



ANNUAL COMMISSION AND BOARD TRAINING

HOW THE OMA APPLIES TO A COMMISSION/BOARD

The OMA applies to every "governmental body", which includes "an assembly, council, board, commission, committee, or other similar body of a public entity" that has the authority to establish policies or make decisions for a public entity or to advise or make recommendations to the public entity. Although both decision-making bodies and advisory bodies are included under the OMA, the repercussions for violations of the OMA differ depending on the nature of the body.

Legislative Capacity – When a City governing body is called upon to institute or remark upon policy and procedure, it is acting in its legislative capacity and is subject to the OMA. For example, a commission/board is acting legislatively when it conducts acts such as recommending changes to Homer City Code or plans/policies.

Advisory-Only “Meetings” – A body with only the power to advise or make recommendations, but has no authority to establish policies or make decisions for the public entity, has a "meeting" when:

- More than three members or a majority of the members, whichever is less, are present;
- There is a gathering of governmental body members; and
- This gathering is "prearranged for the purpose of considering a matter upon which the governmental body is empowered to act." AS 44.62.310(h)(2)(b).

Considerations To What Constitutes An Advisory-Only “Meeting”:

- Meeting must be prearranged for the purpose of considering matter upon which the body is empowered to act. Chance encounters will not constitute a meeting, even if the members discuss a matter on which they could advise or make a recommendation.
- A matter on which the body is permitted to act includes every step of the deliberative process, from brainstorm sessions to fine-tuning a proposal.
- At least four members or a majority of members, whichever is a smaller amount, must be present for a meeting to occur.
- A social gathering arranged for a given social purpose and not prearranged to discuss matters on which the body can act is not a meeting.

Teleconference Meetings – The OMA expressly permits meetings via teleconference. When voting in a teleconference meeting, all votes should be taken via roll call so the public can identify how each member voted. Although Homer City Code provisions regarding teleconference participation only applies to City Council members, the OMA grants the same convenience to other commission and board members (which are outlined in commission/board bylaws).

Serial Communications – If four of the members email each other (such as selecting “reply all”) about a matter that the body is authorized to collectively act on, a meeting could occur. Similarly, if a majority of the members of a subcommittee that consists of two or more members email each other (such as 2-3 commissioners/board members working on a project together) about the same kind of matter, a meeting could occur. See AS 44.62.310(h)(2)(A).

Open Meetings Act FAQ:

- Q: *Can two commissioners get together to work on something to bring back to the body to discuss?*
- A: No. Two or more members gathering for the purpose of advising or making recommendations is considered a subcommittee, which falls under the description of a governmental body, as noted in the second bullet point above.
- Q: *Can commissioners email each other with questions about Commission business?*
- A: No. A serial meeting is one in which a quorum of the body communicates with each other, directly or indirectly, through whatever medium, to develop collective concurrence. Serial meetings are in violation of the Open Meetings Act. Commissioners should be aware of the potential for serial meetings and never hit “reply all” when responding by email.

QUORUM (HCC 2.58.020 (d))

Four commission or board members shall constitute a quorum of seven members; and five commission or board members shall constitute a quorum of eight members.

VOTING (HCC 2.58.020 (e))

Each member, including the chairperson, shall vote, and shall not abstain from voting, unless such member claims a conflict of interest, in which event the member shall be excused from voting. The member shall then state for the record the basis for the abstention.

Four affirmative votes of seven members and five affirmative votes of eight members are required to pass a motion.

Voting will be by a roll call vote, the order to be rotated; or by unanimous consent if no objection is expressed.

Voting by proxy or absentee is prohibited.

PARLIAMENTARY PROCEDURES/ROBERTS RULES

Per Homer City Code 2.58.050(i) meetings shall be conducted under the current edition of Robert’s Rules of Order Newly Revised (RONR).

Basics of Robert’s Rules of Order

To ensure the meeting runs smoothly and effectively, it is important to familiarize yourself with basic motions and who is responsible for what. Below are the most common motions used:

Main Motion – A motion is a formal proposal by a member, in a meeting, that the body take a certain action. Typically the Chair will announce a business item, staff or a member will provide a report, and one or more motions to carry out the recommendations in the report may be introduced.

1. Member raises hand and waits for recognition from the presiding officer.
2. The member states the motion. Motions should be a clear, in-the-positive statement of action.
3. Another member must second the motion to continue.
4. The presiding officer states the motion. (This puts the motion on the floor.)
5. Presiding officer calls for discussion on this motion. The member who introduced the motion has the right to speak first. Members wishing to discuss the motion raise their hands and wait

for recognition from the presiding officer before speaking, enabling everyone to share their opinions.

6. Presiding officer calls for a vote on the motion.
7. Presiding officer states results of vote and resulting action.

Motion to Amend – During discussion, it may become apparent that an amendment (modification) to the original motion is necessary. Anyone may request to amend the original motion, but the proposed amendment must be related to the subject of the main motion.

1. Member raises hand and is recognized from the presiding officer.
2. Member states the amendment.
3. Amendment must be seconded.
4. Presiding officer states the amendment.
5. Presiding officer calls for discussion on the amendment.
6. Presiding officer calls for a vote on the amendment, and announces result. If the amendment passes, the motion on the floor is now the amended motion. If the amendment fails, the original motion remains on the floor.

Motion to Postpone to a Certain Time – A member may move to delay action (voting) on a motion to a certain time, commonly the next meeting. A postponed motion is considered unfinished business and automatically comes up for further consideration at the next meeting (or designated date) under Pending Business.

