to all affected buyers.

C. The Taxing Jurisdictions may allow a buyer to request a refund directly from the Taxing Jurisdiction.

4.16A.120 – Amended Returns

A. A remote seller or marketplace facilitator may file an amended sales tax return, with supporting documentation, and the Commission may accept the amended return, but only in the following circumstances:
   i. The amended return is filed within one (1) year of the original due date for the return; and
   ii. The remote seller or marketplace facilitator provides a written justification for requesting approval of the amended return; and
   iii. The remote seller or marketplace facilitator agrees to submit to an audit upon

request of the Commission.

B. The Commission shall notify the remote seller or marketplace facilitator in writing (by email or otherwise) whether the Commission accepts or rejects an amended return, including the reasons for any rejection.
C. The Commission may adjust a return for a remote seller or marketplace facilitator if, after investigation, the Commission determines the figure included in the original returns are incorrect; and the Commission adjusts the return within two (2) years of the original due date for the return.
D. A remote seller or marketplace facilitator may file a supplemental sales tax return, with supporting documentation, and the Commission may accept the supplemental return, but only in the following circumstances:
   i. The remote seller or marketplace facilitator provides a written justification for requesting approval of the supplemental return; and
   ii. The remote seller or marketplace facilitator agrees to submit to an audit upon request of the Commission.

4.16A.130 – Extension of Time to File Tax Return

Upon written application of a remote seller or marketplace facilitator, stating the reasons therefor, the Commission may extend the time to file a sales tax return but only if the Commission finds each of the following:

1. For reasons beyond the remote seller's or marketplace facilitator's control, the remote seller or marketplace facilitator has been unable to maintain in a current condition the books and records that contain the information required to complete the return;
2. Such extension is a dire necessity for bookkeeping reasons and would avert undue hardship upon the remote seller or marketplace facilitator;
3. The remote seller or marketplace facilitator has a plan to cure the problem that caused the remote seller or marketplace facilitator to apply for an extension and the remote seller or marketplace facilitator agrees to proceed with diligence to cure the problem;
4. At the time of the application, the remote seller or marketplace facilitator is not delinquent in filing any other sales tax return, in remitting sales tax to the Commission or otherwise in violation of this chapter;
5. No such extension shall be made retroactively to cover existing delinquencies.

4.16A.140 – Audits

A. Any remote seller or marketplace facilitator who has registered with the Commission, 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 remote seller or marketplace facilitator in order to determine whether appropriate amounts of sales tax revenue have been collected by the remote seller or marketplace facilitator and remitted to the Commission.

B. The Commission is not bound to accept a sales tax return as correct. The Commission may make an independent investigation of all retail sales or transactions conducted within the State or taxing jurisdiction.

C. The records that a remote seller or marketplace facilitator is required to maintain under this chapter shall be subject to inspection and copying by authorized employees or agents of the Commission for the purpose of auditing any return filed under this chapter, or to determine the remote seller's or marketplace facilitator's liability for sales tax where no return has been filed.

D. In addition to the information required on returns, the Commission may request, and the remote seller or marketplace facilitator must furnish, any reasonable information deemed necessary for a correct computation of the tax.

E. The Commission may adjust a return for a remote seller or marketplace facilitator if, after investigation or audit, the Commission determines that the figures included in the original return are incorrect, and that additional sales taxes are due; and the Commission adjusts the return within two (2) 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 Commission may conduct investigations, hearings and audits and may examine any relevant books, papers, statements, memoranda, records, accounts or other writings of any remote seller or marketplace facilitator at any reasonable hour on the premises of the remote seller or marketplace facilitator and may require the attendance of any officer or employee of the remote seller or marketplace facilitator. Upon written demand by the Commission, the remote seller or marketplace facilitator shall present for examination, in the office of the Commission, such books, papers, statements, memoranda, records, accounts and other written material as may be set out in the demand unless the Commission and the person upon whom the demand is made agree to presentation of such materials at a different place.

G. The Commission may issue subpoenas to compel attendance or to require production of relevant books, papers, records or memoranda. If any remote seller or marketplace facilitator refuses to obey any such subpoena, the Commissioner may refer the matter to the Commission's attorney for an application to the superior court for an order requiring the remote seller or marketplace facilitator to comply therewith.

H. Any remote seller, marketplace facilitator, or person engaged in business who is unable or unwilling to submit their records to the Commission shall be required to pay the Commission for all necessary expenses incurred for the examination and inspection of their records maintained outside the Commission.

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 Commission, upon completion of an audit, discovers more than five hundred dollars ($500) in additional sales tax due from a remote seller or marketplace facilitator resulting from a remote seller's or marketplace facilitator's failure to accurately report sales and taxes due thereupon, the remote seller or marketplace facilitator shall bear responsibility for the full cost of the audit. The audit fee assessment will be in addition to interest and penalties applicable to amounts deemed to be delinquent by the Commission at the time of the conclusion of the audit.

4.16A.150 Audit protest

A. If the remote seller or marketplace facilitator wishes to dispute the amount of the estimate, or the results of an examination or audit, the remote seller or marketplace facilitator must file a written protest with the Commission, within thirty (30) calendar days of the date of the notice of estimated tax or results of an audit or examination. The protest must set forth:
   1. The remote seller's or marketplace facilitator's justification for reducing or increasing the estimated tax amount, including any missing sales tax returns for the periods estimated; or
   2. The remote seller's or marketplace facilitator's reasons for challenging the examination or audit results.

B. In processing the protest, the Commission may hold an informal meeting or hearing with the remote seller or marketplace facilitator, either on its own or upon request of the remote seller or marketplace facilitator, and may also require that the remote seller or marketplace facilitator submit to an audit, if one was not previously conducted or a more formal audit, if an estimation audit was previously performed.

C. The Commission shall make a final written determination on the remote seller's or marketplace facilitator's protest and mail a copy of the determination to the remote seller or marketplace facilitator.

D. If a written protest is not filed within thirty (30) days of the date of the notice of estimated tax or the result of a review, audit or examination, then the estimated tax, review, audit or examination result shall be final, due and payable to the Commission.

4.16A.160 – Penalties and Interest for Late Filing

A. A late filing fee of twenty-five dollars ($25) per month (or quarter) shall be added to all late-filed sales tax reports in addition to interest and penalties.

B. Delinquent sales tax bear interest at the rate of fifteen percent (15%) per annum until paid.
C. In addition, delinquent sales tax shall be subject to an additional penalty of 5% per month, or fraction thereof, until a total of 20% of delinquent tax has been reached. The penalty does not bear interest.
D. Fees, penalties and interest shall be assessed and collected in the same manner as the tax is assessed and collected, and applied first to fees, penalties and interest, second to past due sales tax.
E. The filing of an incomplete return, or the failure to remit all tax, shall be treated as the filing of no return.
F. A penalty assessed under this section for the delinquent remittance of sales tax or failure to file a sales tax return may be waived by the Commission, upon written application of the remote seller or marketplace facilitator accompanied by a payment of all delinquent sales tax, interest and penalty otherwise owed by the remote seller or marketplace facilitator, within forty-five (45) calendar days after the date of delinquency. A remote seller or marketplace facilitator may not be granted more than one (1) waiver of penalty under this subjection in any one calendar year. The Commission shall report such waivers of penalty to the taxing jurisdiction, in writing.

4.16A.170 – Repayment Plans

A. The Commission may agree to enter into a repayment plan with a delinquent remote seller or marketplace facilitator. No repayment plan shall be valid unless agreed to by both parties in writing.
B. A remote seller or marketplace facilitator shall not be eligible to enter into a repayment plan with the Commission if the remote seller or marketplace facilitator has defaulted on a repayment plan in the previous two (2) calendar years.
C. The repayment plan shall include a secured promissory note that substantially complies with the following terms:
    i. The remote seller or marketplace facilitator agrees to pay a minimum of ten percent (10%) down payment on the tax, interest and penalty amount due. The down payment shall be applied first to penalty, then to accumulated interest, and then to the tax owed.
    ii. The remote seller or marketplace facilitator agrees to pay the balance of the tax, penalty and interest owed in monthly installments over a period not to exceed two (2) years.
    iii. Interest at a rate of fifteen percent (15%) per annum shall accrue on the principal sum due. Interest shall not apply to penalties owed or to interest accrued at the time the repayment

plan is executed or accruing during the term of the repayment plan.

iv. If the remote seller or marketplace facilitator is a corporation or a limited liability entity the remote seller or marketplace facilitator agrees to provide a personal guarantee of the obligations under the repayment plan.

v. The remote seller or marketplace facilitator agrees to pay all future tax bills in accordance with the provisions of this chapter.

vi. The remote seller or marketplace facilitator agrees to provide a security interest in the form of a sales tax lien for the entire unpaid balance of the promissory note to be recorded by the Commission at the time the repayment plan is signed. The remote seller or marketplace facilitator shall be responsible for the cost of recording the tax lien.

D. If a remote seller or marketplace facilitator fails to pay two (2) or more payments as required by the repayment plan agreement, the remote seller or marketplace facilitator shall be in default and the entire amount owed at the time of default shall become immediately due. The Commission will send the remote seller or marketplace facilitator a notice of default. The Commission may immediately foreclose on the sales tax lien or take any other remedy available under the law.

4.16A.180 – Remote Seller or Marketplace Facilitator Record Retention

Remote sellers or marketplace facilitators shall keep and preserve suitable records of all sales made and such other books or accounts as may be necessary to determine the amount of tax which the remote seller or marketplace facilitator is obliged to collect. Remote sellers or marketplace facilitators shall preserve suitable records of sales for a period of six (6) years from the date of the return reporting such sales, and shall preserve for a period of six (6) years all invoices of goods and merchandise purchased for resale, and all such other books, invoices and records as may be necessary to accurately determine the amount of taxes which the remote seller or marketplace facilitator was obliged to collect under this chapter.

4.16A.190 – Cessation or Transfer of Business

A. A remote seller or marketplace facilitator who sells, leases, conveys, forfeits, transfers or assigns the majority of their business interest, including a creditor or secured party, shall make a final sales tax return within thirty (30) days after the date of such conveyance.

B. At least ten (10) business days before any such sale is completed, the remote seller or marketplace facilitator shall send to the Commission, by approved communication (email confirmation, certified first-class mail, postage prepaid) a notice that the remote seller's or marketplace facilitator's interest is to be conveyed and shall include the name, address and telephone number of the person or entity to whom the interest is to be conveyed.

C. Upon notice of sale and disclosure of buyer, the Commission shall be authorized to disclose the status of the remote seller's or marketplace facilitator's sales tax account to the named buyer or assignee.

D. Upon receipt of notice of a sale or transfer, the Commission shall send the transferee a copy of this Code with this section highlighted.

E. Neither the Commission's failure to give the notice nor the transferee's failure to receive the notice shall relieve the transferee of any obligations under this section.

F. Following receipt of the notice, the Commission shall have sixty (60) days in which to perform a final sales tax audit and assess sales tax liability against the seller of the business. If the notice is not mailed at least ten (10) business days before the sale is completed, the Commission shall have twelve (12) months from the date of the completion of the sale or the Commission's knowledge of the completion of the sale within which to begin a final sales tax audit and assess sales tax liability against the seller of the business. The Commission may also initiate an estimated assessment if the requirements for such an assessment exist.

G. A person acquiring any interest of a remote seller or marketplace facilitator in a business required to collect the tax under this chapter assumes the liability of the remote seller or marketplace facilitator for all taxes due the Commission, whether current or delinquent, whether known to the Commission or discovered later, and for all interest, penalties, costs and charges on such taxes.

H. Before the effective date of the transfer, the transferee of a business shall obtain from the Commission an estimate of the delinquent sales tax, penalty and interest, if any, owed by the remote seller or marketplace facilitator as of the date of the transfer, and shall withhold that amount from the consideration payable for the transfer, until the remote seller or marketplace facilitator has produced a receipt from the Commission showing that all tax obligations imposed by this chapter have been paid. A transferee that fails to withhold the amount required under this subsection shall be liable to the Commission and taxing jurisdiction for the lesser of the amount of delinquent sales tax, penalty and interest due from the remote seller or marketplace facilitator as of the date of transfer, and the amount that the transferee was required to withhold.

I. In this section, the term "transfer" includes the following:

1. A change in voting control, or in more than fifty percent (50%) of the ownership interest in a remote seller or marketplace facilitator that is a corporation, limited liability company or partnership; or
2. A sale of all or substantially all the assets used in the business of the remote seller or marketplace facilitator; or

3. The initiation of a lease, management agreement or other arrangement under which another person becomes entitled to the remote seller's or marketplace facilitator's gross receipts from sales, rentals or services.

J. Subsection H of this section shall not apply to any person who acquires their ownership interest in the ongoing business as a result of the foreclosure of a lien that has priority over the Commission's sales tax lien.

K. Upon termination, dissolution or abandonment of a corporate business, any officer having control or supervision of sales tax funds collected, or who is charged with responsibility for the filing of returns or the payment of sales tax funds collected, shall be personally liable for any unpaid taxes, interest, administrative costs and penalties on those taxes if such officer willfully fails to pay or cause to be paid any taxes due from the corporation. In addition, regardless of willfulness, each director of the corporation shall be jointly and severally liable for unpaid amounts. The officer shall be liable only for taxes collected which became due during the period he or she had the control, supervision, responsibility or duty to act for the corporation. This section does not relieve the corporation of other tax liabilities or otherwise impair other tax collection remedies afforded by law.

L. A remote seller or marketplace facilitator who terminates the business without the benefit of a purchaser, successor or assign shall make a final tax return and settlement of tax obligations within thirty (30) days after such termination. If a final return and settlement are not received within thirty (30) days of the termination, the remote seller or marketplace facilitator shall pay a penalty of one hundred dollars ($100), plus an additional penalty of twenty-five dollars ($25) for each additional thirty- (30-) day period, or part of such a period, during which the final return and settlement have not been made, for a maximum of six (6) additional periods.

4.16A.200 – Use of Information on Tax Returns

A. Except as otherwise provided in this chapter, all returns, reports and information required to be filed with the Commission under this Code, and all information contained therein, shall be kept confidential and shall be subject to inspection only by:
   1. Employees and agents of the Commission and taxing jurisdiction whose job responsibilities are directly related to such returns, reports and information;
   2. The person supplying such returns, reports and information; and
   3. Persons authorized in writing by the person supplying such returns, reports and information.

B. The Commission will release information described in subsection A of this section pursuant to subpoena, order of a court or administrative agency of competent jurisdiction, and where otherwise required by law to do so.

C. Notwithstanding subsection A of this section, the following information is available for public inspection:

1. The name and address of sellers;
2. Whether a business is registered to collect taxes under this chapter;
3. The name and address of businesses that are sixty (60) days or more delinquent in filing returns or in remitting sales tax, or both filing returns and remitting sales tax; and, if so delinquent, the amount of estimated sales tax due, and the number of returns not filed.

D. The Commission may provide the public statistical information related to sales tax collections, provided that no information identifiable to a particular remote seller or marketplace facilitator is disclosed.

E. Nothing contained in this section shall be construed to prohibit the delivery to a person, or their duly authorized representative, of a copy of any return or report filed by them, nor to prohibit the publication of statistics so classified as to prevent the identification of particular buyers, remote sellers, or marketplace facilitators, nor to prohibit the furnishing of information on a reciprocal basis to other agencies or political subdivisions of the state or the United States concerned with the enforcement of tax laws.

F. Nothing contained in this section shall be construed to prohibit the disclosure through enforcement action proceedings or by public inspection or publication of the name, estimated balance due, and current status of payments, and filings of any remote seller or marketplace facilitator or agent of any remote seller or marketplace facilitator required to collect sales taxes or file returns under this chapter, who fails to file any return and/or remit in full all sales taxes due within thirty (30) days after the required date for that business. Entry into any agreement whether pursuant to the provisions of this chapter or otherwise shall not act as any prohibition to disclosure of the records of that remote seller or marketplace facilitator as otherwise provided in this chapter.

