

CITY OF HOMER
HOMER, ALASKA

Council
City Manager

RESOLUTION 99-86

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
THE COUNCIL'S OPERATING MANUAL REGARDING
TELECONFERENCING AT COUNCIL MEETINGS.

WHEREAS, during the regular Council meeting of July 26, 1999 Council approved the recommendation of Memorandum 99-170, directing the City Manager to present a draft Ordinance regarding teleconferencing at regular meetings with an amendment to the Council's Operating Manual; and

WHEREAS, Ordinance 99-17 was introduced August 9, a public hearing held August 23 and final reading of the Ordinance September 13, 1999.

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council that the Council's Operating Manual is hereby amended regarding Teleconferencing at Council Meetings to read as follows:

Section 1. Section 4, of Council's Operating Manual. is hereby amended to add the following:

1.14.080 Teleconference meetings. The preferred procedure for City Council meetings is that all Councilmembers should be physically present at the designated time and location within the City for the meeting. However, physical presence may be waived by the Council and a Councilmember may participate in a Council meeting by teleconference as provided in this chapter when in the opinion of the Council the physical presence of the Councilmember is not essential to effective participation or the conduct of business at the meeting. A Councilmember participating by teleconference shall be deemed to be present at the meeting for all purposes. In the event the Mayor participates telephonically the Mayor Pro Tem or, in the Mayor Pro Tem's absence. the senior Councilmember shall run the meeting.

1.14.085 Teleconference procedures. a. A Councilmember who cannot be physically present for a regularly scheduled Council meeting shall notify the City Clerk at least five days prior to the scheduled time for the meeting of his intent to appear at the meeting by telephonic means of communication.

b. The City Clerk shall notify the Council three days prior to the scheduled time for the Council meeting of Councilmembers intending to appear by teleconference. ~~The Council shall determine whether physical presence is necessary to effective participation or the conduct of business at the meeting. If the Council determines that physical presence is required. the City Clerk shall advise all Councilmembers intending to appear telephonically that physical presence is required.~~

50 c. The Council shall determine at the meeting wherein the teleconferencing has been
51 requested whether or not the Councilmember(s) shall participate by teleconference. This shall be
52 decided under the agenda item, Call to Order. If the Council determines that the teleconferencing
53 is not required for the conduct of business the Councilmember(s) shall be notified in the most
54 expedient manner possible.

55 d. Sections a. and b. of this section do not apply to special meetings or emergency meetings
56 of the City Council called under §§1.14.030 and 1.14.050 of the Homer City Code. Councilmembers
57 may appear at a special meeting or emergency meeting by teleconference and be considered present
58 for all purposes unless the Mayor or the Councilmembers calling the special meeting or emergency
59 request the physical presence of Councilmembers in the advance notice of the meeting.

60 e. The Council may require that all Councilmembers appearing telephonically present at one
61 teleconference site whenever such presence is possible.

62 f. The means used to facilitate a teleconference meeting of the City Council must enable each
63 Councilmember appearing telephonically to clearly hear all other Councilmembers and members of
64 the public attending the meeting as well as be clearly heard by all other Councilmembers and
65 members of the public.

66 g. The City Clerk shall note in the journal of the proceedings of the City Council all City
67 Councilmembers appearing telephonically.

68
69 Section 2. Section 5 of the Council's Operating Manual is hereby amended to read as
70 follows:
71

72 HCC §1.24.040 By-laws for Council procedure. The Original Bylaws were passed by
73 resolution of the Common Council on the thirty-first day of March, 1964. The present Bylaws were
74 codified and have been reviewed through Ordinances 90-22, 91-12, 92-28(S) & 96-07(S)(A); and
75 shall be in effect and govern the procedures of the Common Council of the City:

76 a. To abide by existing Alaska State laws pertaining to cities of the first class:

77 b. To abide by the current edition of Robert's Rules of Order insofar as this treatise is
78 consistent with these by-laws, other provisions of the Homer City Code, or unwritten standing rules
79 adopted by the City Council. In all other cases, by-laws, the Code or the standing rule shall prevail:

80 c. The Council's agenda format specified in the City of Homer City Council Operating
81 Manual is incorporated herein by reference.

82 1. The manual may be revised with Council approval:

83 2. A copy of the manual shall be available to the public during regular business hours
84 at the Homer City Hall and be available during City Council meetings.

85 d. Regular meetings:

86 1. Second and fourth Mondays of each month at seven-thirty p.m., unless otherwise
87 provided by two-thirds vote of the City Council;

88 2. The agenda shall be provided to each Councilmember thirty-six hours prior to
89 meeting, by City Clerk;
90

95 3. Adding items to or removing items from the agenda will be by unanimous consent
96 of the Council;

97 4. Public notice of a regular meeting shall be made as provided in chapter 1.14.

