



City of Homer

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Memorandum 19-133

TO: MAYOR CASTNER AND CITY COUNCIL

FROM: PARKS, ART, RECREATION & CULTURE ADVISORY COMMISSION

THRU: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: APRIL 29, 2019

SUBJECT: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION BYLAW AMENDMENTS

The Parks, Art, Recreation & Culture Advisory Commission at their March 21, 2019 and April 18, 2019 regular meetings reviewed bylaw amendment recommendations from the City Clerk's Office and made their own additional changes. Excerpts from the minutes of those meetings are as follows:

Regular Meeting March 21, 2019

NEW BUSINESS

A. Bylaws Amendments and Review

Chair Harrauld introduced the item into the record by reading of the title.

Deputy City Planner Engebretsen suggested that the Commission consider two items:

- Reduction in the number of members to seven members since the large membership lends itself to very long meetings
- Section 2 under Meetings that is highlighted she would prefer to keep the review of items flexible as the Commission has the Annual Calendar that is referred to and used to schedule reviews of their documents and address budget, etc.

Deputy City Clerk Krause reported in response to Commissioner's questions that the format is a standardization of all Commission and Board Bylaw changes that is being recommended by the Clerk's Office with the exception of the Planning Commission. The yellow highlighted section is just a suggestion and the Commission can omit that section if they desire. She added that as far as the reduction in membership, she noted that previously Commissioner Sharp announced that he would not be requesting reappointment when his term expires this year and they have had an existing vacancy so it would be simple to reduce the membership to seven if that is the desire of the Commission.

A discussion ensued on the following:

- The number of commissioners on the Commission and Student Representative as an additional or included member
- Providing the right of a Student Representative to have full voting privileges
- Including in the Bylaws specific topics for review or discussion or staying with the Annual Calendar method currently used by the Commission.

LEWIS/LOWNEY – MOVED TO REDUCE THE NUMBER OF PEOPLE ON THE COMMISSION FROM NINE TO EIGHT WITH ONE OF THOSE MEMBERS BEING A STUDENT MEMBER WITH THE RIGHT TO VOTE.

Discussion ensued regarding the proposed changes to the membership clarifying that it would be seven adult members and one student member; and changing the student representative to give them full voting rights since those students put in the time and effort just as much as a regular commissioner and this would give future student representatives a sense of purpose and valid reason to participate fully. Clarification was provided by Staff that the Commission can forward these recommendations/changes to Council and if Council approves the changes then they would be put into effect but it would also require an Ordinance to change City Code which was one of the reason why the Bylaws were being amended for the most part to reflect correctly what was already defined in City Code.

The Commission questioned how the membership would be reduced since terms did not expire until October. It was noted that the membership could be reduced to eight since there was one vacancy already and then if a commissioner decided not to request reappointment when their term expired they could make additional changes to the bylaws.

Further discussion ensued on giving the Student Representative full voting privileges. There was some comparison provided between the Library Advisory Board and surrounding issues. Further comment was made on the Commission being advisory and a student being allowed to vote on their recommendations does not really impact the decisions, the membership reduction effects the quorum requirements by one.

Chair Harrauld inquired if there was any dissent to the motion.

VOTE. (Amendment). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was no further discussion on the draft bylaws and amendments.

LEWIS/LOWNEY MOVED TO FORWARD THE BYLAWS FOR FINAL REVIEW, FURTHER AMENDMENTS AND APPROVAL AT THE NEXT MEETING OF THE COMMISSION.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Regular Meeting April 18, 2019

PENDING BUSINESS

A. Draft Bylaws Amendment and Review

Chair Harrauld introduced the item into the record by reading of the title and opened the floor to discussion noting the memorandum submitted by the City Clerk regarding the proposed amendment to the Student Representative position.

A discussion followed on the points brought forth by City Clerk Jacobsen and previous discussion on the number of commissioners including the Student Commissioner.

Deputy City Planner Engebretsen recommended a new motion.

Further discussion ensued on the following:

- reducing the membership and the possibility of having tie votes with a voting membership of even numbers
- Acknowledgement of the upcoming vacancies with Commissioner Ashmun and Sharp, stating that they did not intend to request re-appointment at the last meeting.
- Requirements to obtain a majority and quorum would be five with either eight or nine voting members
- Requirements of a membership of seven would be four
- Future Student Representatives may not be as willing and interested and if they change the position to be a voting member it may have negative results

LEWIS/LOWNEY MOVED TO AMEND THE MEMBERSHIP TO SEVEN VOTING MEMBERS AND ONE STUDENT REPRESENTATIVE MEMBER.

