

**NOTICE OF MEETING  
REGULAR MEETING AGENDA**

**1. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF THE AGENDA**

**3. PUBLIC COMMENT REGARDING ITEMS ON THE AGENDA**

**4. RECONSIDERATION**

**5. APPROVAL OF MINUTES**

- A. November 8, 2016 Regular Meeting Minutes **Page 3**

**6. VISITORS/PRESENTATIONS**

- A. Rita Jo Shultz, Alaska Perfect Peony

**7. REPORTS** (5 minute each)

- A. Marine Trades Association Report  
B. Chamber Director Report  
C. Pioneer Avenue Task Force Report  
D. Staff Report

**Page 9**

**8. PUBLIC HEARING**

**9. PENDING BUSINESS**

- A. Update on information gathering session with local business owners

**Page 17**

**10. NEW BUSINESS**

- A. Homer Conference Center Discussion  
i. Conference Center Feasibility Studies (links provided in EDC Staff Memo)

**11. INFORMATIONAL ITEMS**

- A. Commissioner Attendance at City Council Meetings **Page 19**

**12. COMMENTS OF THE AUDIENCE**

**13. COMMENTS OF THE CITY STAFF**

**14. COMMENTS OF THE COUNCILMEMBER** *(If one is assigned)*

**15. COMMENTS OF THE CHAIR**

**16. COMMENTS OF THE COMMISSION**

**17. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR TUESDAY, FEBRUARY 14, 2017  
at 6:00 p.m.** in the City Hall Cowles Council Chambers located at 491 E. Pioneer Ave, Homer,  
Alaska.



Session 16-08 a Regular Meeting of the Economic Development Advisory Commission was called to order by Chair Karin Marks at 6:03 p.m. on November 8, 2016 at the City Hall Upstairs Conference Room located at 491 E. Pioneer Avenue, Homer, Alaska and opened with the Pledge of Allegiance.

PRESENT: COMMISSIONERS GUSTAFSON, KEISEL, RICHARDSON, MARKS

ABSENT: COMMISSIONERS SANSOM AND PETERSON

STAFF: SPECIAL PROJECTS AND COMMUNICATION COORDINATOR CARROLL  
DEPUTY CITY CLERK KRAUSE

### **AGENDA APPROVAL**

RICHARDSON/GUSTAFSON - MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA**

### **RECONSIDERATION**

### **APPROVAL OF MINUTES**

A. September 13, 2016 Special Meeting Minutes

GUSTAFSON/RICHARDSON MOVED TO APPROVE THE MINUTES.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **VISITORS**

A. Tim Dillion, Executive Director, Kenai Peninsula Economic Development District – Update on the Organization

Mr. Dillion provided an outline on the organization and his background experience as City Manager for Seldovia. He touched on the following points for the commission:

- the size of the Kenai Peninsula is large and more than Soldotna/Kenai area
- they are a 501c4 corporation

- Funding comes from three outside sources – Kenai Peninsula Borough, State of Alaska and the US Department of Commerce however they did not receive funding from the State for the upcoming year.
- They own the building they are in outright which includes approximately 20 offices that they lease out as well as 6000 sf of warehouse space and 12+ acres fenced with pad and additional acreage for a total of 20+ this represents the main funding source for their programs
- They assist and work with startup companies and even work with those companies if they run into financial difficulties
- Manage and Administer the Kenai Peninsula Opportunities Program which also includes the Kenai Peninsula Construction Academy
- Who is on the Board of KPEDD, including 4 members from the southern peninsula areas
- Distributed a comprehensive plan for the next 5 years that they will be using and is available in their website
- Six Goals of KPEDD – Regional Partnerships; Infrastructure & Technology; Workforce & Human Capital; Business Climate & Entrepreneurship; Quality of Place; Knowledge Creation & Dissemination
- Industry Outlook Forum January 11, 2017 Kenai Chamber of Commerce & Visitors Center – encouraged the Commissioners to attend
- Encouraged the Commission to access the assistance that the KPEDD can offer them
- Has spoken with many business owners in the area and Homer and a major concern is signage
- KPEDD has loan programs available – Micro Loan Program and Grant Assistance

Mr. Dillion provided clarification on why they were a 501c4 entity in response to a question from the commission. The KPEDD can provide information that would be able to assist the commission in their work and he has visited local businesses, people are getting frustrated and there are many people that are losing their jobs or think they may be losing their jobs so they can assist those people in determining the direction that is needed.

