

CITY OF HOMER  
HOMER, ALASKA

ORDINANCE 90-22

AN ORDINANCE OF THE HOMER CITY COUNCIL  
REPEALING AND REENACTING HOMER CITY CODE  
CHAPTER 1.24, MAYOR AND COUNCIL.

WHEREAS, Alaska Statute Title 29 contains the controlling provisions for general law municipalities; and

WHEREAS, a review of the Homer City Code's existing provisions has been undertaken;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Chapter 1.24, Mayor & Council is hereby repealed and reenacted to read as follows:

Chapter 1.24

MAYOR AND COUNCIL\*

Sections:

1.24.010	Selection of officers.
1.24.020	Eligibility for office.
1.24.030	Composition of Governing Body-Terms of Office
1.24.040	By-laws for Council procedure.
1.24.050	Filling a Vacancy.
1.24.060	Mayor's Power & Duties.
1.24.070	Mayor's Veto.
1.24.080	Mayor Absence.
1.24.090	State of Alaska--Conflict of Interest statute exemption.

1.24.010 Selection of officers. The Mayor and City Council shall be selected as provided for under the Statutes of the State of Alaska and the provisions of the City Code.

1.24.020 Eligibility for office. A person is eligible for the office of City Council or the office of Mayor if he is a voter of the City as prescribed by Section 4.04.060 and has been a resident within the City for a period of one year immediately preceding the election day on which he is a candidate.

1.24.030 Composition of Governing Body--Terms of Office.  
a. The governing body of the City of Homer shall consist of six councilmembers, two of which are elected each year and shall serve for a term of three years.

b. The Mayor shall be elected for a two-year term.

c. Persons so elected to office under this chapter shall take office on the first Monday following certification of the election in which that person was elected. There will be a special meeting, held at the regular time, for the purpose of administering the oath of office to the elected candidates.

1.24.040 By-laws for Council procedure. The following by-laws shall govern the procedures of the City Council of the City;

a. To abide by existing Alaska State law pertaining to cities of the first class;

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

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

1. The manual may be revised with Council approval.

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

d. Regular Meetings:

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

2. The agenda shall be provided to each Council member thirty-six hours prior to meeting, by City Clerk.

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

4. Public Notice of a regular meeting shall be made as provided in Chapter 1.14.

e. Special Meetings:

1. Called by Mayor or majority of the Council,

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

3. Agenda shall be as per subsection (c);

4. Public Notice of a special meeting shall be made as provided in Chapter 1.14.

f. Emergency Meetings:

1. By unanimous consent of quorum,

2. Required justifiable reason,

3. Informal agenda--Limited to emergency;

4. Public Notice shall be made as provided in Chapter 1.14.

g. Conflict of Interest:

A member of the Council shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter. The Mayor or other presiding officer shall rule on the request; however, the decision may be overridden by the majority vote of the Council. Should a Council member fail to declare a substantial financial

interest and ask to be excused from voting on the matter, after it has been established that they have a substantial financial interest, the Council may move to disqualify that member from voting by a majority vote of the body. A Council member with a conflict of interest regardless of whether excused from voting, shall not be allowed to participate in discussion about the matter. "Substantial financial interest" and "official action," for the purpose of this section, shall have the meaning set forth in Section 1.12.010(a) and (b) of this title.

h. Quorum; Voting:

Four Council members 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 their 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;

i. Abstentions:

All Council members present shall vote unless abstention is required by law (AS 29.20.160(d)).

j. Consensus:

The Council may, from time to time express its opinion or preference concerning a subject brought before it for consideration. The 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;

k. Vacancies:

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

1. Fails to qualify or take office within thirty days after his election or appointment;
2. Resigns and his resignation is accepted,
3. Is physically or mentally unable to perform the duties of the office as determined by two-thirds vote of the Council,
4. is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the Council concur in expelling the person elected;
5. Misses three consecutive regular meetings unless excused,
6. is convicted of a felony or of an offense involving a violation of the oath of office,
7. is convicted of a violation of AS 15.13 concerning Alaska Public Offices Commission reporting requirements;
8. no longer physically resides in the municipality and the City Council by two-thirds vote declares the seat vacant; and

9. is physically absent from the municipality for 90 consecutive days unless excused by the City Council.

