

Session 16-17 a Special Meeting of the Homer City Council was called to order on August 11, 2016 at 5:30 p.m. by Mayor Pro Tempore David Lewis 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: ADERHOLD, LEWIS, REYNOLDS, SMITH, VAN DYKE, ZAK

STAFF: DEPUTY CITY CLERK JACOBSEN
ADMINISTRATIVE LAW JUDGE MANDALA

Councilmember Zak was present, but after adjourning to executive session he was excused from participation in the proceedings due to a conflict of interest.

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

Mayor Pro Tempore Lewis called for a motion to approve the agenda.

ZAK/ADERHOLD SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Pro Tempore Lewis called for a motion to go into executive session to consider Ethics Complaint 2016-01. He note for the record this is a confidential hearing as the respondent did not request it be held in an open meeting. Those present at the hearing will be the Board of Ethics, Acting City Clerk Jacobsen, the Complainant, the Respondent, and their representatives and Administrative Judge Cheryl Mandala to advise the Board. Witnesses will wait in the lobby until they are called.

ADERHOLD/REYNOLDS MOVED TO GO INTO EXECUTIVE SESSION.

There was no discussion.

VOTE: VAN DYKE, LEWIS, REYNOLDS, SMITH, ADERHOLD, ZAK

Motion carried.

Council adjourned to Executive Session at 5:35 p.m. and reconvened at 6:59 p.m.

PENDING BUSINESS

A. Board of Ethics Decision – Ethics Complaint #2016-01

The Board of Ethics has completed its deliberations on Ethics Complaint 2016-01. Under Homer City Code 2.80.065(a), the Board must vote in open session on three questions in the matter of Ethics Complaint 2016-01.

Mayor Pro Tempore Lewis asked for a motion on whether the board finds by a preponderance of the evidence one or more violations within the jurisdiction of the board.

REYNOLDS/VAN DYKE SO MOVED.

Mayor Pro Tempore Lewis clarified a yes vote means there was a violation and a no vote means there was not a violation.

NO: VAN DYKE, SMITH, REYNOLDS, LEWIS, ADERHOLD

Motion failed.

Mayor Pro Tempore Lewis asked for on whether the board recommends further administrative or remedial actions.

REYNOLDS/ADERHOLD SO MOVED

Mayor Pro Tempore Lewis clarified a yes vote means there should be remedial actions and a no vote means there are no remedial actions.

VOTE: NO: SMITH, REYNOLDS, LEWIS, ADERHOLD, VAN DYKE

Motion failed.

Mayor Pro Tempore Lewis asked for a motion if any sanctions, corrective actions or referrals the board recommends.

REYNOLDS/ADERHOLD MOVED THAT WE FIND THERE'S NO SPECIFIC SANCTIONS, CORRECTIVE ACTIONS OR REFERRALS RECOMMENDED.

There was brief discussion for clarification.

YES: ADERHOLD, REYNOLDS, LEWIS, SMITH, VAN DYKE

Motion carried.

Mayor Pro Tempore Lewis stated the board has concluded by preponderance of evidence that no violations of the ethics code occurred. The board will prepare a confidential statement of closure pursuant to HCC 2.80.065(d). He reminded all parties that pursuant to HCC 2.80.065(d) this matter shall remain confidential unless the respondent in their sole discretion elects to have the statement of closure released as a public document.

ADJOURNMENT

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

REYNOLDS/ADERHOLD MOVED TO ADJOURN THE SPECIAL COUNCIL MEETING.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The meeting was adjourned at 7:05 p.m. The next Regular Meeting is scheduled for Monday, August 22, 2016 and Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

MELISSA JACOBSEN, CMC, DEPUTY CLERK

Approved: _____