G. A prospective lessee or purchaser of any business or business interest may inquire as to the obligation or tax status of any business upon presenting to the Commission a release of tax information request signed by the authorized agent of the business.

H. All returns referred to in this chapter, and all data taken therefrom, shall be kept secure from public inspection, and from all private inspection.

4.16A.210 – Violations

A. A remote seller or marketplace facilitator that fails to file a sales tax return or remit sales tax when due, in addition to any other liability imposed by this Code, shall pay to the Commission all costs incurred by the Commission to determine the amount of the remote seller's or marketplace facilitator's liability or to collect the sales tax, including, without limitation, reviewing and auditing the remote seller's or marketplace facilitator's business records, collection agency fees, and actual reasonable attorney's fees.

B. A person who causes or permits a corporation of which the person is an officer or director, a limited liability company of which the person is a member or manager, or a partnership of which the person is a partner, to fail to collect sales tax or to remit sales tax to the Commission as required by this Code shall be liable to the Commission for the amount that should have been collected or remitted, plus any applicable interest and penalty.

C. Notwithstanding any other provision of law, and whether or not the Commission initiates an audit or other tax collection procedure, the Commission may bring a declaratory judgment action against a remote seller or marketplace facilitator believed to meet the criteria to establish that the obligation to remit sales tax is applicable and valid under local, state and federal law. The action shall be brought in the judicial district of the taxing jurisdiction.

D. The Commission may cause a sales tax lien to be filed and recorded against all real and personal property of a remote seller or marketplace facilitator where the remote seller or marketplace facilitator has:
   1. Failed to file sales tax returns for two (2) consecutive filing periods as required by the Code; or
   2. Failed within sixty (60) days of the end of the filing period from which taxes were due to either (a) remit all amounts due or (b) to enter into a secured payment agreement as provided in this Code.

E. Prior to filing a sales tax lien, the Commission shall cause a written notice of intent to file to be mailed to the last known address of the delinquent remote seller or marketplace facilitator.

F. In addition to other remedies discussed in this Code, the Commission may bring a civil action to:
   1. Enjoin a violation of this Code. On application for injunctive relief and a finding of a violation or threatened violation, the superior court shall enjoin the violation.
   2. Collect delinquent sales tax, penalty, interest and costs of collection, either before or after estimating the amount of sales tax due.
   3. Foreclose a recorded sales tax lien as provided by law.

G. All remedies hereunder are cumulative and are in addition to those existing at law or equity.

4.16A.220 Penalties for Violations

A. A buyer, remote seller, or marketplace facilitator who knowingly or negligently submits false information in a document filed with the Commission pursuant to this Code is subject to a penalty of five hundred dollars ($500).

B. A remote seller or marketplace facilitator who knowingly or negligently falsifies or conceals information related to its business activities with the Commission or taxing jurisdiction is subject to a penalty of five hundred dollars ($500).

C. A person who knowingly or negligently provides false information when applying for a certificate of exemption is subject to a penalty of five hundred dollars ($500).

D. Any remote seller or marketplace facilitator who fails to file a return by the due date required under this chapter, regardless of whether any taxes were due for the reporting period for which the return was required, shall be subject to a penalty of twenty-five dollars ($25) for the first sales tax return not timely filed. The filing of an incomplete return shall be treated as the filing of no return.

E. A remote seller or marketplace facilitator who fails or refuses to produce requested records or to allow inspection of their books and records shall pay to the Commission a penalty equal to three (3) times any deficiency found or estimated by the Commission with a minimum penalty of five hundred dollars ($500).

F. A remote seller or marketplace facilitator who falsifies or misrepresents any record filed with the Commission is guilty of an infraction and subject to a penalty of five hundred dollars ($500) per record.

G. Misuse of an exemption card is a violation and subject to a penalty of fifty dollars ($50) per incident of misuse;

H. Nothing in this chapter shall be construed as preventing the Commission from filing and maintaining an action at law to recover any taxes, penalties, interest and/or fees due from a remote seller or marketplace facilitator. The Commission may also recover attorney's fees in any action against a delinquent remote seller or marketplace facilitator.

4.16A.230 Sellers with a physical presence in the taxing jurisdiction.

A. Sellers with a physical presence in a Taxing Jurisdiction and no remote or internet-based sales shall report, remit, and comply with standards, including audit authority, of the Taxing Jurisdiction.

B. Sellers with a physical presence in a Taxing Jurisdiction that also have remote or internet- based sales where the Point of Delivery is in a different Taxing Jurisdictions shall

(i) report and remit the remote or internet sales to the Commission; and
(ii) report and remit the in-store sales to the Taxing Jurisdiction.

C. Sellers with a physical presence in a Taxing Jurisdiction that also have remote or internet- based sales where the Point of Delivery is in the same Taxing Jurisdictions shall report and remit those remote sales to the Taxing Jurisdiction.

D. Sellers and marketplace facilitators that do not have a physical presence in a Taxing Jurisdiction must report and remit all remote sales to the Commission.

E. For all purchases the tax rate added to the sale price shall be as provided in the Taxing Jurisdiction's sales tax code, based on point of delivery.

F. A marketplace facilitator is considered the remote seller for each sale facilitated through its marketplace and shall collect, report, and remit sales tax to the Commission. A marketplace facilitator is not considered to be the remote seller for each sale or rental of lodging facilitated through its marketplace, wherein the seller is considered to have a physical presence in the Taxing Jurisdiction.

4.16A.240 Remittance of Tax; Remote Seller Held Harmless

A. Any remote seller or marketplace facilitator that collects and remits sales tax to the Commission as provided by law may use an electronic database of state addresses that is certified by the Commission pursuant to subsection (C) of this section to determine the jurisdictions to which tax is owed.
B. Any remote seller or marketplace facilitator that uses the data contained in an electronic database certified by the Commission pursuant to subsection (C) of this section to determine the jurisdictions to which tax is owed shall be held harmless for any tax, charge, or fee liability to any taxing jurisdiction that otherwise would be due solely as a result of an error or omission in the database.
C. Any electronic database provider may apply to the Commission to be certified for use by remote sellers or marketplace facilitators pursuant to this section. Such certification shall be valid for three years. In order to be certified, an electronic database provider shall have a database that satisfies the following criteria:
    1. The database shall designate each address in the state, including, to the extent practicable, any multiple postal address applicable to one location and the taxing jurisdictions that have the authority to impose a tax on purchases made by purchasers at each address in the state.
    2. The information contained in the electronic database shall be updated as necessary and maintained in an accurate condition. In order to keep the database accurate, the database provider shall provide a convenient method for taxing jurisdictions that may be affected by the use of the database to inform the provider of apparent errors in the database. The provider shall have a process in place to promptly correct any errors brought to the

provider's attention.

4.16A.250 Definitions

Adoption of definitions does not compel an individual municipality to exempt certain defined items. Each municipality should specifically adopt definitions necessary for consistency to implement both brick-and-mortar sales tax code and provisions related to remote sellers or marketplace facilitators. For definitions that have no applicability to brick-and-mortar sales tax code, municipality may choose either to include definitions in the definitional section of general sales tax ordinance or adopt the common definitions by reference.

"Advertising" means services rendered to promote a product, service, idea, concept, issue, or the image of a person, including services rendered to design and produce advertising materials prior to the acceptance of the advertising materials for reproduction or publication, including research; design; layout; preliminary and final art preparation; creative consultation, coordination, direction, and supervision; script and copywriting; editing; and account management services.

"Aircraft charter service" means an air carrier operation that requires the customer to hire an entire aircraft rather than book passage in whatever capacity is available on a scheduled trip.

"Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume.

"Arts and crafts" mean articles produced individually by artistic or craft skill such as painting, sculpture, pottery, jewelry or similar articles.

"ATV" or **"off-highway vehicle"** means a vehicle designed or adapted for cross-country operation over unimproved terrain, ice or snow, and which has been declared by its owner at the time of registration and determined by the department to be unsuitable for general highway use, although the vehicle may make incidental use of a highway as provided in this title; it does not include implements of husbandry and special mobile equipment.

"Authentic Native artwork" means any product which is Alaska Native handcrafted and is not made by machine. "Alaska Native handcrafted" means the skillful and expert use of the hands in making products solely by Alaska Natives within the United States, including the use of findings, hand tools and equipment for buffing, polishing, grinding, drilling or sewing. "Made by machine" means the producing or reproducing of a product in mass production by mechanically stamping, casting, blanking or weaving.

"Bank services" or **"financial services"** means deposit account services, loan transaction fees, transactions relating to the sale or exchange of currency or securities, transactions for conversion of negotiable instruments, safe deposit services, escrow collection services, late fees, overdraft fees, and interest charged on past due accounts.

"Boat" means a vessel used or capable of being used as a means of transportation on the water.

"Buyer or purchaser" means a person to whom a sale of property or product is made or to whom a service is furnished.

"Child care" means a regular service of care and education provided for compensation for any part of a day less than 24 hours to a child or children under 16 years of age whose parents work outside the home, attend an educational program or are otherwise unable to care for their children.

"Church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed for the private profit of any person.

"Clothing and related products" means all human wearing apparel suitable for general use. Clothing includes: aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; children and adult diapers, including disposable; ear muffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed boots; underwear; uniforms, athletic and nonathletic; and wedding apparel.

"Commercial airline tickets" means any card, pass, certificate, or paper, electronic or otherwise, providing or intending to provide for the carriage or transportation of any person or persons upon any airline.

"Commission" means the Alaska Intergovernmental Remote Sales Tax Commission established by Agreement between local government taxing jurisdictions within Alaska, and delegated tax collection authority.

"Common carrier" means an individual or a company, which is in the regular business of transporting freight for hire. This is distinguished from a private carrier which transports its own goods and equipment and makes deliveries of goods sold to its customers.

"Construction materials" means an item of tangible personal property that is used to construct or renovate a building, a structure, or an improvement on land and that typically loses its separate identity as personal property once incorporated into the real property. "Construction material" includes building materials, building systems equipment, landscaping materials, and supplies.

"Construction services" means all labor and services provided in connection with the construction, alteration, repair, demolition, reconstruction, or other improvements to real property.

"Crop production" means purchases of seed, plants, fertilizer, pesticides, fungicides, and other tangible personal property and agricultural machinery, tools, and equipment to be directly used in the production of food or commodities that are sold either for human consumption or for further food or commodity production. The phrase "directly used" means that the property must be integral and essential to the crop production process.

"Disabled veteran" means a disabled person:

A. separated from the military service of the United States under a condition that is not dishonorable who is a resident of the state, whose disability was incurred or aggravated in the line of duty in the military service of the United States, and whose disability has been rated as 50 percent or more by the branch of service in which that person served or by the United States Department of Veterans Affairs; or

B. who served in the Alaska Territorial Guard, who is a resident of the state, whose disability was incurred or aggravated in the line of duty while serving in the Alaska Territorial Guard, and whose disability has been rated as 50 percent or more.

"**Drug**" means a compound, substance or preparation, and any component of a compound, substance or preparation, other than "food and food ingredients," "dietary supplements" or "alcoholic beverages:"

A. Recognized in the official United State Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, and supplement to any of them; or

B. B. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

C. C. Intended to affect the structure or any function of the body.

"Drugs for animal use" means:

A. a drug for animal use recognized in the official United States Pharmacopoeia or National Formulary of the United States;
B. a drug intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals;
C. a drug, other than feed, medicated feed, or a growth promoting implant intended to affect the structure or function of the body of an animal; or
D. a drug intended for use as a component of a drug in clause A., B., or C.

"**Dues, Membership and Subscription"** means monies paid for the purpose of membership, or qualifying or becoming eligible for goods or services, or discounts to goods or services.

"Durable medical equipment" means equipment including repair and replacement parts for same, but does not include "mobility enhancing equipment," which:

A. Can withstand repeated use; and
B. Is primarily and customarily used to serve a medical purpose; and
C. Generally is not useful to a person in the absence of illness or injury; and
D. Is not worn in or on the body.

"**Delivered electronically**" means delivered to the purchaser by means other than tangible storage media.

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Entity-based exemption" means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.

"Farming supplies" means animal food, seed, plants, fertilizers and other consumables used in an agriculture or mariculture business that sells its harvested grains, produce, meats, animal products or other farm production.

"**Food**" means any food or food product for home consumption except alcoholic beverages, tobacco, and prepared food. Food or food products includes property, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value.

"Food stamps" means obligations of the United States government issued or transferred by means of food coupons or food stamps to enable the purchase of food for the eligible household.

"Funeral fees" means those services normally performed and merchandise normally provided by funeral establishments, including the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches, or vaults.

"Gaming" means any game defined in AS 05.15.690, as amended or renumbered.

"**Gasoline, heating fuels and other consumable fuels"** means refined petroleum and petroleum-based products used for internal combustion engines and as the primary source for residential heating or domestic hot water. This may also include other types of fossil fuels as well as fuel sources that are renewable.

"**Goods for resale**" means:

A. The sale of goods by a manufacturer, wholesaler or distributor to a retail vendor; sales to a wholesale or retail dealer who deals in the property sold, for the purpose of resale by the dealer.
B. Sales of personal property as raw material to a person engaged in manufacturing components for sale, where the property sold is consumed in the manufacturing process of, or becomes an ingredient or component part of, a product manufactured for sale by the manufacturer.
C. Sale of personal property as construction material to a licensed building contractor where the property sold becomes part of the permanent structure.

"Government" means the federal government and any agency or instrumentality thereof; any State and any agency or instrumentality thereof; any local government within a State, and any unit, agency, or instrumentality of such local government; any tribal government; any other governmental instrumentality.

"Handling," "crating," or **"packing"** means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser including, but not limited to, transportation, shipping, postage, handling, crating, and packing."

"Insurance" means a contract whereby one undertakes to indemnify another or pay or provide a specified or determinable amount or benefit upon determinable contingencies.

"Internet service" means a service that enables users to access proprietary and other content, information electronic mail, and the Internet as part of a package of services sold to end-user subscribers.

"Loan" means an extension of credit resulting from direct or indirect negotiations between a lender and a debtor.

"Lobbying" means the practice of promoting or opposing the introduction or enactment of legislation before the legislature or legislators and the practice of promoting or opposing official action of any public official or the legislature.

"**Long-term vehicle lease"** means a lease of a motor vehicle, as defined in this Section, for a period of 24 months or longer.

"Manufacturing components" means sales of personal property as raw material to a person engaged in manufacturing for sale, where the property sold is consumed in the manufacturing process of or becomes an ingredient or component part of a product manufactured for sale by the manufacturer.

"**Marijuana accessories"** means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body;

"Marketplace facilitator" means a person that contracts with remote sellers to facilitate for consideration, regardless of whether deducted as fees from the transaction, the sale of the remote seller's property or services through a physical or electronic marketplace operated by the person, and engages:

(a) Directly or indirectly, through one or more affiliated persons in any of the following:

(i) Transmitting or otherwise communicating the offer or acceptance between the buyer and remote seller;

(ii) Owning or operating the infrastructure, electronic or physical, or technology that brings buyers and remote sellers together;

(iii) Providing a virtual currency that buyers are allowed or required to use to purchase products from the remote seller; or

(iv) Software development or research and development activities related to any of the activities described in (b) of this subsection (3), if such activities are directly related to a physical or electronic marketplace operated by the person or an affiliated person; and

(b) In any of the following activities with respect to the seller's products:

(i) Payment processing services;
(ii) Fulfillment or storage services;
(iii) Listing products for sale;
(iv) Setting prices;
(v) Branding sales as those of the marketplace facilitator;
(vi) Order taking;
(vii) Advertising or promotion; or
(viii) Providing customer service or accepting or assisting with returns or exchanges.