Chair Marks thanked Mr. Dillon for coming to the meeting and speaking with them.

B. Bryan Zak, Associate State Director, Small Business Development Center – Small Business Development Programs

Mr. Zak commented that Mr. Dillon called the Governor's office regarding some information and within 10 minutes the Governor's office was calling him. Mr. Zak then informed the commission that about two weeks ago they received a visit from the State regarding how to stop recidivism and repeat offenders and what could the city support or do to assist them in that goal.

Mr. Zak spoke on the following items:

- Small for-profit businesses and how they can get started and what they can provide assistance with
- Marijuana Industry and Federal Regulations
- Small Business Administration Loan programs and requirements
- Vital new businesses needed are senior care businesses, child care
- Not just new start-ups but existing businesses as well through the field of new Federal requirements
- Optimism on the outlook for the area regarding the economic outlook
- Marine Trades gaining momentum

Ms. Carroll requested the ISER report if Mr. Zak could share that report. Mr. Zak will forward that report to her. Chair Marks commented on the positive feel around town and that there is so much going on, being built and was wondering if he knew what was creating this positive energy. Mr. Zak responded that he believed it was the Quality of Place and the quality of life that the area offers and that most people are making a living and they are really plugged into the community.

## **REPORTS**

### **A. Marine Trades Association Report**

Chair Marks questioned the invoices that were submitted and where that budget was or money coming from to pay those invoices. Ms. Carroll responded that the EDC Budget within the City budget and where they can locate that line item budget for the Marine Trades, the Chamber and her position as well.

### **B. Chamber Director Report**

Karen Zak, Chamber Director reported on the following:

- the Chamber has two arms encourage commerce and visitor center and only 2% of the State's Chambers play dual roles
- they are currently a polling place
- She noted that they are reaching out and keeping relevant with the community
- attended the recent State Chamber of Commerce meeting in Kenai
- upcoming is the Shop Local during the Holiday season and currently \$63 out of \$100 spent in the community stays in the community
- rolling out a new mobile compliant website, will contain information regarding the Boathouse and SPARC projects
- Sent out 600 relocation packages and Ms. Carroll updated the package and it will be available on the website
- Obtained the domain names and logo for [cityofpeonies.com](http://cityofpeonies.com) and [cityofpeonies.org](http://cityofpeonies.org); [Homerpeonies.com](http://Homerpeonies.com)
- Pioneer Avenue Task Force has been busy there is the mural project, planted over 2000 peony plants and looking forward to the next phase of the Pioneer Avenue Revitalization Project
- City of Homer is on the front page of Harbors Magazine – the city is going to be a featured and is wonderful advertising op-ed
- City of Homer is being featured in Alaska Airlines magazine in January 2017
- Over the summer they had the Winnebago, Chicago Tribune, Travel Channel, Go West Forum, Adventure World Wide
- Social Media has created a buzz about Homer around the world. They now have a Chamber Facebook page and a Visit Homer Facebook page
- Presentation for December in the works
- WE R ON THE MAP!

C. Pioneer Avenue Task Force Report

Chair Marks that this was taken care of very well by the Chamber report however the stencil for the peonies that will be painted on the sidewalks is almost complete and if the weather cooperates they will be able to get that started.

D. Staff Report

Special Projects & Communications Coordinator Carroll provided a summary of her report included in the packet and expounded on Senate Bill 99 which has the intent to convert Public Convenience Licenses into seasonal only and sticking to the population control access guidelines. This would affect several establishments within the city of Homer and the Alaska Beverage Control Board's chief complaint was the administrative burden on the Board. This would affect just about every aspect of economic development and there is a movement that it be placed under local control.

