

Session 11-11 a Special Meeting of the Homer City Council was called to order on March 24, 2011 at 5:15 p.m. by Mayor Pro Tempore Beth Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

**PRESENT:** COUNCILMEMBERS: HOWARD, LEWIS, ROBERTS,  
WYTHE, ZAK

STAFF: CITY CLERK JOHNSON  
CITY ATTORNEY KLINKNER (telephonic)

Councilmember Hogan was present, but excused from participation in the proceedings as he was absent for the Board of Ethics hearing on March 3, 2011.

**AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered pursuant to City Council's Operating Manual, pg. 5)

Mayor Pro Tempore Wythe called for a motion to amend the agenda to add an Executive Session for a final consultation prior to presenting the decision.

HOWARD/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Pro Tempore called for a motion for approval of the agenda as amended.

HOWARD/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOWARD/LEWIS – MOVED TO ADJOURN TO EXECUTIVE SESSION.

There was no discussion.

VOTE: YES. LEWIS, ROBERTS, WYTHE, ZAK, HOWARD

Motion carried.

Council adjourned to Executive Session at 5:17 p.m. and reconvened at 5:33 p.m.

## **PENDING BUSINESS**

### **A. Board of Ethics Decision – Ethics Complaint #2011-01**

The Board of Ethics has completed its deliberations on Ethics Complaint 2011-01. Under Homer City Code 1.79.065, now is the time for the Board to enter its decision on the record. Homer City Code 1.79.065 says that, “Using the identification number of the complaint of potential violation to protect confidentiality, the Board shall vote in open session on these questions:

- a. Whether the board finds by a preponderance of the evidence one or more violations within the jurisdiction of the board; and
- b. Whether the board recommends further administrative or remedial actions; and
- c. What specific sanctions, corrective actions or referrals, if any, the board recommends pursuant to Homer City Code 1.79.070.

Mayor Pro Tempore Wythe called for a motion that the Board finds by a preponderance of the evidence one or more violations within the jurisdiction of the Board.

**ROBERTS/LEWIS – SO MOVED.**

There was no discussion.

**VOTE: NO. LEWIS, ROBERTS, WYTHER, ZAK, HOWARD**

Motion carried.

The Board has voted that, in response to Ethics Complaint 2011-01, the Board does not find a violation within the jurisdiction of the Board. Homer City Code 1.79.070(d) provides that if the board does not find a violation under Homer City Code Chapter 1.18, the Board shall prepare a confidential statement of closure listing the complainant and respondent, the assigned identification number, the allegations, the hearing date, and the finding that no allegation was substantiated by the Board in whole or in part, and the date of Board closure. At the sole discretion of the respondent, the Board may release the statement of closure as a public document.

The Board has before it the confidential statement of closure for Ethics Complaint 2011-01. Mayor Pro Tempore Wythe asked if any Board member wished to discuss the confidential statement of closure. The Board did not wish to discuss the statement of closure.

The Board has adopted the confidential statement of closure for Ethics Complaint 2011-01. The statement will remain confidential, unless, at the sole discretion of the respondent, the Board releases the statement of closure as a public document. Mayor Pro Tempore Wythe asked that the City Clerk inquire of the respondent if they request that the Board release the statement of closure as a public document.

**ADJOURNMENT**

There being no further business to come before the Board of Ethics, Mayor Pro Tempore Wythe called for a motion to adjourn the meeting.

ROBERTS/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The meeting was adjourned at 5:38 p.m. The next Regular Meeting is scheduled for Tuesday, March 29, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Tuesday, March 29, 2011 at 5:00 p.m. A Worksession is scheduled for Tuesday, March 29, 2011 at 4:00 p.m. Special Meetings are scheduled for Thursday, March 24, 2011 at 5:15 p.m. and 5:30 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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JO JOHNSON, CMC, CITY CLERK

Approved: \_\_\_\_\_