"**Medical equipment and supplies, and prescriptions"** means all medicines, medical goods or equipment prescribed by a health care provider licensed to practice in Alaska or any other state in the United States.

"Medical services" means those professional services rendered by persons duly licensed under the laws of this state to practice medicine, surgery, chiropractic, podiatry, dentistry, and other professional services rendered by a licensed midwife, certified registered nurse practitioners, and psychiatric and mental health nurse clinical specialists, and appliances, drugs, medicines, supplies, and nursing care necessary in connection with the services, or the expense indemnity for the services, appliances, drugs, medicines, supplies, and care, as may be specified in any nonprofit medical service plan. "Medical services" include hospital services.

"**Member**" means a taxing jurisdiction that is a signatory of the Alaska Remote Sales Tax Intergovernmental Agreement, thereby members of the Commission, and who have adopted the Remote Seller Sales Tax Code.

"**Mobility enhancing equipment"** means equipment including repair and replacement parts to same, but does not include "durable medical equipment," which:

A. Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; and
B. Is not generally used by persons with normal mobility; and
C. Does not include any motor vehicle or equipment on a motor vehicle normally

provided by a motor vehicle manufacturer.

"**Monthly**" means occurring once per calendar month.

"Motor vehicle" means a motor vehicle, as defined in AS 28.90.990(17), that is either required to be registered under AS 28.10.011, or is exempted from registration under AS 28.10.011(6) and (11). However, "motor vehicle" does not include either an "off-highway vehicle" as defined in 13 AAC 40.010(a)(30) or a "snowmobile" as defined in 13 AAC 40.010(a)(49). "Motor vehicle" includes parts for a motor vehicle.

"**Newspaper**" means a publication of general circulation bearing a title, issued regularly at stated intervals at a minimum of not more than two weeks, and formed of printed paper sheets without substantial binding. It must be of general interest, containing information of current events. The word does not include publications devoted solely to a specialized field. It shall include school newspapers, regardless of the frequency of the publication, where such newspapers are distributed regularly to a paid subscription list.

"**Nonprofit organization"** means a business that has been granted tax-exempt status by the Internal Revenue Service (IRS); means an association, corporation, or other organization where no part of the net earnings of the organization inures to the benefit of any member, shareholder, or other individual, as certified by registration with the IRS.

"**Over the counter drug"** means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter-drug" label includes:

A. A "Drug Facts" panel; or
B. A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance or preparation.

"**Periodical**" means any bound publication other than a newspaper that appears at stated intervals, each issue of which contains news or information of general interest to the public, or to some particular organization or group of persons. Each issue must bear a relationship to prior or subsequent issues with respect to continuity of literary character or similarity of subject matter, and sufficiently similar in style and format to make it evident that it is one of a series.

"**Person**" means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.

"**Physical presence**" means a seller who establishes any one or more of the following within a local taxing jurisdiction:

1. Has any office, distribution or sales house, warehouse, storefront, or any other place of business within the boundaries of the local taxing jurisdiction;
2. Solicits business or receiving orders through any employee, agent, salesman, or other representative within the boundaries of the local taxing jurisdiction or engages in activities in this state that are significantly associated with the seller's ability to establish or maintain a market for its products in this state.
3. Provides services or holds inventory within the boundaries of the local taxing jurisdiction;
4. Rents or Leases property located within the boundaries of the local taxing jurisdiction. A seller that establishes a physical presence within the local taxing jurisdiction in any calendar year will be deemed to have a physical presence within the local taxing jurisdiction for the following calendar year.

"Point of delivery" means the location at which property or a product is delivered or service rendered.

A. When the product is not received or paid for by the purchaser at a business location of a remote seller in a Taxing Jurisdiction, the sale is considered delivered to the location where receipt by the purchaser (or the purchaser's recipient, designated as such by the purchaser) occurs, including the location indicated by instructions for delivery as supplied by the purchaser (or recipient) and as known to the seller.

B. When the product is received or paid for by a purchaser who is physically present at a business location of a Remote Seller in a Taxing Jurisdiction the sale is considered to have been made in the Taxing Jurisdiction where the purchaser is present even if delivery of the product takes place in another Taxing Jurisdiction. Such sales are reported and tax remitted directly to the Taxing Jurisdiction not to the Commission.

C. For products transferred electronically, or other sales where the remote seller or marketplace facilitator lacks a delivery address for the purchaser, the remote seller or marketplace facilitator shall consider the point of delivery the sale to the billing address of the buyer.

"**Precious gems** and **metals**" means any mineral, including but not limited to gold, silver, platinum and palladium, and any gem that is valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphire, opals, pearls or any other such precious gems or stones that has been put through a process of refining and is in such a state or condition that its value depends upon its precious metal content (such as an ingot or bar) and not its form (such as jewelry or artwork).

"**Prepared food"** means:

A. Food sold in a heated state or heated by the seller;
B. Two or more food ingredients mixed or combined by the seller for sale as a single item; or
C. Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food.

"Prepared food" in Subsection B. does not include food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, Part 401.11 of its Food Code so as to prevent food borne illnesses.

"**Prewritten computer software"** means "computer software," including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more "prewritten computer software" programs or prewritten portions thereof does not cause the combination to be other than "prewritten computer software." "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the specific purchaser. Where a person modifies or enhances "computer software" of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. "Prewritten computer software" or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains "prewritten computer software;" provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute "prewritten computer software."

"Printing services" means those activities relating to the work of the printing, publishing or graphic arts industries and shall include any mechanical process whereby ink is transferred to paper or other materials.

"Professional services" means services performed by architects, attorneys-at-law, certified public accountants, dentists, engineers, land surveyors, surgeons, veterinarians, and practitioners of the healing arts (the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities) and such occupations that require a professional license under Alaska Statute.

"**Prosthetic Device"** means replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body to:

A. Artificially replace a missing portion of the body;
B. Prevent or correct physical deformity or malfunction; or
C. Support a weak or deformed portion of the body.

"**Product-based exemptions"** means an exemption based on the description of the product and not based on who purchases the product or how the purchaser intends to use the product.

"**Property**" and **"product"** means both tangible property, an item that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses; and intangible property, anything that is not physical in nature (i.e.; intellectual property, brand recognition, goodwill, trade, copyright and patents).

"Quarter" means trimonthly periods of a calendar year; January-March, April-June, July- September, and October-December.

"Raw Seafood" means uncooked marine and estuarine fauna or flora used as food or of a kind suitable for food and specifically includes, but is not limited to, shrimp taken for bait.

"Receive or receipt" means

A. Taking possession of property;
B. Making first use of services;
C. Taking possession or making first use of digital goods, whichever comes first.

The terms "receive" and "receipt" do not include temporary possession by a shipping company on behalf of the purchaser.

"**Remote sales**" means sales of goods or services by a remote seller or marketplace facilitator.

"Remote seller" means a seller or marketplace facilitator making sales of goods or services delivered within the State of Alaska, without having a physical presence in a taxing jurisdiction, or conducting business between taxing jurisdictions, when sales are made by internet, mail order, phone or other remote means. A marketplace facilitator shall be considered the remote seller for each sale facilitated through its marketplace.

"**Resale of services"** means sales of intermediate services to a business the charge for which will be passed directly by that business to a specific buyer.

"Retail car rental" means renting a rental car to a consumer. "Rental car" means a passenger car, that is used solely by a rental car business for rental to others, without a driver provided by the rental car business, for periods of not more than thirty consecutive days. "Rental car" does not include:

A. Vehicles rented or loaned to customers by automotive repair businesses while the customer's vehicle is under repair;
B. Vehicles licensed and operated as taxicabs.

"**Sales-Type Lease"** means at lease commencement, (1) the lease transfers ownership of the underlying property, goods, or services to the lessee by the end of the lease term; (2) the lease grants the lessee an option to purchase the underlying property, goods, or services that the lessee is reasonably certain to exercise; (3) the lease term is for the major part of the remaining economic life of the underlying property, goods, or services. However, if the commencement date falls at or near the end of the economic life of the underlying property, goods, or services, this criterion shall not be used for purposes of classifying the lease; (4) the present value of the sum of the lease payments and any residual value guaranteed by the lessee that is not already reflected in the lease payments equals or exceeds substantially all of the fair value of the underlying property, goods, or services; (5) the underlying property, goods, or services is of such a specialized nature that it is expected to have no alternative use to the lessor at the end of the lease term.

"Sale" or "retail sale" means any transfer of property for consideration for any purpose other than for resale.

"Sales or purchase price" means the total amount of consideration, including cash, credit, property, products, and services, for which property, products, or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

A. The seller's cost of the property or product sold;
B. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;
C. Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;
D. Delivery charges;
E. Installation charges; and

F. Credit for any trade-in, as determined by state law.

"School materials" means items commonly used by a student in a course of study. "School materials" includes the following items: binders; book bags; calculators; cellophane tape; blackboard chalk; compasses; composition books; crayons; erasers; folders, expandable, pocket, plastic, and manila; glue, paste, and paste sticks; highlighters; index cards; index card boxes; legal pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper; pencil boxes and other school supply boxes; pencil sharpeners; pencils; pens; protractors; rulers; scissors; and writing tablets. "School materials" does not include any item purchased for use in a trade or business.

"School meals" includes breakfasts, lunches, or the serving of foods or beverages, or both, or any combination thereof, served by a school cafeteria or a school lunchroom.

"School transportation" means transportation of students to and from schools in motor or other vehicles.

"**Seller**" means a person making sales of property, products, or services, or a marketplace facilitator facilitating sales on behalf of a seller.

"**Services**" means all services of every manner and description, which are performed or furnished for compensation, and delivered electronically or otherwise outside the taxing jurisdiction (but excluding any that are rendered physically within the taxing jurisdiction, including but not limited to:

A. Professional services;
B. Services in which a sale of property or product may be involved, including property or products made to order;
C. Utilities and utility services not constituting a sale of property or products, including but not limited to sewer, water, solid waste collection or disposal, electrical, telephone services and repair, natural gas, cable or satellite television, and Internet services;
D. The sale of transportation services;
E. Services rendered for compensation by any person who furnishes any such services in the course of his trade, business, or occupation, including all services rendered for commission;
F. Advertising, maintenance, recreation, amusement, and craftsman services.

"**Seller**" means: a person making sales of property, products or services, or a marketplace facilitator acting on behalf of a seller

"**Senior citizen**" means any individual defined by a taxing jurisdiction as qualifying for an age- based exemption from sales tax.

"Smoked fish" means a freshwater or saltwater finfish that is prepared by treating it with salt (sodium chloride) and subjecting it to the direct action of the smoke from burning wood, wood sawdust, or similar burning material or from liquid smoke flavoring applied to the surface in a gaseous, liquid, or vaporized state with or without heat.

"Snowmobile" means a motor vehicle designed to travel over ice or snow, and supported in part by skis, belts, cleats, or low-pressure tires.

"**Software downloads**" means software, applications, services and other digital programming for computers, tablets, smartphones and other electronic devices. This includes online subscriptions or purchases of news services, publications, audio books and other similar electronic versions of printed materials.

"**Software maintenance contracts**" means a contract that obligates a vendor of computer software to provide a customer with future updates or upgrades to computer software, support services with respect to computer software or both. A "mandatory computer software maintenance contract" is a computer software maintenance contract that the customer is obligated by contract to purchase as a condition to the retail sale of computer software. An "optional computer maintenance contract" is a computer software maintenance contract that a customer is not obligated to purchase as a condition to the retail sale of computer software.

"Specified digital products" means electronically transferred:

(1) digital audio works;
(2) digital audiovisual works; or
(3) digital books.

"Streaming services" means digital content provided online for on-demand consumption rather than downloadable consumption. This typically includes, but is not limited to, video and audio files.

"Tax cap" means a maximum taxable transaction.

"Taxing jurisdiction" means a local government in Alaska that has a sales tax and is a member of the Alaska Remote Sellers Sales Tax Commission.

"Tax free days" means a duration of time in which persons who purchase goods or services are exempt from the Sales tax of the taxing jurisdiction.

"Telephone service" means the providing by any person of access to a telephone network, telephone network switching service, toll service, or coin telephone services, or the providing of telephonic, video, data, or similar communication or transmission for hire, via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system.

"Ticket admission" means the paid right or privilege to enter into or use a place or location.

"Title insurance premium" means and includes premium, examination fees, settlement fees, closing fees, and every other charge, whether denominated premium or otherwise, made by a title insurance company, agent of a title insurance company or an approved attorney of a title insurance company, or any of them, to an insured or to an applicant for insurance, for any policy or contract for the issuance of, or an application for any class or kind of, title insurance.

"Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

"**Transferred electronically**" means obtained by the purchaser by means other than tangible storage media.

"Transportation services" means the transportation of individuals for hire.

"Travel agency" means a person or organization who represents, directly or indirectly, that the person or organization is offering or undertaking by any means or method, to provide travel services for a fee, commission, or other valuable consideration, direct or indirect.

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

ENACTED THIS __ DAY OF MARCH 2020 BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

Introduced by: Mayor Barr
Introduction Date: February 25, 2020
Public Hearing March 10, 2020
Action:
Vote:

____
Perry Barr, Mayor

ATTEST:

____
Lori Strickler, City Clerk

Introduced by: Mayor Barr
Introduction Date: March 10, 2020
Public Hearing March 24, 2020
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #20-07

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE 2.52.070 BOARDS, COMMITTEES AND COMMISSIONS, VACANCIES

WHEREAS; committee and commission members are currently required to attend at least 65% of all special and regular meetings, regardless of the member being excused or unexcused;

WHEREAS; with many committees and commissions holding 12 regular meetings each year a member would need to attend no less than eight regular meetings;

WHEREAS; if there were two special meetings in a calendar year and a member only attended one of them, the current provisions would require the body to vacate their seat;

WHEREAS; by committees and commissions discretion on how they, by majority want to manage the vacancies, allows situational review by the entire body for each instance as opposed to a mandated vacancy as provided in the current regulation;

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

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

Section 2. Amendment: Section 2.52.070 of the Bethel Municipal Code, Boards, Committees and Commissions, Vacancies.

2.52.070 Vacancies.

A. The head of the department clearly associated with the body or the department head's delegate shall keep attendance records and notify the city clerk when a vacancy has been declared. Attendance shall be taken and recorded even in the absence of a quorum. A vacancy shall be declared by the body when a member:

1. Is absent from the city for more than ninety (90) days without first (1st) being excused by the body;

2. Fails to attend three (3) regularly scheduled meetings within any calendar year without being excused by the body;

3. Fails to attend three (3) special meetings within any calendar year without being excused by the body;

~~4. Fails to attend a minimum of sixty-five (65) percent of regular meetings held within any calendar year whether excused or unexcused;~~

~~5. Fails to attend a minimum of sixty-five (65) percent of special meetings held within any calendar year whether excused or unexcused;~~

6. Submits a written resignation which is accepted by the body or the mayor;

7. Dies;

8. Fails to qualify and give the oath of office within ~~thirty (30)~~ forty five (45) days after city council confirmation of the appointment;

9. Ceases to be a resident of the city;

10. Is convicted of a felony or an offense involving a violation of the oath of office for the body; or

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

B. A vacancy may be declared by the body when a member:

1. Fails to attend a minimum of sixty-five (65) percent of regular meetings held within any calendar year whether excused or unexcused;
2. Fails to attend a minimum of sixty-five (65) percent of special meetings held within any calendar year whether excused or unexcused.

Introduced by: Mayor Barr
Introduction Date: March 10, 2020
Public Hearing March 24, 2020
Action:
Vote:

C. A member may be removed by the council at any time with or without a stated reason; provided, before or promptly after the removal the person shall first (1st) be given an opportunity to address the council in a public meeting.

~~C.~~D. A member that is appointed or nominated by a private or governmental organization or officer as a representative of that organization on the body may be removed at any time as provided for removal of members appointed by the mayor.

