

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 82-11

AN ORDINANCE AMENDING SECTION 1.24.050 OF THE HOMER MUNICIPAL CODE TO PROVIDE SPECIFIC BY-LAWS COVERING RECONSIDERATION; CONFLICT OF INTEREST; QUORUM; VOTING; ABSTENTIONS; CONSENSUS; VACANCIES; AND FOR RESOLUTION OF CONFLICTS BETWEEN PROCEDURES ADOPTED BY COUNCIL AND ROBERT'S RULES OF ORDER.

WHEREAS, the Homer City Council has by usage and precedent adopted certain unwritten standing rules governing procedures by the legislative body; and,

WHEREAS, the Council desires to memorialize these rules of practice by means of amendments to the Homer Municipal Code, and also to resolve any potential conflict between procedures adopted by Council and Robert's Rules of Order.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Subsection 1.24.050(b) of the Homer Municipal Code is amended to read:

(b) To abide by "Robert's Rules of Order" 75th Edition, insofar as this treatise is consistent with these By-Laws, other provisions of the Homer Municipal Code, or unwritten standing rules adopted by the City Council. In all other cases, the By-Laws, the Code or the standing rule shall prevail.

Section 2. Subsection 1.24.050(f) shall be added to read as follows:

(f) Motions to Reconsider:

A member of the Council who voted with the prevailing side on any issue may move to reconsider the Council's action at the

same meeting or at the next regular meeting of the body. Notice of reconsideration shall be given to the Mayor or City Clerk within forty-eight (48) hours from the time the original action was taken.

Section 3. Subsection 1.24.050(g) shall be added to read as follows:

(g) Conflict of Interest:

A member of the Council shall disqualify himself or herself from participating in any official action in which he or she has a substantial financial interest. Should the Councilperson not move to disqualify himself or herself after it has been established that he or she has a substantial financial interest, the Council may move to disqualify that member by a majority vote of the body.

Section 4. Subsection 1.24.050(h) shall be added to read as follows:

(h) Quorum; Voting:

Four Council persons shall constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution, or motion. A member of the Council acting as Mayor pro-tem shall not lose his or her vote as the result of serving in such office. The Mayor is not a Council member and may vote only in case of a tie. The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote.

Section 5. Subsection 1.24.050(i) shall be added to read as follows:

(i) Abstentions:

All Council persons present shall vote unless the Council, for special reasons, permits a member to abstain. A motion to excuse a member from voting shall be made prior to the call for

the question to be voted upon. A member of the Council requesting to be excused from voting may make a brief, oral, statement of the reasons for the request and the question of granting permission to abstain shall be taken without further debate. A member may not explain a vote, may not discuss the question while the roll call vote is being taken and may not change his or her vote thereafter. A member may not be permitted to abstain except upon the unanimous consensus of members present.

Section 6. Subsection 1.24.050(j) shall be added to read as follows:

(j) Consensus:

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

Section 7. Subsection 1.24.050(k) shall be added to read as follows:

(k) Vacancies:

An elected municipal office is vacated under the following conditions and upon the declaration of vacancy by the assembly or council. The assembly or council shall declare an elective office vacant when the person elected

(1) fails to qualify or take office within 30 days after his election or appointment;

(2) resigns and his resignation is accepted;

(3) is physically or mentally unable to perform the duties of his office;

- (4) is removed from office;
- (5) misses three consecutive regular meetings unless excused; or
- (6) is convicted of a felony or of an offense involving a violation of his oath of office.

Section 8. Subsection 1.24.050(c)3. shall be repealed and re-enacted to read as follows:

"Adding items to or removing items from the agenda will be by unanimous consent of the Council."

CITY OF HOMER


Leo Rhode, Mayor

ATTEST:


Kathleen F. Herold, City Clerk

First Reading 6/14/82
Public Hearing 6/28/82
Second Reading 6/28/82*
Effective Date 6/29/82

*Amended on the floor.