The commission should consider the implications if this is passed and how it would affect Homer and Ms. Carroll will notify the commission if it looks like anything will come about this issue.

Ms. Carroll announced the Training that will be conducted tomorrow evening and believed it would be beneficial to the commissioners. The time is 5:00-6:00 p.m.

**PUBLIC HEARINGS**

**PENDING BUSINESS**

A. Market to Internet Based Entrepreneurs: Final Review of Survey

Chair Marks announced that Commissioner Gustafson and Commission Richardson are also on this committee that is seeking input from the local businesses. Instead of having a meeting next week they will meet to draft a letter that will contain some information that was shared today that they would be able to gather a group. This letter will be sent to local business community would like to see the Commission work on.

**NEW BUSINESS**

A. Election of Chair and Vice Chair

Commissioner Gustafson nominated Commissioner Marks. There was no additional nominations.

The commission elected Commissioner Marks to continue as chair. Chair Marks accepted.

Chair Marks nominated Commissioner Sansom to continue as Vice Chair.  
Commissioner Sansom was unanimously elected to continue as Vice Chair.

B. Memorandum from City Clerk Re: Approval of the 2017 Economic Development Advisory Commission Regular Meeting Schedule

Chair Marks commented on the various commissions appeared to not meet during various times of the month during the year and was curious as to the reason. Deputy City Clerk Krause responded that the Council requested the commission to reduce meetings in order to provide savings to staff overtime for the budget.

Chair Marks then advocated for the commission to cancel the December meeting since it did not appear that they would have anything of importance to work on at that meeting.

RICHARDSON/GUSTAFSON MOVE TO CANCE THE DECEMBR MEETING

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Marks then focused on the 2017 meeting schedule and remarked that she did not want to cancel the December 2017 meeting at this time. Ms. Carroll explained for the commission how if they desired now was a chance to cancel meetings in the future if the commission desired. The commissioners were hesitant to pre-cancel any meetings but were willing to cancel meetings as necessary.

Chair Marks requested a motion to approve the 2017 regular meeting schedule as presented.

GUSTAFSON/RICHARDSON – SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**INFORMATIONAL ITEMS**

A. Commissioner Attendance at City Council Meetings

The commission entertained a brief discussion on attending the next Council meetings. Commissioner Gustafson stated that he would try to attend one of the two remaining meetings. Commissioner Richardson will consult her schedule so was not sure.

**COMMENTS OF THE AUDIENCE**

**COMMENTS OF CITY STAFF**

**COMMENTS OF THE COUNCILMEMBER**

**COMMENTS OF THE CHAIR**

Chair Marks commented on it was a good meeting and encouraged everyone to try to recruit another commissioner.

**COMMENTS OF THE COMMISSION**

Commissioner Gustafson questioned if anyone ever looked into building a convention center in Homer. A brief discussion ensued on previous attempts and staff will provide the information from that attempt and other similar venues. Commissioner Gustafson explained that he has been approached by a few people in Anchorage who are interested in building a convention center. Staff commented on ideas to use existing infrastructure such as the college. He further noted that the recent attempt for a new police station was shot down and he had frequently heard that people wanted a recreation center or convention center not a police station.

Commissioner Richardson and Commissioner Keisel had no comments.

**ADJOURN**

There being no further business to come before the Commission the meeting adjourned at 7:45 p.m. The next regular meeting is scheduled for Tuesday, January 10, 2017 at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

\_\_\_\_\_  
RENEE KRAUSE, CMC, DEPUTY CITY CLERK

Approved:\_\_\_\_\_





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Administration

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Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum

TO: Economic Development Advisory Commission  
FROM: Jenny Carroll, Special Projects & Communications Coordinator  
DATE: January 3, 2017  
SUBJECT: Staff Report to EDC

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### OPEN MEETING ACT AND ROBERTS RULES TRAINING

City Attorney Holly Wells conducted a Legal Issues training session for City Council and Commissions on November 9, 2016. Karin Marks and I attended Holly's succinct and helpful presentation on understanding and complying with the Open Meetings Act (OMA).