1. A member makes a motion to postpone the motion to another date specified (usually the next meeting).
2. Motion must be seconded.
3. Presiding officer states motion.
4. Presiding officer calls for discussion.
5. Motion is amendable and debatable.
6. Presiding officer calls for a vote, and states result of the vote and action taken.

Motion to Suspend the Rules – Used if the Commission/Board wishes to do something during a meeting that it cannot do without violating one or more of its regular rules. Commonly used to address agenda items out of order after the agenda has been approved or allowing an unscheduled visitor to address the body.

1. Can be made any time that no question is pending.
2. A member makes a motion; “I move to suspend the rules to hear New Business, Item C. before New Business, Item A.”
3. Is out of order when another has the floor.
4. Motion must be seconded.
5. Motion is not debatable or amendable.
6. Motion must have two-thirds majority approval.
7. Presiding officer calls for a vote, and states the result of the vote and the action taken.

Motion for Point of Order – Used when a member thinks the rules are being violated or more commonly when discussion does not pertain to the topic of the motion on the floor.

1. Does not have to be recognized by the presiding officer.
2. Does not need to be seconded.

3. Is not debatable. The presiding officer may allow explanation; “The current discussion is not germane to the matter at hand.”
4. Is not amendable.
5. Is ruled on by the presiding officer. The presiding officer may seek the advice of the Clerk or more senior members present.
6. Cannot be reconsidered.

Motion for Reconsideration – Used to bring a motion back before the Commission/Board for further consideration.

1. Can only be made by a member who voted with the prevailing side (aye if the motion was adopted/no if the motion was lost.)
2. Motion must be seconded.
3. Motion cannot be amended.
4. Only the merits of the reconsideration are debatable.
5. Requires a two-thirds vote to adopt a motion to reconsider.
6. Presiding officer states the result of the vote and the action taken.

Call for the Question – Used to immediately close discussion and the making of subsidiary motions except the motion to “Lay on the Table.” Commonly used to bring an immediate vote on one or more pending motions.

1. Takes precedence over all debatable or amendable motions to which it is applied.
2. Yields only to the subsidiary motion to lay on the Table, privileged motions and all applicable incidental motions.
3. Must be seconded.
4. Is out of order when another has the floor.
5. Is not debatable or amendable.
6. Requires a two-thirds vote to adopt a call for the question.
7. Cannot be reconsidered.

Withdraw a motion – Conditions for withdrawing or modifying a motion depend on how soon the mover states their wish to withdraw it.

1. Before a motion has been stated by the Chair it’s the property of its mover, who can withdraw without consent of anyone.
2. After a motion has been stated by the Chair it belongs to the meeting as a whole and the maker must request permission to withdraw or modify their motion.
 - a. Mover - *Chair, I ask permission to withdraw the motion*
 - b. Chair – *Unless there is objection the motion is withdrawn*

HYBRID MEETINGS

When participating in a meeting by Zoom:

- Keep your camera on whenever possible and be aware of what’s visible on your screen. This allows a semblance of normalcy as if we’re in the same room together, and makes it easier for the Chair to call on commissioners/boardmembers.
- Mute yourself if you aren’t speaking. Too much background noise disrupts the meeting and the person currently speaking.

CONDUCT OF COMMISSIONERS/BOARDMEMBERS

While the meeting is in session, members should not interrupt the proceedings or any member that has the floor. A member, once recognized, should not be interrupted when speaking unless it is to call them to order. If a member is called to order, they should cease speaking until the question of order can be determined. If determined to be in order by the Chair, the member should be permitted to proceed.

After being recognized by the Chair, members may briefly question individuals speaking during audience participation or testifying during a public hearing, but may not enter into a discussion with the individual.

COMMISSIONER/BOARDMEMBER RESPONSIBILITIES

Members represent the entire community and should use their knowledge of the community and their unique position to articulate local values. Public meetings provide an opportunity for direct interaction between the board and commissions and community residents. Meetings give the local residents an opportunity to see the commission/board in action and give members the chance to hear, first-hand, about the concerns of local residents.

In addition to understanding, educating, and guiding the community in its development, members need to understand their role as advisory to the City Council.

CHAIR RESPONSIBILITIES

The Chair's responsibilities include presiding at the meetings and maintaining order, working with the staff liaison to develop agendas, conducting the meetings in a fair manner, keeping the commission/board discussion on track and germane to the subject, and rules on recusals. When the Chair is absent, the Vice-Chair carries out the duties of the Chair.

STAFF RESPONSIBILITIES

Staff liaisons are staff professionals with significant work responsibilities in addition to their commission/board liaison activities. In general, the liaisons are individuals whose work responsibilities relate to that of the commission/board. Liaisons do not work for or at the direction of the commission or board; they are assigned by the City Manager and follow the direction of the City Manager. They are professionals who provide guidance, issue analysis, and recommendations, and ensure the intent of the commission or board is relayed to administration and the City Council in a timely manner.

The Recording Clerk is responsible for ensuring timely meeting notifications, taking meeting notes that can be developed into a meeting summary, providing parliamentary assistance, and guidance when needed.

COMMITTEES/SUBCOMMITTEES

Occasionally, subcommittees are created for fact finding/information gathering for the purpose of advising the full board/commission on issues that the commission or board will take into consideration when advising the City Council. Only those members of the commission/board appointed to the subcommittee are considered subcommittee members and it is their numbers that determine whether or not a quorum is present. Members of the public and staff may be invited to the subcommittee meetings to provide reports and information but are not considered members for the purposes of voting or determining a quorum.