~~D.~~ E. An ex officio member may not be removed by the council if the person's membership is based solely upon an office or position occupied by that person within a different organization and is not based in part or in whole upon a nomination or recommendation by the person's organization.

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

ENACTED THIS __ DAY OF MARCH 2020 BY A VOTE OF _ IN FAVOR AND _ OPPOSED.

____
Perry Barr, Mayor

ATTEST:

____
Lori Strickler, City Clerk

City of Bethel Action Memorandum

Action memorandum No.	20-08		
Date action introduced:	March 10, 2020	Introduced by:	Mayor Barr
Date action taken:		Approved	Denied
Confirmed by:			

Accepting the resignation of Council Member Fred Watson effective March 10, 2020 and confirm the process for the Council's consideration of qualified candidates to fill the vacancy.

Amount of fiscal impact:		**Account information:**
X	No fiscal impact at this time.	

Direct the City Clerk's Office to post a Notice of Vacancy on the City Council March 11, 2020.

In the Notice of Vacancy, require any interested parties to submit their statement of interest to the City Clerk's Office by 4:00 p.m. March 18, 2020. Following the 4:00 p.m. deadline, the City Clerk's Office will email the Council the statements of interest received and will begin the process of determining eligibility of Office for the candidates. Barring no significant legal question, the City Clerk's Office should confirm the candidates' qualifications by the close of business on March 19, 2020.

At the Regular City Council Meeting on March 24, the qualified candidates will be asked to participate in a brief interview by the full Council in open session. Each council member will be invited to ask two questions for each qualified candidate. Following the interview the Council shall utilize the process of appointment set out in BMC 2.04.105. The term of the selected candidate shall expire on October 13, 2020.

Per Bethel Municipal Code 2.04.100, Council Vacancies, the Council shall within 30 days from the date of the vacancy appoint a qualified voter to fill the vacancy.

BMC Provisions relevant to this process:

2.04.100 Council vacancies.

A. The city council shall declare a council seat vacant when the person elected:

1. Fails to qualify or take office within thirty (30) days after election or appointment;
2. Is physically absent from the city for ninety (90) consecutive days unless excused by the council;
3. Resigns and the resignation is accepted;
4. Is physically or mentally unable to perform the duties of office as determined by a two-thirds (2/3) vote of the council;
5. Is convicted of a felony or of an offense involving a violation of the oath of office;
6. Is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds (2/3) of the members of the council concur in expelling the person elected;
7. Is convicted of a violation of AS 15.13;
8. No longer physically resides in the city and the council by a two-thirds (2/3) vote declares the

seat vacant; this subsection does not apply to a member of the council who forfeits office under AS 29.20.140(a); or

9. Misses three (3) regular meetings in a calendar year and is not excused.

B. If a vacancy occurs on the city council, the remaining members shall, within thirty (30) days of the vacancy, and subject to AS 29.20.180, appoint a qualified Bethel voter to fill the vacancy in accordance with the procedures established in BMC 2.04.105. The person appointed to fill the vacancy shall serve until the next regular election and until a successor is elected and has qualified for the vacated council seat. The elected successor shall serve the remainder of the term of the vacated council seat.

2.04.105 Procedures for filling council vacancies.

A. The council shall meet in a regular or special meeting to appoint a qualified person to fill a vacancy. The council may request that persons interested in filling the vacant seat write a letter of interest to be submitted to the city clerk by the specified deadline in the public notice of a council vacancy. The person submitting a letter of interest to fill a vacant council seat may attach any relevant information such as a resume to his or her letter of interest. The council shall nominate a qualified person to fill the vacant seat. If there is not a person qualified out of those persons who submitted a letter of interest to fill the vacant council seat, the council may nominate a qualified person who has not applied for the vacant council seat. Nominations for the vacant seat shall be made by a motion approved by the council. Once all nominations are made, councilmembers shall cast votes simultaneously by written ballot for persons nominated. All of the ballots will be collected by the city clerk who shall thereafter publicly announce the vote of each councilmember. The person who receives a majority of the votes shall fill the vacant seat.

B. If none of the persons nominated receives a majority of votes in the first (1st) round of balloting, the procedure provided for in subsection A of this section shall be repeated no more than twice. If none of the persons nominated receives a majority of votes in the third (3rd) round of balloting, the vacancy shall be filled by a drawing of straws by the two (2) nominees who received the highest and second (2nd) highest number of votes. The nominee who draws the longest straw shall fill the vacant council seat. The mayor may designate a person to draw straws for any absent candidate.

C. If it is not possible to determine the nominees with the two (2) highest vote counts because of a tie in votes between the nominees who have the second (2nd) highest number of votes in the third (3rd) round of balloting, the seat shall be filled by a drawing of straws conducted in accordance with subsection B of this section by the person who received the highest number of votes and the persons who tied for second (2nd) place. If there is a tie vote between the nominees who have the highest number of votes in the third (3rd) round of balloting, the seat shall be filled by a drawing of straws by these nominees conducted in accordance with subsection B of this section.

D. The mayor shall publicly announce which person drew the longest straw and that person shall fill the vacant council seat.

City of Bethel Action Memorandum

Action memorandum No.	20-09		
Date action introduced:	March 10, 2020	Introduced by:	Mayor Barr
Date action taken:		Approved	Denied
Confirmed by:			

Appointment of Committee/Commission/Board members. Jennifer Dobson- Board of Ethics.

Amount of fiscal impact:			**Account information:**
x		No fiscal impact	

Action Memorandum 20-06 is sponsored by Mayor Barr at the request of the City Clerk.

Jennifer Dobson has requested appointment to the Board of Ethics. If appointed, the term would be three years as a Regular member with a term expiration of December 31, 2022.

City of Bethel Information Memorandum

Information Memo No.	IM 20-04		
Date introduced:	March 10, 2020	Introduced by:	William Howell, Acting City Mgr.
Amended actions:			
Confirmed by:			

Title: Presentation of the City's Water & Sewer Services Expenditures Compared to Budget from July 1, 2019 to February 29, 2020 – Utilities Maintenance – Water & Wastewater Activity Report.

Attachment(s): (1) City of Bethel Water & Sewer Services Expenditures Compared to Budget from July 1, 2019 to February 29, 2020 and (2) February 2020 – Utilities Maintenance – Water & Wastewater Activity Report.

Department/Individual:	Initials:	Remarks:
Administration, William Howell	WH	
Finance, Christine Blake	CB	

Amount of fiscal impact:		Account information:
None	No fiscal impact at this time.	
	Funds in City Budget.	
	Funds not in City Budget.	

Summary Statement

The attached financial report for FY 2020 contains months of data from July 1, 2019 to February 29, 2020. The information contained therein and the contents of the Water & Wastewater Activity Report are distributed to Bethel City Council members for their review. This Information Memorandum documents the dissemination of this report to Bethel City Council members, as required by the Alaska Department of Commerce, Community and Economic Development, Division of Community and Regional Affairs, in their administration of the Best Practices protocol.

The process of preparing and submitting a monthly financial report and a water and wastewater activity report to City Council helps the City earn points on the Water and Sewer Utility Best Practices Operation and Maintenance Reports. The City must have a score of 60 or greater out of 100 points in order to be approved for funding from the Environmental Protection Agency (EPA) and the Alaska Department of Environmental Conservation (DEC). In other capital grants administered by DEC's Village Safe Water Program, the City's Best Practices score is an application scoring criterion.

City of Bethel - Public Works Department

Utilities Maintenance Activity Report

FY20 - Feb 2020

Public Works Director - William Arnold

City Sub Water Treatment Plant / Bethel Heights Water Treatment Plant

	City Sub Water Treatment Plant							Bethel Heights Water Treatment Plant						
	Water				Chemical Usage			Water				Chemical Usage		
	Plant Production (Gallons)	Hauled Water (Gallons)	Piped Water (Gallons)	Backwash Usage (Gallons)	Calcium Hypochlorite (lbs)	Polymer (mL)	Potassium Permanganate (lbs)	Plant Production (Gallons)	Hauled Water (Gallons)	Piped Water (Gallons)	School Water (Gallons)	Calcium Hypochlorite (lbs)	Polymer (mL)	Potassium Permanganate (lbs)
December	4,739,180	1,822,000	1,576,377	746,000	1,050	9,900	240	2,106,790	507,000	2,741,766	187,390	750	2,400	85
Fiscal Year to Date	43,659,634	15,835,000	10,860,004	3,319,800	8,925	105,300	2,369	25,635,467	3,715,443	48,641,025	1,812,041	6,825	48,128	1,218

Bethel Heights WTP	Monthly water logs to ADEC from BHWTP and CSWTP. Both main boilers are on line and operating for winter.Minor service needed daily.Small boiler placed off line status for winter.
City Sub WTP	Monthly water logs for BHWTP and CSWTP to ADEC. Minor adjustments and repairs to the A and B loop glycol lines return and supply.Pump boiler pressures up with additional glycol .
Sewer Lagoon	DMR report to ADEC. Lagoon discharge complete for month.
Piped Sewer	12 alarms on residential lift stations were responded to. Multiple issues with heat trace, grinder pumps, and float systems were resolved. Repairs were made to Yukon Kuskokwim Fitness Center Lift Station. Main Lift Station pump work –Pump #1 parts have arrived. Expected to be completed and returned in 2-3 weeks. FAA lift station thawed out and in operation. Line flushing and leveling activities on low flow and frozen sewer lines. Non-compliance reports were filled out per DEC requirements.
Piped Water	Monthly meter readings, service connections, and disconnects were performed. Hospital (new & old), Bethel Youth Facility, Correctional Facility, Fish & Wildife, and YKHC housing are all connected to new Institutional Corridor Line. New Service line connected at the YK Long-Term Care (LTC) & LTC Managers Appartment connected 7/30. New Service Line connected to the YK Prematernal Building. Additional fire hydrant testing was performed to accommodate information requests from YKHC fire protection contractors.
Other	Daily safety meetings are held. All 3 Utility Maint trucks are having issues that require repairs. Several of these are major safety issues. Continue to work with V&E to repair them, but some issues are arising since 2 of the vehicles are more than 10 years old.

Prepared by - Water/Wastewater Utilities Foreman

WATER & SEWER SERVICES

	ASSETS			
51-10100	CASH IN COMBINED FUND		(323,251.24)	
51-12502	INVESTMENT-AMLIP W SUBS		885,348.78	
51-12507	INVESTMENT-AMLIP S SUBS		201,534.68	
51-13100	ACCOUNTS RECEIVABLE		1,937,929.65	
51-13900	ALLOWANCE-DOUBTFUL ACCTS		(61,297.17)	
51-14200	HEATING FUEL INVENTORY		37,340.51	
51-14400	DIESEL FUEL INVENTORY		33,310.00	
51-14910	DEPOSITS		225,000.00	
51-16200	IMPROVEMENTS		12,187.41	
51-16300	BUILDINGS		2,869,625.96	
51-16400	PLANTS AND LINES-GENERAL		35,846,287.52	
51-16500	MACHINERY & EQUIP-GENERAL		223,338.57	
51-16600	VEHICLES-GENERAL		4,046,164.16	
51-16800	ACCUM DEPR-BUILDINGS		(2,873,025.31)	
51-16900	ACCUM DEPR-PLANT/LINE-GNL		(21,872,800.90)	
51-17000	ACCUM DEP-M&E GENERAL		(128,606.80)	
51-17100	ACCUM DEPR-VEHICLES-GENERAL		(2,508,434.03)	
51-18000	W/S CONSTRUCTION IN PROGRESS		9,645,026.26	
51-19000	DEFERRED OUTFLOW-PENSION		773,404.50	
	TOTAL ASSETS			28,969,082.55
	LIABILITIES AND EQUITY			
	LIABILITIES			
51-20100	VOUCHERS PAYABLE		(5,376.71)	
51-21100	ACCRUED PAYROLL		67,226.16	
51-22100	ACCRUED VACATION		107,309.14	
51-22200	VACATION/SICK LEAVE		7,063.38	
51-25900	DUE TO/FROM OTHER FUNDS		1,996,668.23	
	TOTAL LIABILITIES			2,172,890.20
	FUND EQUITY			
51-26100	UTILITY DEPOSITS		401,403.14	
51-27500	LAGOON REVENUE BONDS PAY		913,000.00	
	UNAPPROPRIATED FUND BALANCE:			
51-29000	DEFERRED INFLOW-PENSION	256,868.55		
51-29100	PENSION LIABILITY	3,843,487.07		
51-29200	NATLBANKAK LOANS PAYABLE	224,823.00		
	REVENUE OVER EXPENDITURES - YTD	(1,778,057.71)		
	BALANCE - CURRENT DATE		2,547,120.91	
	TOTAL FUND EQUITY			3,861,524.05
	TOTAL LIABILITIES AND EQUITY			6,034,414.25

CITY OF BETHEL
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 29, 2020

WATER & SEWER SERVICES

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	WATER					
51-42-410	TRUCKED WATER	751,558.26	751,558.26	2,798,807.00	2,047,248.74	26.9
51-42-412	METERED PIPED WATER COMM.	135,232.11	135,232.11	1,035,290.00	900,057.89	13.1
51-42-414	UNMETERED PIPED WTR RESID	218,873.61	218,873.61	808,639.00	589,765.39	27.1
51-42-416	CONTRACT WATER	4,560.00	4,560.00	10,675.00	6,115.00	42.7
51-42-436	PUMPHOUSE WATER	18,153.65	18,153.65	18,859.00	705.35	96.3
	TOTAL WATER	1,128,377.63	1,128,377.63	4,672,270.00	3,543,892.37	24.2
	SEWER					
51-43-411	TRUCKED SEWER (EVAC/HB)	426,074.90	426,074.90	1,648,000.00	1,221,925.10	25.9
51-43-412	METERED PIPED SEWER COMM.	1,274,847.93	1,274,847.93	867,887.00	(406,960.93)	146.9
51-43-414	UNMETERED PIPED SEWER RES	65,050.14	65,050.14	242,255.00	177,204.86	26.9
51-43-416	CONTRACT SEWER	3,301.05	3,301.05	24,828.00	21,526.95	13.3
	TOTAL SEWER	1,769,274.02	1,769,274.02	2,782,970.00	1,013,695.98	63.6
	MISCELLANEOUS					
51-45-434	UTILITY PENALTY/INTEREST	8,557.89	8,557.89	38,163.00	29,605.11	22.4
51-45-435	RECONNECT FEES	140.00	140.00	2,758.00	2,618.00	5.1
51-45-450	SENIOR DISCOUNT	(13,236.02)	(13,236.02)	46,000.00	59,236.02	(28.8)
51-45-467	NSF CHECKS AND FEES	65.00	65.00	130.00	65.00	50.0
51-45-468	UTILITY INSPECTION FEES	954.43	954.43	2,000.00	1,045.57	47.7
51-45-471	WATER SUBSCRIPTION FEES	45,738.84	45,738.84	168,395.00	122,656.16	27.2
51-45-472	SEWER SUBSCRIPTION FEES	48,355.58	48,355.58	177,428.00	129,072.42	27.3
51-45-487	INVESTMENT INCOME	.00	.00	16,000.00	16,000.00	.0
	TOTAL MISCELLANEOUS	90,575.72	90,575.72	450,874.00	360,298.28	20.1
	MISCELLANEOUS					
51-49-466	CASH OVER/SHORT	(341.10)	(341.10)	100.00	441.10	(341.1)
51-49-495	MISCELLANEOUS INCOME	2,520.71	2,520.71	3,226.00	705.29	78.1
	TOTAL MISCELLANEOUS	2,179.61	2,179.61	3,326.00	1,146.39	65.5
	TOTAL FUND REVENUE	2,990,406.98	2,990,406.98	7,909,440.00	4,919,033.02	37.8

