

HOMER PLANNING COMMISSION BYLAWS

The Homer Planning Commission is established with those powers and duties as set forth in Title 2, Section 72, of the Homer City Code (HCC). 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 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 2.72.030.

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:

Meeting participation by teleconferencing is permitted. "Teleconference" means remote participation by telephone or web-based format by a member for a meeting of the board or commission which must enable the remote member, for the duration of the meeting, to clearly hear and to be heard by the chairperson, all other members, the staff liaison, the Clerk, and any public in attendance. Commissioners are expected to comply with teleconferencing requirements found in HCC 2.58.060.

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.

44 Procedure: The Chair will entertain a motion to extend the meeting until
45 a specific time. After the motion has been seconded, the Commission will
46 vote. A yes vote will extend the meeting until the specified time. A no vote
47 will require that the Chair conclude business at or before 9:30 pm and
48 immediately proceed to comments of the audience, the Commission,
49 and adjournment.
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51 **D. Special Meetings:**

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53 Commissioners may attend in person or by teleconference at the time
54 designated for the meeting.
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- 56 1. Called by Chair or majority of the Commission.
- 57 2. Require reasonable notification be given to the Planning Department
58 staff and twenty-four hour notice to Commissioners.
- 59 3. Public notice of a special meeting shall be made as provided in HCC
60 Chapter 1.14.
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62 **E. Duties and Powers of the Officers:**

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64 A Chair and Vice-Chair shall be selected annually in August or as soon thereafter
65 as practicable by the appointive members. The Chair shall preside at all
66 meetings of the Commission, call special meetings in accordance with the
67 bylaws, sign documents of the Commission, see that all actions and notices are
68 properly taken, and summarize the findings of the Commission for the official
69 record. The Vice-Chair shall perform all duties and be subject to all
70 responsibilities of the Chair in their absence, disability or disqualification of
71 office. The Vice-Chair will succeed the Chair if they vacate the office before the
72 term is completed to complete the un-expired term. A new Vice-Chair shall be
73 elected at the next regular meeting.
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75 **F. Committees**

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77 1. The Chair shall appoint committees for such specific purposes as the
78 business of the Commission may require. Committee appointments will
79 be confirmed by the Commission. Committee membership shall include
80 at least two Commissioners. Other Committee members may be
81 appointed from the public.
- 82 2. One Committee member shall be appointed Chair and be responsible for
83 creating an agenda and notifying the City Clerk of meetings so they may
84 be advertised in accordance with Alaska State Law and Homer City Code.
- 85 3. One Committee member shall be responsible for furnishing summary
86 notes of all Committee meetings to the City Clerk.
87

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.

G. Motions to Reconsider:

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

H. Conflict of Interest:

A member of the Commission shall disqualify themselves from participating in any official action in which they have a substantial financial interest per HCC 1.18. The member shall disclose any financial interest in the topic before debating or voting. The member cannot participate in the debate or vote on the matter, unless the Commission has determined the financial interest is not substantial.

Following the Chair's announcement of the agenda item, the Commissioner should state that they have a conflict of interest. Once stated, the member should distance themselves from all motions. The Commission must move and vote on whether or not there is a conflict of interest. At this time, a motion shall be made by another Commissioner restating the disclosed conflict. Once the motion is on the floor the Commissioner can disclose their financial interest in the matter and the Commission may discuss the conflict of interest. A vote will then be taken. An affirmative vote excuses the Commissioner and they take a seat in the audience or remains nearby. Upon completion of the agenda item, the Commissioner will be called back to join the meeting.

I. Situation of personal interest

A situation of personal interest may arise. For example, a Commissioner may live in the subject subdivision or may be a neighboring property owner. If the

Commissioner feels that by participating in the discussion they may taint the decision of the Commission, or be unable to make an unbiased decision, the Commissioner should state their personal interest. The same procedure as above should be followed to determine the conflict.

J. Ex parte Communications

Ex parte contacts are not permitted in quasi-judicial actions. Ex parte communications can result in a violation of procedural due process. If a Commissioner finds themselves about to be involved in ex parte contact the Commissioner should recommend that the citizen submit their comments in writing to the Commission or testify on record. If a Commissioner has been involved in an ex parte contact, the contact and its substance should be disclosed at the beginning of the hearing. The Commissioner should state whether or not they think they can make an unbiased decision.

K. Quorum; Voting:

Four Commission members shall constitute a quorum. Four affirmative votes are required for the passage of a motion. Voting will be by verbal vote, the order to be rotated. The final vote on each resolution or motion is a recorded roll call vote or may be done in accordance with M. Consensus. For purposes of notification to parties of interest in a matter brought before the Commission, the Chair may enter for the record the vote and basis for determination.

The City Manager, or their designee and Public Works Director shall serve as consulting members of the Commission but shall have no vote.

L. Findings:

Findings will be recorded for conditional use permits, variances, acceptance of nonconforming status and zoning ordinance amendments. The findings will include the result of the vote on the item and the basis of determination of the vote, as summarized by the Chair or Vice-Chair, in the absence of the Chair.

M. Consensus:

The Commission 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 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.

N. Abstentions:

All Commission members present shall vote unless the Commission, 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. A member of the Commission 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. An affirmative vote of the Commission excuses the Commissioner. A member may not explain a vote or discuss the question while the roll call vote is being taken. A member may not change their vote thereafter.

O. Attendance: Any member who is unable to attend a meeting, whether regular or special, shall contact the clerk in advance, no later than two hours prior to the scheduled meeting time for excusal.

P. Vacancies:

A Commission appointment is vacated under the following conditions:

1. A member fails to qualify to take office within 30 days after their appointment;
2. A member resigns;
3. A member is physically or mentally unable to perform the duties of the office;
4. A member is convicted of a felony or of an offense involving a violation of their oath of office; or
5. A member has three consecutive unexcused absences, or misses six meetings in an appointment year.

Q. 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 they may make a presentation;
3. Commission may ask questions of the applicant and staff.

R. 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.

S. Procedure for Consideration of Preliminary Plats:

The following procedure will normally be observed:

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

T. The Commission shall act as a body:

A member of the Commission may not speak or act for the Commission without recommendation or direction given by the Commission. The Chair or Chair's designee shall serve as the official spokesperson of the Commission.

U. Bylaws Amended:

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

V. Procedure Manual:

The policy and procedure manual will be endorsed by resolution of the City

Council and may be amended at any meeting of the Commission by a majority plus one of the members, provided that notice of said proposed amendment is given to each member in writing. Proposed amendments to the procedure manual shall be introduced at one meeting and action shall be taken at a subsequent Commission meeting.

W. Agenda Format

HOMER PLANNING COMMISSION
491 E. PIONEER AVENUE
HOMER, ALASKA

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

**REGULAR MEETING
AGENDA**

1. **Call to Order**
2. **Approval of Agenda**
3. Public Comment on Items Already on the Agenda
The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration (3 minute time limit).
4. **Reconsideration**
5. **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**

- 305 11. **New Business**
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307 12. **Informational Materials**
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309 13. **Comments of the Audience**
310 Members of the audience may address the Commission on any subject (3 minute time
311 limit).
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313 14. **Comments of Staff**
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315 15. **Comments of the Commission**
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317 16. **Adjournment**
318 Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the
319 Commission. Notice of the next regular or special meeting or work session will appear on
320 the agenda following “adjournment.”
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