

**CITY OF HOMER
HOMER, ALASKA**

Planning

RESOLUTION 13-042

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, AMENDING THE HOMER ADVISORY PLANNING
COMMISSION BYLAWS.

WHEREAS, The Homer Advisory Planning Commission began review and discussion of their Bylaws and Policy and Procedures manual at their January 16, 2013 regular meeting; and

WHEREAS, The Homer Advisory Planning Commission introduced their final amendments to the Bylaws and Policy and Procedures manual at their March 6, 2013 meeting; and

WHEREAS, The Homer Advisory Planning Commission took final action to approve their recommendations and forward to the City Council for adoption at their April 3, 2013 regular meeting; and

WHEREAS, Planning staff determined that the proposed amendment to the Policy and Procedures Manual regarding Zoning Ordinance Amendments Review Standards was accomplished with the adoption of Resolution 12-004.

NOW, THERFORE, BE IT RESOLVED that the City of Council of Homer, Alaska hereby amends the Homer Advisory Planning Commission Bylaws, as shown in attachment A.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 13th day of May, 2013.

CITY OF HOMER



FRANCIE ROBERTS, MAYOR PRO TEMPORE

ATTEST:



JO JOHNSON, CMC, CITY CLERK

Fiscal note: NA

HOMER ADVISORY PLANNING COMMISSION
March 6, 2013 Draft BY-LAWS

The Homer Advisory Planning Commission is established with those powers and duties as set forth in Title 1, Section 76, of the Homer City Code. The Commission is established to maximize local involvement in planning and to implement and recommend modifications to the Homer Zoning Ordinance, Title 21, and Subdivisions, Title 22. The Commission's jurisdiction is limited to the area within the City boundaries and that area designated as the Homer Bridge Creek Watershed Protection District.

The Homer Advisory Planning Commission ("Commission") consists of seven members; no more than one may be from outside the city limits. Members will be appointed by the Mayor subject to confirmation by the City Council for three-year terms (except to complete terms). The powers and duties of the Commission are described in HCC 1.76.030.

A. To abide by existing Alaska State law, Borough Code of Ordinances, where applicable, and Homer City Code pertaining to planning and zoning functions;

B. To abide by Robert's Rules of Order, so far as this treatise is consistent with Homer City Code;

C. Regular Meetings:

All Commission members should be physically present at the designated time and location within the City for the meeting. Teleconferencing is not permitted.

1. First and third Wednesday of each month at 6:30 p.m.
2. Agenda deadline is two weeks prior to the meeting date at 5:00 p.m. Agenda items requiring public hearing must be received three weeks prior to the Commission hearing. However, conditional use applications may be scheduled for public hearing in accordance with HCC 21.94. Preliminary plats must be submitted the Friday two weeks before the Commission meeting.
3. Items will be added to the agenda upon request of staff, the Commission or a Commissioner.
4. Public notice of a regular meeting shall be made as provided in HCC Chapter 1.14
5. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by vote of the Commission.
Procedure: The Chair will entertain a motion to extend the meeting until a specific time. After the motion has been seconded, the Commission will vote. A yes vote will extend the meeting until the specified time. A no vote will require that the Chair conclude business at or before 9:30 pm and immediately proceed to comments of the audience, the Commission and adjournment.

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D. Special Meetings:

All Commission members should be physically present at the designated time and location within the City for the meeting. Teleconferencing is not permitted.

1. Called by Chair or majority of the Commission.
2. Require reasonable notification be given to the Planning Department staff and twenty-four hour notice to Commissioners.
3. Public notice of a special meeting shall be made as provided in HCC Chapter 1.14

E. Duties and Powers of the Officers:

A Chair and Vice-Chair shall be selected annually in August or as soon thereafter as practicable by the appointive members. The Chair shall preside at all meetings of the Commission, call special meetings in accordance with the by-laws, sign documents of the Commission, see that all actions and notices are properly taken, and summarize the findings of the Commission for the official record. The Vice-Chair shall perform all duties and be subject to all responsibilities of the Chair in his/her absence, disability or disqualification of office. The Vice-Chair will succeed the Chair if he/she vacates the office before the term is completed to complete the un-expired term. A new Vice-Chair shall be elected at the next regular meeting.