WATER & SEWER SERVICES

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	UTILITY BILLING					
51-80-501	SALARIES	28,290.08	28,290.08	90,127.00	61,836.92	31.4
51-80-502	OVERTIME	100.00	100.00	1,025.00	925.00	9.8
51-80-508	LEAVE CASHOUT	.00	.00	4,396.00	4,396.00	.0
51-80-511	MEDICARE FICA	415.07	415.07	1,322.00	906.93	31.4
51-80-512	GROUP HEALTH INSURANCE	11,979.54	11,979.54	42,189.00	30,209.46	28.4
51-80-515	UNEMPLOYMENT	.00	.00	1,322.00	1,322.00	.0
51-80-516	WORKERS' COMPENSATION	220.88	220.88	244.00	23.12	90.5
51-80-518	PERS	6,026.61	6,026.61	20,053.00	14,026.39	30.1
51-80-519	UTILITY BENEFIT	449.74	449.74	7,980.00	7,530.26	5.6
51-80-545	TRAINING/TRAVEL	.00	.00	2,000.00	2,000.00	.0
51-80-561	SUPPLIES	4,955.40	4,955.40	4,000.00	(955.40)	123.9
51-80-649	ONLINE BILL PAY	1,881.58	1,881.58	3,000.00	1,118.42	62.7
51-80-683	MINOR EQUIPMENT	.00	.00	1,500.00	1,500.00	.0
51-80-721	INSURANCE	618.32	618.32	932.00	313.68	66.3
51-80-727	ADVERTISING	.00	.00	500.00	500.00	.0
51-80-733	POSTAGE	9,791.88	9,791.88	13,000.00	3,208.12	75.3
51-80-736	BANK CHARGES	20,920.23	20,920.23	36,500.00	15,579.77	57.3
51-80-777	PROJECT-BOILER & HVAC REBUILD	297,484.93	297,484.93	620,000.00	322,515.07	48.0
51-80-799	MISCELLANEOUS EXPENSES	.00	.00	500.00	500.00	.0
51-80-996	ADMIN OVERHEAD-IT SVCS	8,513.23	8,513.23	14,256.00	5,742.77	59.7
51-80-998	ADMINISTRATIVE OVERHEAD-GF	14,435.63	14,435.63	28,839.00	14,403.37	50.1
	TOTAL UTILITY BILLING	406,083.12	406,083.12	893,685.00	487,601.88	45.4

WATER & SEWER SERVICES

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	HAULED WATER					
51-81-501	SALARIES	311,521.07	311,521.07	463,487.00	151,965.93	67.2
51-81-502	OVERTIME	94,668.55	94,668.55	125,000.00	30,331.45	75.7
51-81-508	LEAVE CASHOUT	13,797.16	13,797.16	22,313.00	8,515.84	61.8
51-81-510	SOCIAL SECURITY	215.18	215.18	.00	(215.18)	.0
51-81-511	MEDICARE	6,236.21	6,236.21	8,533.00	2,296.79	73.1
51-81-512	EMPLOYEE GROUP BENEFITS	120,065.89	120,065.89	210,945.00	90,879.11	56.9
51-81-515	UNEMPLOYMENT	59.25	59.25	6,379.00	6,319.75	.9
51-81-516	WORKERS' COMPENSATION	6,518.24	6,518.24	15,202.00	8,683.76	42.9
51-81-518	PERS	88,169.05	88,169.05	129,467.00	41,297.95	68.1
51-81-519	UTILITY BENEFIT	16,948.26	16,948.26	39,900.00	22,951.74	42.5
51-81-545	TRAINING/TRAVEL	1,853.35	1,853.35	2,000.00	146.65	92.7
51-81-561	SUPPLIES	7,762.55	7,762.55	10,000.00	2,237.45	77.6
51-81-563	WEARING APPAREL	4,226.72	4,226.72	10,000.00	5,773.28	42.3
51-81-600	TIRES	20,900.53	20,900.53	42,000.00	21,099.47	49.8
51-81-601	VEHICLE MT. (PARTS & TOOLS)	85,409.07	85,409.07	180,000.00	94,590.93	47.5
51-81-602	GASOLINE/DIESEL/OIL	108,013.29	108,013.29	120,000.00	11,986.71	90.0
51-81-621	ELECTRICITY	4,803.59	4,803.59	10,500.00	5,696.41	45.8
51-81-622	TELEPHONE	21.88	21.88	650.00	628.12	3.4
51-81-623	HEATING FUEL	6,585.21	6,585.21	14,500.00	7,914.79	45.4
51-81-626	WATER/SEWER/GARBAGE	2,064.68	2,064.68	8,500.00	6,435.32	24.3
51-81-627	STAFF CELLULAR PHONES	618.67	618.67	840.00	221.33	73.7
51-81-650	LAB TESTS	900.00	900.00	5,000.00	4,100.00	18.0
51-81-661	VEHICLE MAINT/REPAIR	69,078.71	69,078.71	310,326.00	241,247.29	22.3
51-81-662	PROPERTY MAINT	36,404.79	36,404.79	46,393.00	9,988.21	78.5
51-81-665	CITY SAFETY	.00	.00	1,000.00	1,000.00	.0
51-81-669	OTHER PURCHASED SERVICES	4,605.00	4,605.00	5,000.00	395.00	92.1
51-81-683	MINOR EQUIPMENT	1,657.00	1,657.00	4,000.00	2,343.00	41.4
51-81-691	WATER TRUCK	.00	.00	37,323.00	37,323.00	.0
51-81-699	XFER TO F-58 FLEET REPLACEMENT	224,823.00	224,823.00	1,573,938.00	1,349,115.00	14.3
51-81-721	INSURANCE	63,485.75	63,485.75	86,739.00	23,253.25	73.2
51-81-722	INSURANCE-DED EXP & OTHER	10,156.05	10,156.05	10,000.00	(156.05)	101.6
51-81-724	DUES/SUBSCRIPTIONS	.00	.00	80.00	80.00	.0
51-81-738	BAD DEBT EXPENSE	.00	.00	10,000.00	10,000.00	.0
51-81-799	MISCELLANEOUS	.00	.00	2,000.00	2,000.00	.0
51-81-996	ADMIN OVERHEAD-IT SVCS	8,099.41	8,099.41	13,563.00	5,463.59	59.7
51-81-998	ADMINISTRATIVE OVERHEAD-GF	74,166.03	74,166.03	174,623.00	100,456.97	42.5
	TOTAL HAULED WATER	1,393,834.14	1,393,834.14	3,700,201.00	2,306,366.86	37.7

WATER & SEWER SERVICES

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	PIPED WATER					
51-82-501	SALARIES	96,952.89	96,952.89	167,422.00	70,469.11	57.9
51-82-502	OVERTIME	28,210.44	28,210.44	30,750.00	2,539.56	91.7
51-82-508	LEAVE CASHOUT	2,853.14	2,853.14	7,575.00	4,721.86	37.7
51-82-511	MEDICARE	2,044.13	2,044.13	2,874.00	829.87	71.1
51-82-512	EMPLOYEE GROUP BENEFITS	28,769.60	28,769.60	55,448.00	26,678.40	51.9
51-82-515	UNEMPLOYMENT	.00	.00	1,634.00	1,634.00	.0
51-82-516	WORKERS' COMPENSATION	2,072.00	2,072.00	5,119.00	3,047.00	40.5
51-82-518	PERS	27,379.97	27,379.97	43,598.00	16,218.03	62.8
51-82-519	UTILITY BENEFIT	2,406.27	2,406.27	10,488.00	8,081.73	22.9
51-82-545	TRAINING/TRAVEL	.00	.00	5,000.00	5,000.00	.0
51-82-561	SUPPLIES	2,059.37	2,059.37	6,000.00	3,940.63	34.3
51-82-563	WEARING APPAREL	1,997.85	1,997.85	3,000.00	1,002.15	66.6
51-82-592	PLUMBING SUPPLIES	2,141.17	2,141.17	15,000.00	12,858.83	14.3
51-82-600	TIRES AND WHEELS	.00	.00	1,200.00	1,200.00	.0
51-82-601	VEHICLE MT. (PARTS & TOOLS)	5,204.27	5,204.27	8,000.00	2,795.73	65.1
51-82-602	GASOLINE/DIESEL/OIL	5,296.61	5,296.61	15,000.00	9,703.39	35.3
51-82-621	ELECTRICITY-UTIL MT SHOP	3,482.42	3,482.42	5,500.00	2,017.58	63.3
51-82-622	TELEPHONE	43.76	43.76	100.00	56.24	43.8
51-82-623	HEATING FUEL	12,742.45	12,742.45	25,000.00	12,257.55	51.0
51-82-626	WATER/SEWER/GARB	304.84	304.84	600.00	295.16	50.8
51-82-627	STAFF CELLULAR PHONES	419.68	419.68	1,680.00	1,260.32	25.0
51-82-649	ENGINEERING SERVICES	.00	.00	25,000.00	25,000.00	.0
51-82-661	VEHICLE MAINT/REPAIR	666.21	666.21	3,003.00	2,336.79	22.2
51-82-665	CITY SAFETY	.00	.00	2,000.00	2,000.00	.0
51-82-669	OTHER PURCHASED SERVICES	82.49	82.49	1,500.00	1,417.51	5.5
51-82-683	MINOR EQUIPMENT	1,194.32	1,194.32	25,000.00	23,805.68	4.8
51-82-690	GROOVING MACHINE	.00	.00	62,500.00	62,500.00	.0
51-82-721	INSURANCE	4,353.12	4,353.12	6,646.00	2,292.88	65.5
51-82-727	ADVERTISING	17.25	17.25	1,000.00	982.75	1.7
51-82-735	FINANCE CHARGES/PENALTIES	41,250.00	41,250.00	.00	(41,250.00)	.0
51-82-777	PROJECT EXPENSES-CULVERTS	176,153.00	176,153.00	175,000.00	(1,153.00)	100.7
51-82-996	ADMIN OVERHEAD-IT SVCS	8,838.40	8,838.40	14,801.00	5,962.60	59.7
51-82-998	ADMINISTRATIVE OVERHEAD-GF	27,735.34	27,735.34	77,228.00	49,492.66	35.9
	TOTAL PIPED WATER	484,670.99	484,670.99	804,666.00	319,995.01	60.2

WATER & SEWER SERVICES

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	BETHEL HTS WTR TREATMENT					
51-83-501	SALARIES	71,361.37	71,361.37	124,086.00	52,724.63	57.5
51-83-502	OVERTIME	24,872.88	24,872.88	35,875.00	11,002.12	69.3
51-83-508	LEAVE CASHOUT	8,209.24	8,209.24	5,757.00	(2,452.24)	142.6
51-83-511	MEDICARE	238.21	238.21	2,319.00	2,080.79	10.3
51-83-512	EMPLOYEE GROUP BENEFITS	18,668.01	18,668.01	42,189.00	23,520.99	44.3
51-83-515	UNEMPLOYMENT	.00	.00	1,243.00	1,243.00	.0
51-83-516	WORKERS' COMPENSATION	1,717.92	1,717.92	4,132.00	2,414.08	41.6
51-83-518	PERS	21,171.54	21,171.54	35,192.00	14,020.46	60.2
51-83-519	UTILITY BENEFIT	5,075.60	5,075.60	7,980.00	2,904.40	63.6
51-83-545	TRAINING/TRAVEL	1,637.10	1,637.10	4,000.00	2,362.90	40.9
51-83-561	SUPPLIES	2,142.74	2,142.74	4,000.00	1,857.26	53.6
51-83-563	WEARING APPAREL	457.94	457.94	1,500.00	1,042.06	30.5
51-83-567	CHEMICALS	25,034.80	25,034.80	55,000.00	29,965.20	45.5
51-83-592	PLUMBING SUPPLIES	.00	.00	5,000.00	5,000.00	.0
51-83-621	ELECTRICITY (PUMPHOUSE)	47,608.53	47,608.53	90,000.00	42,391.47	52.9
51-83-622	TELEPHONE	.00	.00	500.00	500.00	.0
51-83-623	HEATING FUEL (PUMPHOUSE)	58,789.92	58,789.92	130,000.00	71,210.08	45.2
51-83-649	ENGINEERING SERVICES	.00	.00	2,000.00	2,000.00	.0
51-83-650	LAB TESTS	4,118.22	4,118.22	12,000.00	7,881.78	34.3
51-83-661	VEHICLE MAINT/REPAIR	666.21	666.21	3,003.00	2,336.79	22.2
51-83-665	CITY SAFETY	.00	.00	6,000.00	6,000.00	.0
51-83-669	OTHER PURCHASED SERVICES	7,887.33	7,887.33	10,000.00	2,112.67	78.9
51-83-683	MINOR EQUIPMENT	7,015.99	7,015.99	25,000.00	17,984.01	28.1
51-83-721	INSURANCE	14,257.76	14,257.76	21,729.00	7,471.24	65.6
51-83-727	ADVERTISING	.00	.00	500.00	500.00	.0
51-83-772	PROJECT EXPENSES	.00	.00	50,000.00	50,000.00	.0
51-83-773	SITE IMPROVEMENTS -CAPITAL	27,094.00	27,094.00	70,000.00	42,906.00	38.7
51-83-996	ADMIN OVERHEAD-IT SVCS	8,424.56	8,424.56	14,108.00	5,683.44	59.7
51-83-998	ADMINISTRATIVE OVERHEAD-GF	22,765.71	22,765.71	44,249.00	21,483.29	51.5
	TOTAL BETHEL HTS WTR TREATMENT	379,215.58	379,215.58	807,362.00	428,146.42	47.0

WATER & SEWER SERVICES

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	CITY SUB WTR TREATMENT					
51-84-501	SALARIES	84,721.76	84,721.76	189,169.00	104,447.24	44.8
51-84-502	OVERTIME	52,052.30	52,052.30	35,875.00	(16,177.30)	145.1
51-84-508	LEAVE CASHOUT	.00	.00	8,932.00	8,932.00	.0
51-84-511	MEDICARE	2,075.23	2,075.23	3,263.00	1,187.77	63.6
51-84-512	EMPLOYEE GROUP BENEFITS	26,069.26	26,069.26	66,297.00	40,227.74	39.3
51-84-515	UNEMPLOYMENT	.00	.00	1,953.00	1,953.00	.0
51-84-516	WORKERS' COMPENSATION	2,446.96	2,446.96	5,814.00	3,367.04	42.1
51-84-518	PERS	30,090.30	30,090.30	49,510.00	19,419.70	60.8
51-84-519	UTILITY BENEFIT	5,877.50	5,877.50	12,540.00	6,662.50	46.9
51-84-545	TRAINING/TRAVEL	4,061.16	4,061.16	5,000.00	938.84	81.2
51-84-561	SUPPLIES	1,480.42	1,480.42	2,500.00	1,019.58	59.2
51-84-563	WEARING APPAREL	.00	.00	1,500.00	1,500.00	.0
51-84-567	CHEMICALS	79,544.38	79,544.38	100,000.00	20,455.62	79.5
51-84-592	PLUMBING SUPPLIES	.00	.00	3,000.00	3,000.00	.0
51-84-600	TIRES & WHEELS	.00	.00	1,500.00	1,500.00	.0
51-84-602	GASOLINE/DIESEL/OIL	887.77	887.77	1,000.00	112.23	88.8
51-84-621	ELECTRICITY (CS WTF)	41,907.51	41,907.51	60,000.00	18,092.49	69.9
51-84-622	TELEPHONE	21.88	21.88	100.00	78.12	21.9
51-84-623	HEATING FUEL(CS WTF)	66,104.83	66,104.83	150,000.00	83,895.17	44.1
51-84-650	LAB TESTS	15,509.52	15,509.52	10,000.00	(5,509.52)	155.1
51-84-661	VEHICLE MAINT (ISF)	676.21	676.21	3,003.00	2,326.79	22.5
51-84-665	CITY SAFETY	.00	.00	2,500.00	2,500.00	.0
51-84-669	OTHER PURCHASED SERVICES	25.98	25.98	5,000.00	4,974.02	.5
51-84-683	MINOR EQUIPMENT	16,710.50	16,710.50	20,000.00	3,289.50	83.6
51-84-685	EQUIPMENT	988.32	988.32	.00	(988.32)	.0
51-84-721	INSURANCE	8,877.36	8,877.36	13,560.00	4,682.64	65.5
51-84-996	ADMIN OVERHEAD-IT SVCS	9,252.24	9,252.24	15,494.00	6,241.76	59.7
51-84-998	ADMINISTRATIVE OVERHEAD-GF	32,231.70	32,231.70	63,841.00	31,609.30	50.5
	TOTAL CITY SUB WTR TREATMENT	481,613.09	481,613.09	831,351.00	349,737.91	57.9