Chair Harrauld restated the motion and opened discussion on the motion.

LEWIS/LOWNEY MOVED TO AMEND THE MOTION TO IDENTIFY THAT THE STUDENT REPRESENTATIVE IS A NON-VOTING MEMBER.

There was a brief discussion on specifying that the Student Representative will be a non-voting member in this motion.

It was brought forward that currently they have more members and when would this be effective.

Staff suggested amending the motion to be effective November 1, 2019.

LEWIS/LOWNEY MOVED TO AMEND THE MOTION TO ADD EFFECTIVE NOVEMBER 1, 2019

There was no further discussion.

VOTE. (Secondary Amendment) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Harrauld asked if there was any further discussion on the amendment as amended. Hearing none she asked if there was any dissent to the motion.

VOTE. (Primary Amendment) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Harrauld requested the Clerk to read back the motion on the floor.

Ms. Krause read the motion:

MOVED TO AMEND THE MEMBERSHIP TO SEVEN VOTING MEMBERS AND ONE STUDENT REPRESENTATIVE THAT IS A NON-VOTING MEMBER TO BE EFFECTIVE NOVEMBER 1, 2019.

There was a brief discussion on addressing the other sections related to majority and quorums if they are changing the membership and those sections can be addressed later in the year.

VOTE. (Main) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Harrald inquired if there were any further amendments to the draft bylaws.

Commissioner Roedl inquired about getting the sidewalks constructed if that should not be listed under their duties.

Deputy City Planner Engebretsen responded that there was a Transportation Committee but the Planning Commission was given those duties noting that the pedestrian connectivity is not usually a concern for the Planning Commission but forwarding recommendations on pedestrian connectivity can be done by this Commission.

Chair Harrald noted the work that was accomplished as a Commissioner by Commissioner Roedl.

Commissioner Roedl next requested clarification and concern with the notification process on teleconferencing reciting his recent experience of his flight being canceled at the last minute. He felt that prior notice would be adequate and that the five day and three day notice requirements were restrictive.

A discussion ensued on amending the process for notifications to participate by teleconference to allow for some leeway when last minute cancelations may cause members not to be present at a meeting unexpectedly without their absence affecting their overall attendance.

LEWIS/LOWNEY MOVED TO AMEND SECTION 2 A UNDER ARTICLE EIGHT, TELECONFERENCING, BY DELETING THE WORDS, AT LEAST FIVE DAYS AND AMEND SECTION 2 B BY DELETING THE WORDS, THREE DAYS.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Harrald asked if there were any additional amendments to the Draft Bylaws.

Amending other sections in the bylaws that addressed majority and quorums was briefly discussed by the Commission and determined that those sections could be addressed when the membership was reduced officially.

Commissioner Roedl requested clarification on the time period for absences – calendar year versus appointment year. Then referred to the allowances of two teleconferences only per year.

Deputy City Planner Engebretsen responded that for the Planning Commission they use the calendar year.

Commissioner Lewis commented that all a Commissioner had to do was to call in or email staff or the Clerks and the absence would be excused. That attendance requirement only applied to unexcused absences.

Further discussion on how strict the application of two teleconference opportunities per year, inactive commissioners, the procedure to allow attendance by teleconference is conducted before the start of each meeting by the Commission and the requirement that a quorum is physically present ensued.

Deputy City Clerk Krause explained that this Commission as it stands really has not presented any issues over attendance and participation. But in the future if there was a Commissioner that was not as productive and did not attend meetings on a regular basis, their attendance could then be addressed by the Commission.

Commissioner Lowney inquired about the section of the bylaws pertaining to the Arts and if it is stated or outlined on how and where the advertisements are placed. She was concerned with the low responses received in the past and felt that even at a higher expense if they should advertise with a widely known entity instead of just the local papers.

Deputy City Clerk Krause responded that the advertising requirement is outlined in Title 18.07 of city code and the procurement policy. She noted the listing of a recent request for proposals on a new website that allows a free solicitation and is world-wide.

Chair Harrauld requested a motion to approve the Draft Bylaws as amended hearing no further amendments from the Commission.

LEWIS/SHARP MOVED TO ADOPT THE PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION BYLAWS AS AMENDED AND FORWARD TO CITY COUNCIL FOR APPROVAL.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RECOMMENDATION:

Approve Resolution 19-0XX adopting the amended Parks, Art, Recreation & Culture Advisory Commission Bylaws.