The OMA insures that governmental bodies do not exclude the public from deliberations by requiring meetings to be open to the public and properly noticed. To assist the EDC with understanding its responsibility in this area, I have provided an excerpt from Holly's training manual on the OMA for your reference. Sections highlighted in yellow emphasize the main take home points:

- EDC is an advisory only body;
- OMA applies to EDC meetings in which more than three members or a majority of the members (whichever is less) are gathered and this gathering is prearranged for the purpose of considering a matter upon which the EDC is empowered to act;
- OMA applies to every step of the deliberative process from brainstorm sessions to fine tuning a proposal;
- **Chance** encounters will not constitute a meeting (even if members discuss a matter on which they could advise or make a recommendation) so long as the social gathering is not "prearranged for the purpose of considering a matter upon which the EDC is empowered to act".
- If four of the members email each other about a matter that the EDC is authorized to act on, a meeting could occur and would be in violation of the OMA. Members should avoid serial email communications on business topics. One point of contact sending information out is okay; "reply all" function is not okay.

### KPEDD INDUSTRY OUTLOOK FORUM

- The Kenai Peninsula Economic Development District's Industry Outlook Forum is Wednesday, Jan. 11<sup>th</sup> from 8:30 am to 7 pm at the Kenai Chamber of Commerce and Visitor's Center. The Forum is free and open to the public; I encourage Commissioners to attend if you are able to learn about the Kenai Peninsula's economic outlook and the impacts of the State fiscal situation, oil, gas, mining, gas pipeline projects, education, tourism, fishing and medical projects have on

our communities. You can register online at the KPEDD website. Karin will be attending; I will be there for a half day.

#### CONFERENCE CENTER DISCUSSION TOPIC

At our November EDC meeting, Commissioner Gustufson requested information regarding any Homer conference center feasibility studies. And in light of the EDC's prioritization of the Multi-Use Community Center in the Capital Improvement Plan, Karin asked that we begin discussion of this topic.

I am providing links to some background information to help inform the discussion. The first link below is to a conference center feasibility study completed for Homer in 2005 when Town Center was being planned for potential development.

[http://www.cityofhomer-ak.gov/sites/default/files/fileattachments/economic\\_development/page/7323/low\\_res\\_conference\\_center\\_feasibility\\_study\\_2005.pdf](http://www.cityofhomer-ak.gov/sites/default/files/fileattachments/economic_development/page/7323/low_res_conference_center_feasibility_study_2005.pdf)

Homer's Town Center Development Plan (<http://www.cityofhomer-ak.gov/planning/town-center-development-plan-2006>) presented a vision for Homer's Town Center, which included a large commercial or governmental anchor. I include the Plan here for historical context and to assist discussion of establishing a commercial anchor like a conference center in Homer.

This next link is to a convention center feasibility study completed in 2006 for Seward. Again, while dated and for a different community, it may contain useful information for analysis.

[http://www.agnewbeck.com/pdf/kenai/Seward/Seward\\_ConvCtr\\_Final\\_Report.pdf](http://www.agnewbeck.com/pdf/kenai/Seward/Seward_ConvCtr_Final_Report.pdf)

A list of possible topics to help focus the discussion, for this meeting and perhaps others to come, is presented below. I look forward to hearing how you want to move forward with this topic.

Discussion of Viability Factors—What's changed since the feasibility factors--what hasn't in:

- Local Market Conditions
- Potential Target Markets
- Competiveness in the Market –locally, regionally and statewide—how would Homer compete?
- Character of a Homer Conference Center—what does it offer? Why?
- Development/ownership/operating revenue strategies

What can the EDC provide for movement in this area?