WATER & SEWER SERVICES

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	HAULED SEWER					
51-85-501	SALARIES	261,766.06	261,766.06	524,733.00	262,966.94	49.9
51-85-502	OVERTIME	80,630.28	80,630.28	125,000.00	44,369.72	64.5
51-85-508	LEAVE CASHOUT	4,898.66	4,898.66	25,301.00	20,402.34	19.4
51-85-511	MEDICARE	5,153.82	5,153.82	9,421.00	4,267.18	54.7
51-85-512	EMPLOYEE GROUP BENEFITS	125,762.29	125,762.29	234,571.00	108,808.71	53.6
51-85-515	UNEMPLOYMENT	7,250.00	7,250.00	6,910.00	(340.00)	104.9
51-85-516	WORKERS' COMPENSATION	13,390.96	13,390.96	18,393.00	5,002.04	72.8
51-85-518	PERS	74,897.74	74,897.74	142,941.00	68,043.26	52.4
51-85-519	UTILITY BENEFIT	11,616.15	11,616.15	44,346.00	32,729.85	26.2
51-85-545	TRAINING/TRAVEL	.00	.00	300.00	300.00	.0
51-85-561	SUPPLIES	7,384.31	7,384.31	7,000.00	(384.31)	105.5
51-85-563	WEARING APPAREL	2,537.76	2,537.76	7,000.00	4,462.24	36.3
51-85-600	TIRES & WHEELS	10,959.81	10,959.81	12,000.00	1,040.19	91.3
51-85-601	VEHICLE MT. (PARTS & TOOLS)	29,510.77	29,510.77	50,000.00	20,489.23	59.0
51-85-602	GASOLINE/DIESEL/OIL	48,659.32	48,659.32	110,000.00	61,340.68	44.2
51-85-621	ELECTRICITY	4,803.59	4,803.59	8,300.00	3,496.41	57.9
51-85-622	TELEPHONE	.00	.00	400.00	400.00	.0
51-85-623	HEATING FUEL	6,585.21	6,585.21	12,000.00	5,414.79	54.9
51-85-626	WATER/SEWER/GARBAGE	2,064.68	2,064.68	9,000.00	6,935.32	22.9
51-85-627	CELL PHONE	.00	.00	840.00	840.00	.0
51-85-661	VEHICLE MAINT/REPAIR	69,290.80	69,290.80	310,326.00	241,035.20	22.3
51-85-662	PROPERTY MAINT	36,404.79	36,404.79	46,393.00	9,988.21	78.5
51-85-669	OTHER PURCHASED SERVICES	4,235.00	4,235.00	7,000.00	2,765.00	60.5
51-85-683	MINOR EQUIPMENT	279.70	279.70	3,100.00	2,820.30	9.0
51-85-699	HAULED SEWER CAP SL ASSET RES	.00	.00	182,825.00	182,825.00	.0
51-85-721	INSURANCE	46,501.04	46,501.04	70,082.00	23,580.96	66.4
51-85-722	INSURANCE-DED EXP & OTHER	.00	.00	20,000.00	20,000.00	.0
51-85-724	DUES/SUBSCRIPTIONS	.00	.00	30.00	30.00	.0
51-85-799	MISCELLANEOUS	59.98	59.98	1,200.00	1,140.02	5.0
51-85-996	ADMIN OVERHEAD-IT SVCS	8,099.40	8,099.40	13,563.00	5,463.60	59.7
51-85-998	ADMINISTRATIVE OVERHEAD-GF	84,578.63	84,578.63	193,499.00	108,920.37	43.7
	TOTAL HAULED SEWER	947,320.75	947,320.75	2,196,474.00	1,249,153.25	43.1

WATER & SEWER SERVICES

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	PIPED SEWER					
51-86-501	SALARIES	92,983.46	92,983.46	167,074.00	74,090.54	55.7
51-86-502	OVERTIME	28,210.48	28,210.48	30,750.00	2,539.52	91.7
51-86-508	LEAVE CASHOUT	2,853.14	2,853.14	7,575.00	4,721.86	37.7
51-86-511	MEDICARE	1,986.19	1,986.19	2,868.00	881.81	69.3
51-86-512	EMPLOYEE GROUP BENEFITS	28,576.65	28,576.65	55,448.00	26,871.35	51.5
51-86-515	UNEMPLOYMENT	.00	.00	1,634.00	1,634.00	.0
51-86-516	WORKERS' COMPENSATION	2,071.12	2,071.12	5,600.00	3,528.88	37.0
51-86-518	PERS	26,506.76	26,506.76	43,521.00	17,014.24	60.9
51-86-519	UTILITY BENEFITS	2,509.00	2,509.00	10,488.00	7,979.00	23.9
51-86-545	TRAINING/TRAVEL	.00	.00	3,000.00	3,000.00	.0
51-86-561	SUPPLIES	3,683.10	3,683.10	6,000.00	2,316.90	61.4
51-86-563	WEARING APPAREL	2,846.06	2,846.06	3,000.00	153.94	94.9
51-86-590	GLYCOL SUPPLIES	.00	.00	70,000.00	70,000.00	.0
51-86-592	PLUMBING SUPPLIES	146.63	146.63	10,000.00	9,853.37	1.5
51-86-600	TIRES & WHEELS	123.78	123.78	2,000.00	1,876.22	6.2
51-86-601	VEHICLE MT. (PARTS & TOOLS)	3,984.67	3,984.67	6,500.00	2,515.33	61.3
51-86-602	GASOLINE/DIESEL/OIL	4,719.08	4,719.08	15,000.00	10,280.92	31.5
51-86-621	ELECTRICITY-LIFTST & BLDG	63,133.00	63,133.00	100,000.00	36,867.00	63.1
51-86-622	TELEPHONE	.00	.00	500.00	500.00	.0
51-86-623	HEATING FUEL	19,050.28	19,050.28	35,000.00	15,949.72	54.4
51-86-626	WATER/SEWER/GARB	304.85	304.85	600.00	295.15	50.8
51-86-661	VEHICLE MAINT/REPAIR	882.71	882.71	3,003.00	2,120.29	29.4
51-86-665	CITY SAFETY	.00	.00	5,000.00	5,000.00	.0
51-86-669	OTHER PURCHASED SERVICES	12,757.12	12,757.12	20,000.00	7,242.88	63.8
51-86-683	MINOR EQUIPMENT	46,686.83	46,686.83	125,000.00	78,313.17	37.4
51-86-685	EQUIPMENT	32.99	32.99	.00	(32.99)	.0
51-86-691	PIPED SEWER CAPITAL	.00	.00	40,000.00	40,000.00	.0
51-86-699	PIPED SEWER CAP EXP SL ASSETS	.00	.00	182,825.00	182,825.00	.0
51-86-721	INSURANCE	4,298.16	4,298.16	6,561.00	2,262.84	65.5
51-86-736	LEASED PROPERTY-LIFT STATIONS	14,044.94	14,044.94	15,000.00	955.06	93.6
51-86-777	PROJECT EXP-CULVERTS	171,351.00	171,351.00	175,000.00	3,649.00	97.9
51-86-996	ADMIN OVERHEAD-IT SVCS	8,838.38	8,838.38	14,801.00	5,962.62	59.7
51-86-998	ADMINISTRATIVE OVERHEAD-GF	27,782.67	27,782.67	55,566.00	27,783.33	50.0
	TOTAL PIPED SEWER	570,363.05	570,363.05	1,219,314.00	648,950.95	46.8

CITY OF BETHEL
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 29, 2020

WATER & SEWER SERVICES

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	SEWER LAGOON					
51-87-501	SALARIES	29,416.88	29,416.88	68,912.00	39,495.12	42.7
51-87-502	OVERTIME	6,344.60	6,344.60	10,250.00	3,905.40	61.9
51-87-508	LEAVE CASHOUT	634.03	634.03	2,211.00	1,576.97	28.7
51-87-511	MEDICARE	572.28	572.28	1,148.00	575.72	49.9
51-87-512	EMPLOYEE GROUP BENEFITS	7,757.92	7,757.92	21,697.00	13,939.08	35.8
51-87-515	UNEMPLOYMENT	.00	.00	639.00	639.00	.0
51-87-516	WORKERS' COMPENSATION	596.96	596.96	2,241.00	1,644.04	26.6
51-87-518	PERS	7,833.01	7,833.01	17,416.00	9,582.99	45.0
51-87-519	UTILITY BENEFIT	608.51	608.51	4,104.00	3,495.49	14.8
51-87-545	TRAINING/TRAVEL	403.19	403.19	3,000.00	2,596.81	13.4
51-87-561	SUPPLIES	56.04	56.04	1,500.00	1,443.96	3.7
51-87-563	WEARING APPAREL	503.40	503.40	2,000.00	1,496.60	25.2
51-87-592	PLUMBING SUPPLIES	.00	.00	1,000.00	1,000.00	.0
51-87-602	GASOLINE	2,669.47	2,669.47	20,000.00	17,330.53	13.4
51-87-650	LAB TESTS (SAMPLES)	5,251.60	5,251.60	12,000.00	6,748.40	43.8
51-87-665	CITY SAFETY	.00	.00	2,000.00	2,000.00	.0
51-87-669	OTHER PURCHASED SERVICES	234.95	234.95	1,000.00	765.05	23.5
51-87-683	MINOR EQUIPMENT	.00	.00	2,500.00	2,500.00	.0
51-87-721	INSURANCE	294.24	294.24	443.00	148.76	66.4
51-87-724	DUES & SUBSCRIPTIONS	7,920.00	7,920.00	7,920.00	.00	100.0
51-87-727	ADVERTISING	.00	.00	500.00	500.00	.0
51-87-998	ADMINISTRATIVE OVERHEAD-GF	34,266.89	34,266.89	21,993.00	(12,273.89)	155.8
	TOTAL SEWER LAGOON	105,363.97	105,363.97	204,474.00	99,110.03	51.5
	TOTAL FUND EXPENDITURES	4,768,464.69	4,768,464.69	10,657,527.00	5,889,062.31	44.7
	NET REVENUE OVER EXPENDITURES	(1,778,057.71)	(1,778,057.71)	(2,748,087.00)	(970,029.29)	(64.7)

CITY OF BETHEL
Managers Office

William F. Howell III
P.O. Box 1388, Bethel, Alaska 99559
Phone: (907)-543-2131
Fax: (907)-543-2702
Cell: (907) 545-4998
bhowell@cityofbethel.net

Celebrating 50 Years of Service

DATE: February 19, 2020

TO: Perry Barr, Mayor

FROM: Bill Howell, Acting City Manager

SUBJECT: City Manager's Report – February 20, 2020 through March 3, 2020

Current Events

- The City continues to work with our legal firm, Guess and Rudd and the school district to remove the remaining building debris from the Kilbuck site. Administration has had recent contact with LKSD engineering concerning the cleanup and a new plan for fire protection on the LKSD campus.

- Per Council direction to Administration the Public Works Director is developing a plan for Spring/Summer 2020 repairs to the pool. He is calling meetings with BSI, DOWL, City Attorney and APEI, the City's insurance company to determine the best course of action.

- Preparations are ongoing in response to concerns related to the worldwide coronavirus outbreak. City personnel are meeting with YKHC and PHN on March 5, 2020 at 1pm to discuss procedures and strategies for dealing with potential coronavirus cases in Bethel.

- Based on a concern brought to Administration by AHFC leadership, I am directing the City's engineer, DOWL, and the Planning Department to look into land ownership of the cul-de-sacs in ASHA housing. Responsibility for snow removal and sanding of these accesses has been in dispute for several years. The City is providing assistance with snow removal while we sort out the details.

- Administration and the Purchasing Agent are drafting updates to the P-Code (BMC 420). A draft will be complete and submitted to the clerk for review during the week of March 9.

- Administration is working with the Fire Department to complete a review and update of the City Emergency Operations Plan.

- Administration contacted the City Attorney, Michael Gatti, and DOWL, to develop options for the Council to consider regarding issues related to Haroldsen's Subdivision. Meetings with Dowl are scheduled for March 3 and 4

<u>Ongoing Business</u>

- Administration met with the City of Bethel Employees Association to discuss prospective negotiation dates. Negotiations are slated to start in late March 2020.

- FY 2021 Budget prep is ongoing. Budget will be submitted to the Council by April 1, 2020

- Administration is reviewing new policies and procedures for City generator maintenance, upkeep, and daily and weekly checks.

- Administration is working with Finance to resolve several old sales tax matters.

- Department Head meetings was held on February 27, 2020. The next Department Head meeting is scheduled for March 5, 2020 at 10 a.m.

<u>Response to Council Questions</u>

- Administration and the clerk are reviewing the repeal of Title 2.36 Civil Defense from the BMC as it relates to the City of Bethel Emergency operations plan.

CITY OF BETHEL
Fire Department

Daron Solesbee, Acting Fire Chief
P.O. Box 1388, Bethel, Alaska 99559
Phone: (907)-543-2131
Fax: (907)-543-2702
dsolesbee@cityofbethel.net

Celebrating 50 Years of Service

DATE: March 2, 2020

TO: Bill Howell, Acting City Manager

FROM: Daron Solesbee, Acting Fire Chief

SUBJECT: Management Report, February 2020

Daron Solesbee

Digitally signed by Daron Solesbee
DN: cn=Daron Solesbee, o=City of Bethel, ou=Fire Department, email=dsolesbee@cityofbethel.net, c=US
Date: 2020.03.02 16:24:52 -09'00'

Current Events

- Medic-5 was received by Alaska Marine Lines in Seattle and is now at the Braun Northwest, Inc. factory for a remount. The final inspection will be held on March 30, 2020 in Chehalis, WA with Capt. Solesbee, Chief Howell, and Jake Thompson (V&E Foreman). Currently, the ambulance is being refurbished. M-5 will arrive to Bethel on the first summer barge in May.
- Braun Northwest has received the Stryker Power LOAD and Power PRO XT powered stretcher. They will be installed at the factory.
- Captain Solesbee attended the 2020 Alaska Fire Chiefs Association's Leadership Summit in Juneau from February 2-7, 2020. Training received included legislative priorities, updates from the State of Alaska's EMS and Fire Marshal's offices, FEMA grant application procedures, roundtable discussions regarding current issues within the Alaska Fire Service, and more.

Community Planning/Preparedness

- The department is being proactive in its preparedness and potential response to the Human Coronavirus-2019 (COVID-19) threat. Staff have obtained training from the CDC, NIOSH, NHTSA, and World Health Organization regarding this pathogen and are taking precautions by ordering responder personal protective equipment. Response SOP's and guidelines have been developed for the assessment, treatment, transport, and isolation of patients with confirmed or suspected infection of COVID-19. Communication procedures between BFD EMS and YKDRH-ER have been developed concerning the isolation and quarantine of these patients. Currently, there are no known or suspected cases of COVID-19 in Alaska. The best ways of preventing the spread of this disease is proper handwashing, disinfecting commonly touched surfaces, and staying away from individuals who are or may be sick. This is a dynamic situation and updated information will be shared as soon as it is available. For current updates regarding COVID-19, please visit: https://www.cdc.gov/coronavirus/2019-ncov/index.html

Department members will attend an Emergency Preparedness Meeting at YKHC on Thursday, March 5, 2020. The management, response, and preparation for COVID-19 will be the main topic of discussion.