F. Committees

1. The Chair shall appoint committees for such specific purposes as the business of the Commission may require. Committee appointments will be confirmed by the Commission. Committee membership shall include at least two Commissioners. Other Committee members may be appointed from the public.
2. One Committee member shall be appointed Chair and be responsible for creating an agenda and notifying the City Clerk of meetings so they may be advertised in accordance with Alaska State Law and Homer City Code.
3. One Committee member shall be responsible for furnishing summary notes of all Committee meetings to the City Clerk.
4. Committees shall meet in accordance with Commission bylaws and Robert's Rules.
5. All committees shall make a progress report at each Commission meeting.
6. No committee shall have other than advisory powers.
7. Per Robert's Rules, upon giving a final report, the Committee is disbanded.

93 **G. Motions to Reconsider:**

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95 Notice of reconsideration shall be given to the Chair or Vice-Chair, if the Chair is
96 unavailable, within forty-eight hours from the time the original action was taken.
97 A member of the Commission who voted on the prevailing side on any issue may
98 move to reconsider the commission's action at the same meeting or at the next
99 meeting of the body provided the above 48-hour notice has been given.
100 Consideration is only for the original motion to which it applies. If the issue
101 involves an applicant, staff shall notify the applicant of the reconsideration.
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103 **H. Conflict of Interest:**

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105 A member of the Commission shall disqualify himself/herself from participating
106 in any official action in which he/she has a substantial **financial** interest per HCC
107 1.12. The member shall disclose any financial interest in the topic before debating
108 or voting. The member cannot participate in the debate or vote on the matter,
109 unless the Commission has determined the financial interest is not substantial.
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111 Following the Chair's announcement of the agenda item, the Commissioner
112 should state that he has a conflict of interest. Once stated, the member should
113 distance himself/herself from all motions. The Commission must move and vote
114 on whether or not there is a conflict of interest. At this time, a motion shall be
115 made by another Commissioner restating the disclosed conflict. Once the motion
116 is on the floor the Commissioner can disclose his/her financial interest in the
117 matter and the Commission may discuss the conflict of interest. A vote will then
118 be taken. An affirmative vote excuses the Commissioner and he/she takes a seat
119 in the audience or remains nearby. Upon completion of the agenda item, the
120 Commissioner will be called back to join the meeting.
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122 **I. Situation of personal interest**

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124 A situation of personal interest may arise. For example, a Commissioner may live
125 in the subject subdivision or may be a neighboring property owner. If the
126 Commissioner feels that by participating in the discussion he/she may taint the
127 decision of the Commission, or be unable to make an unbiased decision, the
128 Commissioner should state his/her personal interest. The same procedure as
129 above should be followed to determine the conflict.
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131 **J. Ex parte Communications**

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133 Ex parte contacts are not permitted in quasi-judicial actions. Ex parte
134 communications can result in a violation of procedural due process. If a
135 Commissioner finds him/herself about to be involved in ex parte contact the
136 Commissioner should recommend that the citizen submit their comments in
137 writing to the Commission or testify on record. If a Commissioner has been
138 involved in an ex parte contact, the contact and its substance should be disclosed

139 at the beginning of the hearing. The Commissioner should state whether or not
140 s/he thinks s/he can make an unbiased decision.
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143 **K. Quorum; Voting:**
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145 Four Commission members shall constitute a quorum. Four affirmative votes are
146 required for the passage of an ordinance, resolution or motion. Conditional use
147 permits and zoning variances require a majority plus one vote. Voting will be by
148 verbal vote, the order to be rotated. The final vote on each resolution or motion is
149 a recorded roll call vote or may be done in accordance with J. Consensus. For
150 purposes of notification to parties of interest in a matter brought before the
151 Commission, the Chair may enter for the record the vote and basis for
152 determination.
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154 The City Manager, or his/her designee and Public Works Director shall serve as
155 consulting members of the Commission but shall have no vote.
156

157 **L. Findings:**
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159 Findings will be recorded for conditional use permits, variances, acceptance of
160 nonconforming status and zoning ordinance amendments. The findings will
161 include the result of the vote on the item and the basis of determination of the
162 vote, as summarized by the Chair or Vice-Chair, in the absence of the Chair.
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164 **M. Consensus:**
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166 The Commission may, from time-to-time, express its opinion or preference
167 concerning a subject brought before it for consideration. Said statement,
168 representing the will of the body and meeting of the minds of the members may
169 be given by the presiding officer as the consensus of the body as to that subject
170 without taking a motion and roll call vote.
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172 **N. Abstentions:**
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174 All Commission members present shall vote unless the Commission, for special
175 reasons, permits a member to abstain. A motion to excuse a member from voting
176 shall be made prior to the call for the question. A member of the Commission
177 requesting to be excused from voting may make a brief oral statement of the
178 reasons for the request and the question of granting permission to abstain shall be
179 taken without further debate. An affirmative vote of the Commission excuses the
180 Commissioner. A member may not explain a vote or discuss the question while
181 the roll call vote is being taken. A member may not change his/her vote thereafter.
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O. Vacancies:

A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission. The Commission shall declare a vacancy when the person appointed:

1. Fails to qualify;
2. Fails to take office within thirty days after his/her appointment;
3. Resigns and the resignation is accepted;
4. Is physically or mentally unable to perform the duties of his/her office;
5. Misses three consecutive or six regular meetings in a calendar year; or
6. Is convicted of a felony or of an offense involving a violation of his/her oath of office.

P. Procedure for Consideration of Agenda Items:

The following procedure will normally be observed:

1. Staff presents report and makes recommendation;
2. If the agenda item involves an applicant s/he may make a presentation;
3. Commission may ask questions of the applicant and staff.

Q. Procedure for Consideration of Public Hearing Items:

1. Staff presents report and makes recommendation;
2. Applicant makes presentation;
3. Public hearing is opened;
4. Public testimony is heard on item (presentation of supporting/opposing evidence by public – Commission may ask questions of public);
5. Public hearing is closed;
6. Rebuttal of evidence by staff (if any);
7. Rebuttal of evidence by applicant (if any);
8. Commission may ask questions of the applicant, and staff.
9. The Commission will move/second to accept the staff report, with or without staff recommendations. The Commission will discuss the item, may ask questions of staff, and make amendments to the recommendations of staff. Amendments may be made by motion/second.
10. The Commission may continue the topic to a future meeting. Once the public hearing is closed no new testimony or information will be accepted from the public. The Commission may ask questions of the applicant and staff.

231 **R. Procedure for Consideration of Preliminary Plats :**

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233 The following procedure will normally be observed:

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235 1. Staff presents report and makes recommendations;
236 2. Applicant makes presentation;
237 3. Public comment is heard on the item;
238 4. Applicant may make a response;
239 5. Commission may ask questions of applicant, public and staff.

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241 **S. The Commission shall act as a body. A member of the Commission may not**
242 **speak or act for the Commission without recommendation or direction given**
243 **by the Commission. The Chair or Chair's designee shall serve as the official**
244 **spokesperson of the Commission.**

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247 **ST. By-Laws Amended:**

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249 The by-laws may be amended at any meeting of the Commission by a majority
250 plus one of the members, provided that notice of said proposed amendment is
251 given to each member in writing. The proposed amendment shall be introduced at
252 one meeting and action shall be taken at a subsequent Commission meeting. The
253 by-laws will be endorsed by a resolution of the City Council.

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255 **TU. Procedure Manual:**

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257 The policy and procedure manual will be endorsed by resolution of the City
258 Council and may be amended at any meeting of the Commission by a majority
259 plus one of the members, provided that notice of said proposed amendment is
260 given to each member in writing. Proposed amendments to the procedure manual
261 shall be introduced at one meeting and action shall be taken at a subsequent
262 Commission meeting.

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266 HOMER ADVISORY PLANNING COMMISSION
267 491 E. PIONEER AVENUE
268 HOMER, ALASKA

DATE
WEDNESDAY AT 6:30 P.M.
COWLES COUNCIL CHAMBERS

269
270 **REGULAR MEETING**
271 **AGENDA**

272 **1. Call to Order**

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274 **2. Approval of Agenda**

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276 **3. Public Comment**

277 The public may speak to the Planning Commission regarding matters on the agenda that are not
278 scheduled for public hearing or plat consideration. (3 minute time limit).

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- 4. Reconsideration**
 - 5. Adoption of Consent Agenda**

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.
 - 6. Presentations**
 - 7. Reports**
 - 8. Public Hearings**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.
 - 9. Plat Consideration**
 - 10. Pending Business**
 - 11. New Business**
 - 12. Informational Materials**
 - 13. Comments of The Audience**

Members of the audience may address the Commission on any subject. (3 minute time limit)
 - 14. Comments of Staff**
 - 15. Comments of The Commission**
 - 16. Adjournment**

Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission. Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment."