## I. WHAT IS THE PURPOSE BEHIND THE OPEN MEETINGS ACT?

The Open Meetings Act ("OMA"), AS 44.62.310-312, mandates that meetings held by a governmental body be open to the public and properly noticed. The OMA is narrowly construed to prevent unnecessary executive sessions and exemptions from the Act. See AS 44.62.312. According to AS 44.62.312, while a governmental unit's purpose is to "aid in the conduct of the people's business," this purpose does not result in a forfeiture of the people's sovereignty or right to determine what information they can access. Further, the people have a right to be informed so that they have the power to "control ... the instruments they have created." See AS 44.62.312.

## II. HOW DOES THE OPEN MEETINGS ACT APPLY TO A PLANNING COMMISSION?

The OMA applies to every "governmental body." A "governmental body" 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. The definition of "governmental body" includes subcommittee members and subordinate units of a governmental body with two or more members. See AS 44.62.310. 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.

## III. A BOARD'S QUASI-JUDICIAL V. LEGISLATIVE CAPACITY

The first step in ensuring compliance with the OMA is being aware of when a government body is and when it is not subject to the OMA. The following types of functions performed by the City Council, Planning Commission or the BOA are *not* subject to the OMA: (1) meetings held to make a decision in its performance of a quasi-judicial function; (2) staff and/or employee meetings; and (3) national, state or regional membership organization meetings where no business of the body is discussed (commonly known as the "AML exception"). AS 44.62.310(d)(1), (6) and (7).

### A. Quasi-Judicial Decision Meetings

The City's boards and commissions performs legislative as well as quasi-judicial functions. A function is "quasi-judicial" when it directly affects an individual or a small identifiable group in his/her or its private capacity rather than the community at large. See *Cabana v. Kenai Peninsula Borough*, 21 P.3d 833, 835-836 (Alaska 2001). The Planning Commission may make quasi-judicial decisions that include, but are not limited to, whether or not to grant a variance or approve a conditional use permit or whether to uphold the City Planner's denial of a zoning permit. The BOA's

review of the Planning Commission's decisions is quasi-judicial. While deliberations during a quasi-judicial proceeding are not subject to the OMA, the meeting in which arguments are presented and evidence is introduced must still be conducted before the public.

#### **B. Legislative Decisions and Application of the OMA to These Decisions**

**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, the Planning Commission is acting legislatively when it conducts such acts as recommending changes to the Homer City Zoning Ordinance as authorized under HCC 1.76.050(a)(3), developing and/or revising a master plan for City development as authorized under HCC 1.76.030(a) or drafting an official city map under HCC 1.76.030(c). See *Friends of Cooper Landing v. Kenai Peninsula Borough*, 79 P.3d 643, 644 (Alaska 2003). The City Council acts legislatively when adopting ordinances amending or revising local laws.

While it can be difficult to determine when a body is acting legislatively rather than quasi-judicially, a good rule of thumb is anytime it takes action for the community as a whole and not for or against a single individual or small group, the Commission is acting legislatively.

#### **IV. WHAT IS A "MEETING?"**

Once you have determined that the BOA, Planning Commission or other City commission or board is acting legislatively and not deliberating in its quasi-judicial capacity and thus is subject to the OMA, the next step is to determine whether or not the gathering at issue is a "meeting" for purposes of the OMA. It is imperative that in determining whether a body is a decision-making or advisory-only body and thus identifying which gatherings constitute meetings, the actual functions of the body are applied and not just presumptions of the body's authority. For example, the Planning Commission is named as an "advisory commission" and yet it functions as a decision-making body.

##### **A. Policy- and/or Decision-Making Body**

**A policy- and/or decision-making body has a "meeting" when (1) "more than three members or a majority of the members, whichever is less, are present" and (2) "a matter upon which the governmental body is empowered to act is considered by the members collectively."** AS 44.62.310(h)(2)(A).

## B. Advisory-Only Body

Many Alaska municipalities create commissions whose purpose is advisory-only. For example, Homer's Parks and Recreation Advisory Commission advises the City Council and the City Manager regarding problems with and development of the parks and recreation facilities within the City. **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 (1) "more than three members or a majority of the members, whichever is less, are present" and (2) there is a gathering of governmental body members and (3) 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).