- The Department is assisting administration with the cleanup and disposal of a release of Muriatic Acid inside a storage container at the pool. The storage container was secured by BFD personnel with a Knox padlock until City personnel can perform clean-up operations under the oversight of a qualified contractor. Unfortunately, EMI-Alaska was unable to meet our requested scope of work. This project is on hold until Spring 2020.

- Bethel Fire Department has been selected as a test site for the new Medicaid Supplemental Emergency Medical Transport (SEMT) program. Being part of this pilot will allow Bethel to shape the program to meet Bethel's needs. SEMT legislation (HB 176) was signed into law in June of last year. This law allows municipal ambulance services to receive reimbursement of 50% or more of the uncompensated cost (UCC) of providing ambulance services. City personnel are required to complete cost report spreadsheets based on FY18 and FY19 budget figures. The department has entered into a contract with AP Triton to provide this service to the City of Bethel for a fee of $5,000.00 + 3% of annual earnings.

Training

- On 02/04/20 at 7:00 p.m. an EMT Meeting was held at the fire station. Responders reviewed EMS Operations, conducted run reviews, and completed equipment and supply inventories for the ambulances.

- On 02/13/20, the Fire Meeting was cancelled due to the EMT-2 and EMT-3 Refresher course.

- On 02/18/20 at 7:00 p.m. an EMT Meeting was held at the fire station. Responders reviewed pediatric cardiac and respiratory emergencies and conducted several practice scenario drills.

- On 02/24/20 at 9:00 a.m. staff attended a CDC webinar for the EMS response to COVID-19. During this training, responders were given a situation update and provided guidance for responding to patients with confirmed or suspected COVID-19 infections.

- On 02/27/20 at 7:00 p.m. a Fire Meeting was held at the fire station. Responders reviewed CAFS operations and conducted several drills.

- On 02/28/20 at 11:00 a.m. a Staff Meeting was held at the fire station. Staff reviewed current events, project updates/assignments, vehicles and equipment maintenance issues, and received training for responding to COVID-19 incidents.

- The 2019 EMT-1 Class conducted State of Alaska cognitive and psychomotor exams on January 31 and February 1. All five students passed their exams and have applied for their EMT-1 certifications.

- From February 11-14, an EMT-2 and EMT-3 refresher course was held at the fire station. Multiple members received continuing medical education (CME) hours and skills verifications for recertification.

- The department will host EMT-2 and EMT-3 Initial courses this spring. Course proposals have been requested.

- The Firefighter-1 course started on February 15. Recruits have been instructed on the following topics: BFD/COB policies and procedures, OSHA policies, N95 and SCBA fit testing, Fire Service History, Firefighter Safety, Personal Protective Equipment, Fire Service Communications, and Fire Behavior. There are currently nine recruits enrolled in the course.

<u>Responses</u>

- Between 02/01/2020 and 02/29/2020, the Bethel Fire Department responded to 88 EMS and 11 Fire incidents.

- On 02/03/20 at 5:00 p.m. medics responded to the report of four hypothermic children. The patients were assessed and transported to the hospital.

- On 02/07/20 at 1:00 a.m. medics responded to the report of a person frozen inside of a vehicle. The patient was assessed and transported to the hospital.

- On 02/09/20 at 1:15 p.m. firefighters responded to Owl Street for the report of a structure fire. Upon arrival, firefighters observed smoke and flames from the area of the sewer connection. It was determined that the pipe’s heat trace had caused the fire.

- On 02/17/20 at 6:08 a.m. medics responded to the report of a baby not breathing. Medics attempted resuscitation, but were unsuccessful. The patient was transported to the hospital.

- On 02/26/20 at 3:40 a.m. firefighters responded to Trailer Court for the report of the water plant on fire. Upon arrival, firefighters observed smoke and flames coming from the area of the chimney. Firefighters used the booster line to extinguish the fire. The fire was caused by a malfunctioning heating unit.

Budget/Financial

- The department is operating within budget.
- The preliminary budget is being prepared for the City Manager’s review.

Grants

- The Department was awarded $5,141.00 from the Department of Homeland Security for a new Thermal Imaging Camera (TIC). Three quotes have obtained and a purchase will be made once DHS approves it. This TIC will be installed on the new ladder truck, Truck-1.

- The Department was awarded funding through the Volunteer Fire Assistance program for $7,470, for three sets of firefighting turnouts. Due to Federal budget cuts to the VFA program, this award was cut in half. Only two sets of structural firefighter turnout gear will be purchased with these funds. The remainder will be paid out of the Wearing Apparel line item budget.

- The Department applied for and passed the first round of approval for the Phase 18 Code Blue Grant for $45,000 for the remount of Medic-5 to a new chassis. Funds have been awarded and will be reimbursed once expenditures are made.

- The Department was awarded $7,500 in Code Blue grant funding for a new power stretcher for Medic-6. The YKHC EMS Department administers this grant and BVESA has committed matching funds. The stretcher is in service in the new ambulance. Invoices were submitted to BVESA and the grant will be closed out soon.

Staffing/Recruitment

- The Department hired Ed Hobbick as a Firefighter/EMT. Currently, all paid Firefighter/EMT positions are full. We welcome him to our department.

- Two employee evaluations are currently due. These will be completed soon.

Vehicles & Equipment

- We have received the parts for the Class-A Foam system for Engine-4. Staff determined that a 1” valve was required, upon finding the ¾” valve shipped was too small for the current foam system plumbing.

- Pump and aerial testing was performed by a technician from Underwriter’s Laboratories. Engine-3 and Engine-4 failed their vacuum tests. Staff will adjust and/or replace packing material in E-3 and E-4's pump packing glands and repeat the vacuum test. Truck-1 passed its pump test, but failed the aerial test. See attached reports. Hughes Fire Equipment has sent instructions on how to perform the repairs. V&E has been advised and has agreed to perform the repairs or provide shop space if it is determined an outside technician is required.

FIRE DEPARTMENT VEHICLE STATUS			
Vehicle	**Type**	**Year**	**Status**
Medic 4	Ambulance	1999	*(Backup ambulance)In service, Airbags repaired.*
Medic 5	Ambulance	2003	In Seattle, WA being refurbished and remounted onto a new 2019 Dodge Ram 4500, gas chassis at Braun Northwest, Inc.
Medic 6	Ambulance	2017	*(Frontline Ambulance) In service.* Slow leak in rear Liquid Spring suspension. Back-Up camera is not functioning. Rear heat in patient compartment is intermittent. Paint defects. Staff is requesting a technician from Braun Northwest to troubleshoot and repair these issues.
Engine 4	Pumper	2013	*(Frontline pumper)* In service, Seat belt sensor silenced but still needing repair by V&E.
Engine 3	Pumper	1986	*Being outfitted as a tender and water supply unit. 3000 feet of LDH (future).* (Poor overall condition needs replacement) Generator was remounted.
Truck 1	Ladder Truck	2017	Outfitting, in service. See 2019 UL Pump and Aerial reports. DEF sensor malfunction (parts ordered by V&E), aerial desiccant plugs and hydraulic pump to be repaired by V&E.
Com 1	Pickup	2014	In service.
Com 2	Pickup	2004	In service.

MEMORANDUM

DATE: March 3, 2020

TO: William F. Howell, III, Acting City Manager

FROM: John Sargent, Grant Manager

SUBJECT: Grant Manager's Report – March 10, 2020 Bethel City Council Meeting

Grant Applications

I fleshed out and submitted a grant application prepared by Brian Lefferts, Chair of the Parks, Recreation, and Aquatic Health and Fitness Center Committee, to the YKHC Diabetes Prevention and Control Program. The City requested $5,000 for weights and other fitness center equipment that will enhance the offerings at the YK Fitness Center.

I am working to complete the City's COPS Hiring Program grant to the Department of Justice for $125,000 to cover some of the costs associated with the hiring of a School Resource Officer. The Lower Kuskokwim School District promises to pay the match cost for each of the three-year grant period for the 75% of the time the SRO will be serving the community on school grounds. The grant application is due March 11, 2020.

Grant Management

School Security Features

Perry Barr and Daniel Hannah completed research on products that fit the need for the purchase of a mobile phone alert application. This will be the first purchase under the current COPS School Violence Prevention Program. LKSD will make the three larger purchases after LKSD and the City sign the MOU describing the responsibilities of each in grant administration.

Purchasing Agent Duties

IT Services

The City issued an RFP for the purchase of remote technical support services that will be administered by the IT Department. Proposals are due March 31, 2020.

Purchasing Code 4.20

I worked with the Acting City Manager to edit all text in the Purchasing Code 4.20 except the sections on appeals. The City Clerk will review and edit the Purchasing appeals parts to coincide with her other work on appeals in multiple sections of the BMC.

Auditor

I am preparing a Request for Bids for the City to hire auditors for the next five years.

Purchase Order Revision

I revised the Purchase Requisition form and the Purchase Order form by combining them both into one form, like the City used to have. The new form will be rolled out during the week of March 2, 2020.

Administrative Duties
I continue to serve as Recorder and Ex-Officio for the Community Action Grant Technical Review Board. The City received six applications in February 2020 that will be reviewed and scored on March 3 and March 11 by the Board.

Community Action Grant Statistics

Year	Applications Received	Funding Awarded	Avg. Award
1	11	$75,468	$6,861
2	16	$111,898	$6,994
		$187,366	

City of Bethel
Grant Summary
Fiscal Year 2020

Preparing

Sponsor	Name	Products/Services	City Depts. (Partners)	Date	$ Grant $ City Match
U.S. Dept. of Justice	COPS Hiring Program Grant	Salary and benefits of School Resource Officer	Police (LKSD)	3/11/20	$125,000 0 $259,999-LKSD
Rasmuson Foundation	Tier 1 Grant	Feasibility Study to construct a gym to YK Fitness Center	Public Works	July 2020	$25,000 0
Bethel Community Services Foundation	Community Grant	Feasibility Study to construct a gym to YK Fitness Center	Public Works	July 2020	$15,000 0
United States Dept. of Ag.-Rural Development	Water and wastewater grant/loan program	Piped water and sewer system in The Avenues subdivision	Public Works	Target 1/31/19	$13,321,000 $306,000

Submitted in Fiscal Year 2020

Most recent first

Sponsor	Name	Products/Services	City Depts.	Date	$ Grant $ Match
YKHC Diabetes Control and Prevention Pgm.	Community Activity & Garden Award Application	Weights and exercise equipment for YK Fitness Center	Admin.	02/28/20	$5,000 0
State of Alaska	FY 21 State Capital – Designated Legislative Grant	1. Public Works Building Repairs ($7,000,000) 2. Bethel Heights Water & Sewer Improvements ($10,146,000) 3. Dust Control ($1,200,000)	Public Works	2/14/20	$18,346,000 0
AK Div. of Homeland Sec. & Emergency Mgmt.	State Homeland Security Program	Police body-worn & in-car camera system; extrication tools; laser scanner; Emerg. Op. Plan, Cyber Sec. Plan	Police, Fire, IT	1/30/20	$317,655 0
AK Dept. of Transportation	Statewide Transportation Improvement Project (STIP) Nomination 2020-2023	Akakeek, Ptarmigan, Delapp Streets Heavy Use Road Improvement Project	Public Works	9/15/19	$3,034,424 $494,886
Village Safe Water Pgm, Dept of Env. Conservation	Sewer Lagoon Improvements Grant	New lagoon pump & new skiff with trailer	Public Works	8/13/19	$155,238 0

Approved in Fiscal Year 2020

Most recent first

Sponsor	Name	Products/Services	City Depts.	Date	$ Grant $ Match
AK Dept. of Transp., Transit Division	Community Transportation Grant	Public transit system operations	Public Works	12/25/19	$316,832
U.S. Department of Justice, COPS Office	School Violence Prevention Program	Alert button mobile phone Ap, exit door bar alarms, card reader door entry system, controlled front entrance.	Admin.	11/12/19	$500,000 $166,667 LKSD

Sponsor	Name	Products/Services	City Depts.	Date	$ Grant
AK Dept. of Env. Conservation, Village Safe Water Program	Water and Wastewater Program	Design, build, and install two electric panels for City Hall and City Shop and complete current rehab. of Main Lift Station.	Public Works	8/30/19	$279,827
Alaska Dept. of Health and Social Services	Community Service Patrol Program	Community Service Patrol Program	Public Works	7/1/19	$323,081 $32,308 in-kind
AK Dept. of Env. Conservation, Village Safe Water Program	Infrastructure Protection Funding	Replace heat trace and/or electric panels on sewer line from Airport to FAA.	Public Works	7/19/19	$137,700 $22,500 in-kind
Alaska Division of Homeland Security and Emerg. Mgmt.	State Homeland Security Program Grant	Thermal imager & fencing around tank at water treatment plant	Fire	8/19	$49,141 0
				Total	**$1,606,581**

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

TO: City Manager
FROM: Human Resources
SUBJECT: February 2020 Managers Report

DATE: 2 March 2020

Position	Number of Vacancies	Number of New Applications	Number Hired During Period	Number of Vacancies Remaining	Applicants in Review
Util Billing Spec	1	1	0	1	1
Police Chief	1	0	0	1	0
Police Dispatcher	1	0	0	1	0
Police SGT	1	0	0	1	0
Driver Hauled	5	0	0	5	3
Driver-Landfill	1	0	0	1	0
Util Maint Wkr	1	0	0	1	0
Water Operator	1	0	0	1	0
Mech-II	1	0	0	1	0
TOTALS	**13**	1	0	13	4

Applications and Hiring:

HR received a total of 6 **Applications** in February

From those 5 Applicants:

1 General Ledger Accountant was hired

2 Hauled Utility drivers were hired.

3 applicants are currently in training pipeline for CDL certification.

We currently have 9 job positions with a total of 13 openings, with 4 applications under review.

BEACON Programs:

1 post accident Beacon test was conducted

Reports of Injury:

There were no reports of injury.

Administrative Actions:

Multiple routine PAR actions were executed.

Multiple yearly performance evaluations were submitted and processed.

Employee related announcements:

None

Training, Conferences and Seminars:

None

James P. Harris
Human Resources Manager

Memorandum

Date: March 1, 2020
To: Bill Howell, Acting City Manager
From: Bo Foley, IT Director
Subject: IT Director's Report

February 2020 Current Events

- **Hardware Rotation:**
  Arctic IT made it into Bethel and we spent an entire week trying to get machines swapped out. Unfortunately, we did not finish the City in its entirety though we did manage some 75%-80% of departments. Arctic IT will continue to support me remotely on this project and I hope to swap out the final batch of machines as I get the time to. I estimate all machines will be rotated out before the end of March.

- **Preparations for FY21 Budget:**
  In between my preparations and work on the City's hardware rotation, I've also worked on trying to get my numbers together for the upcoming FY21 budget. I have three major projects that will require funding including the swap of our current phone system, the rotation of our server hardware at City Hall and the Police Dept, and possibly updating our switch network, which went in at the same time as our current phone system. The current issues with the phone system could be related to the failing switch network, the phone system itself, or both.

- **Equipment for Remote Attorney:**
  The City recently hired the services of a new attorney, but is trying something new with not requiring the person in the position to reside in Bethel. This presents a few new challenges, but in speaking with the attorney, she told me what all she might need to do her job from Juneau where she lives. I will be setting up the equipment within the week and having it sent to her as soon as it is ready. The understanding is that the equipment will be sent back if the new attorney separates with the City.