98 e. Special meetings:

99 1. Called by Mayor or majority of the Council;

100 2. If a majority of members are given at least thirty-six hours oral or written notice
101 and reasonable efforts are made to notify all members, a special meeting may be held at the call of
102 the presiding officer or at least one-third of the members.

103 3. Agenda shall be as per subsection c.;

104 4. Public notice of a special meeting shall be made as provided in chapter 1.14.

105 f. Emergency meetings:

106 1. By unanimous consent of quorum;

107 2. Required justifiable reason;

108 3. Informal agenda--limited to emergency;

109 4. Public notice shall be made as provided in chapter 1.14.

110 g. **Teleconference meetings.**

111 **1. By determination of the Council, pursuant to chapter 1.14.**

112 **h.g. Quorum; Voting:**

113 Four Councilmembers shall constitute a quorum. Four affirmative votes are required for the
114 passage of an ordinance, resolution, or motion. A member of the Council acting as Mayor pro tem
115 shall not lose his vote as the result of serving in such office. The mayor is not a Councilmember and
116 may vote only in the case of a tie. The final vote on each ordinance, resolution, or substantive
117 motion is a recorded roll call vote;¹

118 **i.h. Motions to reconsider:**

119 A member of the Council who voted with the prevailing side on any issue may move to
120 reconsider the Council's action at the same meeting or at the next regular meeting of the body.
121 Notice of reconsideration shall be given to the Mayor or City Clerk within forty-eight hours from
122 the time the original action was taken;

123 **j.i. Abstentions:**

124 All Councilmembers present shall vote unless abstention is required by law (AS
125 29.20.160(d)).

126 **k.j. Consensus:**

127 The Council may, from time to time, express its opinion or preference concerning a subject
128 brought before it to consideration. The statement, representing the will of the body and a meeting
129 of the minds of the members, may be given by the presiding officer as the consensus of the body as
130 to that subject without taking a motion and roll call vote.

138 l.k. Vacancies:

139 An elected municipal office is vacated under the following conditions and upon the
140 declaration of vacancy by the Council. The Council shall declare an elective office vacant when the
141 person elected:

- 142 1. Fails to qualify or take office within thirty days after his election or appointment;
- 143 2. Resigns and his resignation is accepted;
- 144 3. Is physically or mentally unable to perform the duties of the office as determined
145 by two-thirds vote of the Council;
- 146 4. Is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of
147 the members of the Council concur in expelling the person elected;
- 148 5. Misses three consecutive regular meetings unless excused;
- 149 6. Is convicted of a felony or of an offense involving a violation of the oath of office;
- 150 7. Is convicted of a violation of AS 15.13 concerning Alaska Public Offices
151 Commission reporting requirements;
- 152 8. No longer physically resides in the municipality and the City Council by two-thirds
153 vote declares the seat vacant; and
- 154 9. Is physically absent from the municipality for ninety consecutive days unless
155 excused by the City Council.

156 m.l. Salaries of elected officials

157 The Council may fix by ordinance the salaries of elected officials. The Homer City Council shall
158 received an expense allowance of \$50 per month. An elected official may not receive any other
159 compensation for service to the municipality unless specifically authorized to do so by ordinance.
160 Per diem payments or reimbursements for expenses are not compensation under this section. (Ord.
161 95-16(S), 1995).

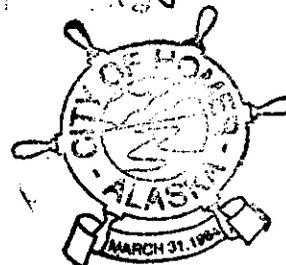
162 n.m. Any person making personal, impertinent, threatening or slanderous remarks or who
163 shall become boisterous while addressing the Council, shall be forthwith, by the presiding officer
164 barred from further audience at the meeting before the Council, unless permission to continue be
165 granted by a majority vote of the Council. (Ord. 96-07(S)(A) §1(part), 1996; Ord. 92-28(S), 1992;
166 Ord. 91-12, 1991; Ord. 90-22, 1990)

167
168 PASSED AND ADOPTED BY THE CITY COUNCIL OF HOMER, ALASKA on this
169 27th day of September 1999

CITY OF HOMER

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174 ATTEST:
175 Mary L. Calhoun
176 MARY L. CALHOUN, CMC/AAE, CITY CLERK
177

Jack Cushing
JACK CUSHING, MAYOR



178 Fiscal impact cost of teleconferencing.