The following chart provides a glimpse at how the requirements for policy and/or decision-making meetings compare to those for advisory-only meetings.

DECISION-MAKING BODIES	ADVISORY-ONLY BODIES
As long as a sufficient number of members are present, <i>any</i> gathering can be considered a meeting, whether it takes place in a meeting hall or a restaurant.	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 <i>every</i> step of the deliberative process, from brainstorm sessions to fine tuning a proposal. <i>See Brookwood Homeowners Ass'n, 702 P.2d 1317, 1323 (Alaska 1985).</i>	Also includes every step of the deliberative process. <i>See Brookwood, 702 P.2d 1317 at 1323.</i>
Need at least four members or a majority of members present, whichever is a smaller amount, for a meeting to occur.	Same.
A social gathering arranged for a given social purpose and not to discuss matters on which the body can act is not a meeting under the OMA but becomes a meeting if the requisite number of members consider a matter upon which the governmental body is empowered to act. <i>See, e.g., Att'y Gen. Op., 1993 WL 393353 (July 6, 1993).</i>	So long as the social gathering is not "prearranged for the purpose of considering a matter upon which the governmental body is empowered to act," it is not a meeting.

### C. Teleconference Meetings

In today's technological age, governmental bodies must also be aware of how the OMA applies to "virtual" meetings such as teleconferences, video meetings, etc. 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. AS 44.62.310(a). When providing notice of a teleconference meeting, the Commission must include the locations of all teleconference sites. AS 44.62.310(e).

An issue that arises from this language is whether allowing members to participate in meetings by phone would violate the OMA if the place from which they call in has not been designated as a teleconference site and the other requirements have not been satisfied. The Supreme Court has held that members of the public may participate in meetings via phone without complying with such requirements. See *Hickel v. Southeast Conference*, 868 P.2d 919, 929 (Alaska 1994). It has not yet opined on whether members of the body may participate by telephone without following the teleconferencing procedures of the OMA. However, the Attorney General interpreted the teleconference procedures to excuse members from providing notice of and access to their locations when attending a public meeting via telephone. See 1994 Alaska Op. Att'y Gen. 367 (November 30, 1994). In this opinion, the Attorney General interprets the reference in AS 44.62.310(e) to "teleconference sites" as applying only to "those official teleconference facilities at which the public may participate," and not to the telephone location of a member. 1994 AG's Op. 367. Additionally, the City permits Council members to attend City Council meetings by telephone under certain situations from a nonpublic location. See HCC 1.24.100-1.24.120. The City Code provisions regarding teleconference participation only apply to City Council members. However, in the absence of any provision in the City Code, the OMA is sufficient authority for other commission and board members to be granted the same convenience.

### D. Serial Communications

At first glance, it seems odd that a "meeting" for purposes of the OMA could include an email or telephone call from one person to another, or that a series of such conversations could constitute a meeting. However, **in the case of a decision-making body, if four of the members email each other 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 about the same kind of matter, a meeting could occur. See AS 44.62.310(h)(2)(A).

The Alaska Supreme Court has not directly addressed the matter. However, it has hinted that emails and telephone conversations can constitute meetings and violate the OMA. See *Hickel*, 868 P.2d 919 at 929-930 (one-on-one conversations between reapportionment board members along with a "dearth" of discussion of substantive issues during the public meeting was sufficient evidence to prove a violation of the OMA); *In re 2001 Redistricting Cases*, 44 P.3d 141, 147 (Alaska 2002) (assuming the superior court correctly found that a violation of the OMA occurred when a majority of the redistricting board members emailed one another regarding a substantive matter, the court correctly held that such a violation should not void the redistricting plan altogether).

Given the case law in this area, the decision-making bodies should avoid all discussions outside of the context of a properly noticed meeting where such discussions, whether by email, phone, during meeting breaks or otherwise, could be characterized as "important decision making and substantive discussion [that] took place outside the public eye ...." See *Hickel*, 868 P.2d 919 at 930.