- **Business-As-Usual:**
  Beyond the above-mentioned items, the month has been spent fixing or helping with run-of-the-mill trouble tickets such as email issues, printing/scanning, cellphone replacement, missing network drives, login problems, etc. Most of these kinds of tickets are folks getting adjusted to their new computers.

Future Plans

- **Budget for FY21:**
  In the coming months, I will be in meetings with the Finance Director, City Manager, and Council to work on fine-tuning my budget for FY21. Most everything I have already in the current fiscal

year will remain the same with a few items shifting around from one line item to another. The only major changes to the budget will be the capital projects that need funding.

- **Office 365 Migration:**
  I received my quote for our Office 365 migration that I was planning for the City. Because we have so much cloud data to migrate, I will have to pull the trigger closer to the end of FY20 as the implementation costs exceed what I have left in my budget. Fortunately, the full cost of the implementation and migration does not have to be paid for entirely up front. My plan is to pay the first half near the end of FY20 to initiate the project and then finish shortly after the turn into FY21 when I pay the remaining half.

To: Bill Howell, Acting City Manager

From: Ted Meyer, Planner

Subject: February Manager's Report

Date: March 3, 2020

SUBDIVISIONS

Blue Sky Subdivision

Findings and recommendations for zoning the new subdivision will be included in the packet for the March 12 Planning Commission hearing. Road construction is scheduled for summer 2020. Staff requested a fee proposal for inspection of subdivision roads from DOWL.

ONC Ciullkulek Subdivision

Road construction is scheduled for summer 2020. Staff requested a fee proposal for inspection of subdivision roads from DOWL. The subdivision is already zoned as General Use.

Tanqik Subdivision

Nothing to report this month.

ZONING

Staff is still gathering data for a report and developing supporting mapping to be presented to the Planning Commission for developing a new residential zoning designation for the ASHA housing subdivision area and two other small residential enclaves in old Bethel (allowing smaller lot sizes than 9,000 square feet, as stated by the residential code). Presentation to the Planning Commission is tentatively set for the April 9th PC hearing.

SITE PLAN PERMITS

No Site Plan Permit applications were received during the month of February.

CODE ENFORCEMENT

Staff continues to work with the attorney on multiple code enforcement issues. These issues continue to take up much of staff time.

PERMIT APPLICATIONS

Staff continues to update all forms and applications and also making them fillable for online users. A major update of the Rezoning application has just been completed for a recent rezoning request.

PLANNING COMMISSION BUSINESS

1. The Army Corps of Engineers will give a presentation at the March 12 meeting regarding potential changes to the Wetland General Permit Program, currently administered by the Planning Department.

2. A Planning Commissioner seat became available at the February 13th PC meeting.

UPDATE OF BETHEL 2011 COMPREHENSIVE PLAN

Staff is currently reviewing the parameters of a Comp Plan Update and RFP for Fall 2020 or Winter 2021. The plan is mandated by the State for update every five years. The plan is referenced for all permits that go before the Planning Commission. The plan is also used by the City's Grant Manager as supporting documentation in grant submittals.

February 2020 Monthly Report

Personnel:

This month two of our out of state lateral officers attended the annual recertification academy at the Department of Public Safety in Sitka, Alaska. The recertification academy teaches lateral officers about Alaska law along with several other disciplines specific to Alaska. The recertification academy is mandatory of all lateral officers that are not currently certified with APSC. Both of the officers successfully completed the class. One of the officers finished top of the class and the other finished fourth in the class.

One of our Patrol Sergeants accepted a job with the United Nations. He spent ten years with the Bethel Police Department and we all wish him the best of luck with his future endeavor. We have a couple of in house applicants for the open Patrol Sergeant Position. The announcement closed on February 24, so the applicants will have to go through some testing for before the final selection is made. Since we have qualified in house applicants for the Patrol Sergeant position that will leave us with an open patrol officer position. We have started backgrounds on a couple of applicants for the patrol position, so it can be filled as soon as possible and we can remain maintain full staffing in patrol.

All of the Administrative, CSO, and CSP positions continue to be fully staffed.

We recently have one dispatcher who just turned in notice, so we do have an open dispatch position.

Operations:

There were approximately 910 calls for service the month of February; a decrease of approximately 20 calls for service from January and down approximately 462 calls for service from the same period in 2019. The number of calls requiring investigative reports was at 78, up one from January and down 21 from 2019. There were 122 intoxicated pedestrian calls compared to 293 for the same period last year. The number of domestic violence arrests was 24 this month compared to 39 for the same period in 2019 and 26 in January. There were two DUI arrests compared to seven for the same period last year and four arrests in December. There was 1-death investigations in February, compared to zero for the same period last year.

In the month of February Bethel Police Department responded to AVCP Apartments for a report of a male with a shotgun. Once officers arrived on scene they found a male armed with a shotgun. The male was taken into custody without incident and charged with multiple felony assaults along with misconduct involving weapons and criminal mischief.

Officers have been proactively patrolling the school zones before and after school. Officers have also been more proactively enforcing traffic violations.

We want to remind everyone to have children buckled into proper child seats and if you do not have a child seat and cannot afford one please contact us and we will assist in any way we can to find one for you.

Animal Control:

There were 36 animal control calls for service for the month with no reported dog bites.

`PORT OF BETHEL

Post Office Box 1388
Bethel, Alaska 99559
Voice: 907-543-2310
Fax: 907-543-2311

TO: Bill Howell, Acting City Manager

FROM: Allen Wold, Port Director

SUBJECT: February 2020 Managers Report

- **Small Boat Harbor**
  -Snow removal for the road and housing around the East Addition.

- **City Dock/Beach 1/Petro Port**
  -Customers in and out of the Dock. 2 crews working.
  -Maintaining access for use of Dock, Beach 1, and Petro Yard.
  -Cleaned up Petro Port yard and building.

- **Port Office**
  -Property Maintenance checking on building daily. Showed them how to properly set the alarm.
  -Ordered office furniture.

- **Admin**
  -Monthly Storage billing for customers.
  -Training City Dock Attendant in heavy equipment and preparing him for his C.D.L.
  -Port Commission on 2/17/20. No quorum.

- **Seawall**
  -Consistent clean up.
  -City Dock Attendant checking on lower access every morning in the wintertime
  -Fixed Cable Fencing.
  -Cleared all access onto the river with loader.
  -Received our ladders that will be hung up along the seawall this summer.

- **Misc.**
  -Inventory of tools, cleaning supplies, etc. in office and shops.
  -Organized Slough shop, tool connex, and Petro Port.
  -Looking into the next budget. Getting quotes.
  -Fueled up all heaters in Petro Port and Slough shop to work on our equipment.
  -V&E working on our pickups.

City of Bethel

P.O. Box 1388 • Bethel, Alaska 99559-1388
907-543-1386
Fax # 543-1388
Website: www.cityofbethel.org

To: **Bill Howell**

From: **Christine Blake, Finance Director**

Subject: **February 2020 Manager's Report**

Date: **March 3, 2020**

Staff

We welcomed Sam Amik back to the City as our GL Accountant. He worked as our accountant in 2016-2017. Casey is doing great at the front desk- she has learned quickly.

We will be making an offer tomorrow for the Utility Billing position. We will continue to utilize Caselle for the billing process so this person can focus on working closely with PW/Utilities in resolving customers issues. The plan is for this person to be a liaison between Finance and PW so customer complaints, concerns, questions, problems can be resolved as quickly as possible. He/she will also be the "go-to" person for Caselle in terms of billing questions, customer paperwork, and utility billing questions from Caselle, and will be tasked with following delinquent account collections procedures.

RUBA

I will be attending the March RUBA Financial Reporting training in Anchorage.

Sales Tax

I have been working on wrapping up sales tax audit was done back in 2017-2018. We should have a proposed settlement very soon.

Budget Mods

I am looking at possible budget mods for the admin and/or legal to accommodate salaries for the new City Manager and the City Attorney. Also, I contacted the PW Director regarding the budget mod needed to cover overtime, so that will be coming soon.

FY19 Audit

I am expecting to receive the final FY19 audit report any day. The auditors will provide bound paper copies of the report as well as a formal letter to the Council. There will also be an audit "exit" presentation for the Council given by the auditors in the next month or two.

William Arnold, Public Works Director
1155 Ridgecrest Drive
PO Box 1388 Bethel, AK 99559
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warnold@cityofbethel.net

MEMORANDUM

DATE: **02.29.2020**
TO: **Bill Howell, Interim City Manager**
FROM: **Bill Arnold, Public Works Director**
SUBJECT: **Manager's Report – Public Works Department**

Programs/Divisions

Hauled Utilities: This Department continues to battle Elements, Staffing, and High Demand. We have opened up an Admin position to assist me so that I am free to audit, adjust, improve routes, and to drive if necessary. We anticipate losing another driver this month but have two more that will be out of training very soon, with two more prospects awaiting the completion of their drivers test. Our driver's time cards reflect our necessity to continue to work on driver recruitment and retention. V&E has kept up with our fleet needs consistently. Streets and Roads has also been very reliable in helping with clearing the roads on route and pulling out stuck trucks.

Utility Maintenance: 17 alarms on residential lift stations were responded to. Multiple issues with grinder pumps, heat trace, and float systems.

- Monthly meter reading and service connections were completed
- Clean up and organization of shops and vehicles.
- 17 residential lift station repairs
- Line flushing and leveling activities on low-flow and plugged sewer lines. Non-compliance reports were filled out per DEC requirements.
- Vango troubleshoot and repair heat-trace on several residences and commercial properties.
- Daily safety meetings.
- Replaced multiple residential glycol and water circulating pumps.
- All 3 Utility Maint. Trucks are having issues that require repairs. Several of these are major safety issues. Continue to work with V&E to repair them, but some issues are arising due to 2 of the vehicles are more than 10 years old.
- Multiple sewer line freeze-ups in housing.
- Police Department lift station plugged up and discharge line freeze-up. Work with building maintenance to remedy.
- Sewage leak on highway near Q. Cap replaced and tightened.
- Drain valve by Korean Church on 2nd road broke. Replaced.
- Water leak on 1st road continue to monitor. Emergency repair parts ordered and ready.

Road Maintenance:

Streets and Roads hauled 324E excavator down to the old laundry mat to use it to tear it down. It took two days to tear it down and haul it to the landfill with dump truck.
Streets and Roads has been out plowing snow for the mouth of February almost every day, plowing the road, taking out snow berms, and when that was done widening the snow on the roads so it will not drift in with blowing snow. During the snowstorm, or when it was drifting snow, we had to start plowing at five or six am in the morning in order to have the school bus routes open, for the school bus to run before school.
Streets and Roads used the 324E excavator to help in crushing and in moving the steel at the landfill so that it can get bury. We did this to get more room so the public will have more room to dump steel at the landfill.
Streets and Roads also dug out four graves this month of February at the cemetery by the airport with the 420D backhoe. We would have Avec drill through the permafrost with the power pole driller, before we dug out the graves with 420D backhoe.

Transit System:

The month of February continued to be a busy month. We sold eight adult monthly passes, 2 senior monthly passes and 2 youth monthly passes. ONC purchase, through the Community Action Grant, 54 senior monthly passes and 13 adult passes, Caregivers. TWC, AVCP and OCS have also purchased monthly passes. The total ridership was 2737; 332 seniors, who paid the trip fare, 137 youth, 2268 general, and within that number, there were 253 Disabled Handicapped.

The February weather has reverted to the more traditional winter, I think. . We have longer cold periods (-20 to -25) and lots more snow. Streets and Roads has been busy trying to keep the roads pass able, however that is almost impossible. The drivers have had a difficult time keeping up with the time schedule because of the roads and weather.

Bethel road conditions have a heavy toll on vehicles and our buses are maxing out. The State DOT, recommends that buses be phased out when they are seven years old and/or 200,000 miles. The bus purchased in October of 2014, 6 years old, but has 150,500+ miles, Bus 438 our oldest and smallest bus was purchased in 2008, 12 years old, and has 130,000+ miles. We have surplused Bus 436 and Bus 437,

The July, August, September, November and December Budget Summaries have been submitted DOT keeps finding fault with some of them and the Billing Summaries go back and forth. We are working on the January 1 and as soon as the Finance Department closes out January, we will be able to finish it.

The spring of 2017 the State, DOT, was here and did a Compliance and Review we worked on the findings and submitted them last fall. They, DOT, continues to review what we have submitted and they are helping us to meet their requirements.

I plan to retire the first of June and the City will need to look for a new Transit Manager. This has been a fun but very challenging job and I wish the new Transit Manager good luck.

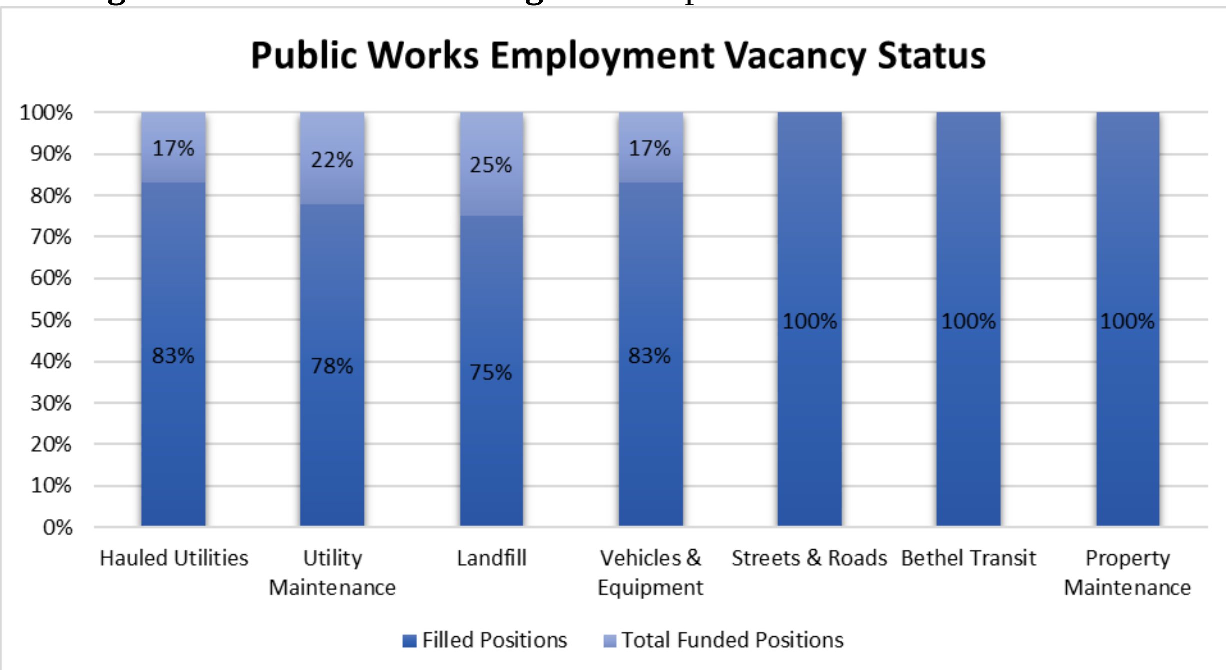
Water Plant Operations:

- Bethel Heights Water plant

- Both Main boilers are online and operating for winter. Minor service needed. Small boiler placed in "off" status for winter
- City Sub Water Plant
  - Minor adjustments and repairs being made to the A and B loop glycol line returns and supply. Pump boiler pressures up with additional glycol and brought boilers to online/operational status for winter.

Institutional Corridor Update:

Staffing Issues/Concerns/Training: Chart Updated 02/29/2020



Department	Hauled Utilities	Utility Maintenance	Landfill	Vehicles & Equipment	Streets & Roads	Bethel Transit	Property Maintenance
Filled Positions	15	7	3	5	5	3	5
Total Funded Positions	18	9	4	6	5	3	5