1. Salaries of Elected Officials:

The Council may fix by ordinance the salaries of elected officials before they are elected. Salaries may not be changed during a term of office. An elected official may not receive any other compensation for service to the municipality unless specifically authorized to do so by ordinance. Per diem payments or reimbursements for expenses are not compensation under this section.

1.24.050 Filling a vacancy. a. If a vacancy occurs in the City Council the remaining members shall, within 30 days appoint a qualified person to fill the vacancy. If less than 30 days remain in a term, a vacancy may not be filled.

b. Notwithstanding (a) of this section, if the membership is reduced to fewer than the number required to constitute a quorum, the remaining members shall, within seven days, appoint a number of qualified persons to constitute a quorum.

c. A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.

d. A vacancy in the office of mayor occurring within six months before a regular election shall be filled by the Council. The person appointed serves until the next regular election when a successor is elected to serve the balance of the term. If a member of the Council is appointed mayor, the member shall resign the seat on the Council. If a vacancy occurs more than six months before a regular election, the governing body shall call a special election to fill the unexpired term.

1.24.060 Mayor's Power and Duties. a. The mayor acts as ceremonial head of the Council, executes official documents on authorization of the Council and is responsible for additional duties and powers prescribed by code or by Alaska Statute Title 29.

1.24.070 Mayor's Veto. a. Except as provided in this subsection, the mayor may veto an ordinance, resolution, motion, or other action of the City Council and may strike or reduce appropriation items.

b. A veto must be exercised before the next regular meeting of the City Council and must be accompanied by a written explanation of the reasons for the veto. A veto may be overridden by vote of two-thirds of the authorized membership of the City Council within 21 days following exercise of the veto, or at the next regular meeting, whichever is later.

c. The veto does not extend to:

1. actions of the City Council sitting as the Board of Adjustment;
2. adoption or repeal of a manager plan of government
3. The veto does not extend to an ordinance

adopted under AS 4.11.498.

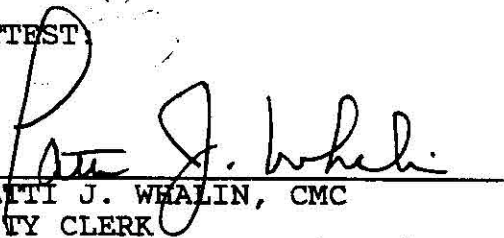
1.24.080 Mayor Absence. At the first meeting of the Council following certification of the municipal election each year, there shall be appointed a Mayor Pro Tempore, by majority vote of Council, to act as Mayor during the Mayor's temporary absence or disability.

1.24.090 State of Alaska--Conflict of Interest statute exemption. All municipal officers as defined by AS 39.50 are exempt from the provisions of AS 39.50 relating to Conflicts of Interest or Financial Disclosure.

CITY OF HOMER

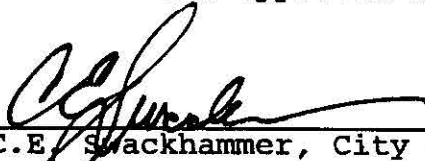
  
JOHN P. CALHOUN, MAYOR

ATTEST

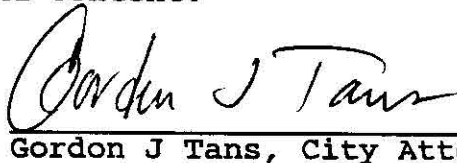
  
PATTI J. WHALIN, CMC  
CITY CLERK

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Reviewed and approved as to form and content:

  
C.E. Shackhamer, City Manager

Date: 7/25/90

  
Gordon J. Tans, City Attorney

Date: 7/24/90