## V. REQUIRED NOTICE FOR MEETINGS

According to AS 44.62.310(e), reasonable public notice is required and such notice "must include the date, time, and place of the meeting and if, the meeting is by teleconference, the location of any teleconferencing facilities that will be used." The most important factor in determining if adequate notice has been provided is whether or not the method used is consistent with the procedures of the body holding the meeting. The amount of notice required may also be influenced by the nature of the issues to be discussed. While in an emergency the required time might be short, in a situation involving a matter of public concern, the required time could be much longer. See *Tunley v. Municipality of Anchorage School District*, 631 P.2d 67 (Alaska 1981).

Whether or not the minimum notice times included in a municipal code comply with the OMA reasonableness requirement ultimately depends on the "complexity and importance of the issue involved." *Anchorage Independent Longshore Union Local 1 v. Municipality of Anchorage*, 672 P.2d 891, 895 (Alaska 1983). The Code provisions of a municipality must be consistent with AS 44.62.310 or they are preempted. *Walleri v. City of Fairbanks*, 964 P.2d 463, 468 (Alaska 1998). By way of example, Homer City Code requires the Planning Commission to hold a monthly meeting but does not state on what day of the month this meeting will be held. See HCC 1.76.060. However, HCC 1.14.020 states that a commission may provide notice to the public of a regular meeting by publishing notice of the meeting in a newspaper of general circulation at least three days before the date of the meeting. Therefore, the Planning Commission chairperson should work with the City Clerk to make sure that public notice is given for all meetings and that this notice complies not only with state law, but also the Homer City Code.





City of Homer  
Economic Development Commission  
Subcommittee on Business Retention & Expansion

The City of Homer's Economic Development Commission aims to promote and develop business and industry in Homer and to help strengthen our local economy. Our goal is to develop impactful programs and make strong recommendations to City officials that will help local business grow and thrive.

Since you are on the frontlines of business and industry in Homer, we want to hear from you. We're hosting an informal round-table luncheon to find out from you what is working in Homer's business climate and what isn't and what we as a Commission can do to champion local business.

By participating in this luncheon, you're helping us identify opportunities and shape how the Commission moves forward. Information gathered will help the Commission, and will be kept confidential.

We are providing two different date options for your convenience. Please join us.

**Dates:** January 18<sup>th</sup> or January 23<sup>rd</sup>

**Time:** 11:30 am -1 pm (lunch will be provided)

**Place:** 202 W Pioneer Avenue, #C (back entrance to the Art Shop Gallery building)

Sincerely,



Karin Marks, Chair

Anders Gustafson and Sarah Richardson, Subcommittee Members



**THANK YOU FOR YOUR RSVP**

**YOU MAY**

Call or text Karin Marks at (907) 202-4748

Email Karin Marks at [weskar70@gmail.com](mailto:weskar70@gmail.com)

Or mail this portion of the invitation back to Karin with your RSVP to  
202 W Pioneer Avenue, #C, Homer AK 99603

Yes, I will be there January 18<sup>th</sup>     Yes, I will be there January 23<sup>rd</sup>     I am unable to attend

Name: \_\_\_\_\_ Contact phone or email: \_\_\_\_\_



**2017 HOMER CITY COUNCIL MEETINGS**  
**ECONOMIC DEVELOPMENT ADVISORY COMMISSION ATTENDANCE**

Commissions are invited to report to the City Council at the Council's regular meetings under Item 8. Announcements/Presentations/Borough Report/Commission Reports. This is the Commission's opportunity to give Council a brief update on their work. Generally the Commissioner who will be reporting will attend one of the two meetings for the month they are scheduled to attend.

The following Meeting Dates for City Council for 2017 is as follows:

January 9, 23	_____
February 13, 27	_____
March 13, 27	_____
April 10, 24	_____
May 8, 30	_____
June 12, 26	_____
July 24	_____
August 14, 28	_____
September 11, 25	_____
October 9, 23	_____
November 27	_____
December 11	_____