



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Memorandum 20-056

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: MAY 1, 2020
SUBJECT: TELEPHONIC PARTICIPATION AT MEETINGS

Homer City Code has allowed for limited telephonic participation for many years. In 2007 Ordinance 07-45(A)(S) was adopted and established limitations on telephonic participation, and in 2019 Ordinance 19-05(A) was adopted and applied further restrictions and processes.

Emergency Ordinance 20-17 halted all restrictions and allowed for all members to participate telephonically or by web-hosted meeting format to accommodate self-isolation, social distancing, and State of Alaska health mandates on limited gatherings. This ordinance is effective for 60 days.

It's clear that telephonic participation has created challenges for members calling in as well as the public listening to radio broadcasted meetings on KBBI AM890. This is primarily due to the City's analog phone line and outdated equipment that inhibits a stable connection with the radio station.

Since our first all teleconference meeting, we've worked with a web-hosted meeting format. This has allowed a more stable broadcasting format for KBBI, the opportunity for members to work together effectively, a telephonic format for public comment, an additional option for the public to listen and watch meetings, and the Clerk's office has received a lot of positive feedback from the public. City staff is working on a solution for addressing executive sessions telephonically with a goal of a memo explaining steps for executive sessions in time for the second reading of this ordinance.

The COVID-19 pandemic has forced us out of our normal routines and caused us to look at ways to do business differently, and the City continues to working those efforts. While it will always be preferred that we meet and hear from the public in person to do the City's business, there is no firm end date or roadmap for COVID-19. There needs to be flexibility for Mayor, Council, City staff, and the public to participate at Council meetings in an environment where they feel safe, and without concerns of infecting others if they may be feeling ill.

This does not prohibit this Council or any future Council from amending this process when they feel it's appropriate.

RECOMMENDATION: Adopt Ordinance 20-xx and allow telephonic or web-based participation at meetings.

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**CITY OF HOMER
HOMER, ALASKA**

City Manager

EMERGENCY ORDINANCE 20-17(A)

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA TO ALLOW FOR TELEPHONIC **OR WEB HOSTED**
MEETINGS FOR HOMER CITY COUNCIL TO MITIGATE SPREAD OF
NOVEL COVID-19.

WHEREAS, Due to the outbreak of COVID-19 novel coronavirus, a contagious virus that is spread mainly person to person, nonessential services are closing down and communities are implementing continuity of operations plans to enable ongoing essential operations; and

WHEREAS, Homer City Code 2.08.110(c) requires that four members present must vote to allow other members to participate telephonically; and

WHEREAS, In the event it becomes necessary to stand down normal operations of the City of Homer, the Homer City Council will need to have the ability to meet to make necessary decisions on behalf of the City.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council may convene all members telephonically **or web-hosted** for a meeting that has been properly noticed pursuant to HCC 1.14.

Section 2. The City of Homer will work in conjunction with local radio, ~~and~~ telephone **and internet** providers to make the meeting available by broadcast and accommodate public comments through electronic means.

Section 3. This is an emergency ordinance of general character and will be effective for 60 days, in accordance with HCC 1.08.040.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 23rd day of March, 2020.

CITY OF HOMER

KEN CASTNER, MAYOR

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

Reviewed and approved as to form.

Katie Koester, City Manager

Michael Gatti, City Attorney

Date: _____

Date: _____

1 CITY OF HOMER
2 HOMER, ALASKA

Novak

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4 ORDINANCE 07-45
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6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA AMENDING HOMER CITY CODE
8 PROVISIONS GOVERNING TELEPHONIC
9 PARTICIPATION IN CITY COUNCIL MEETINGS BY
10 THE MAYOR AND MEMBERS OF THE COUNCIL.
11

12 WHEREAS, AS 44.62.310 authorizes telephonic attendance and participation in
13 meetings of a governmental body by its members; and
14

15 WHEREAS, Homer City Code §§ 1.14.080 and 1.14.090 presently provide for
16 such participation, but are in need of revision and reorganization.
17

18 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
19

20 Section 1. Section 1.14.080 of the city code is hereby renumbered as section
21 1.24.100 and amended to read as follows:
22

23 ~~1.14.080~~1.24.100 Teleconference **participation in meetings.** a. Sections
24 1.24.100 through 1.24.120 govern the telephonic participation of the Mayor and
25 members of the Council at all meetings of the City Council, including all other
26 bodies that are comprised of the Mayor and members of the Council, such as, but
27 not limited to, the Board of Adjustment and an ethics board.

28 b. The preferred procedure for City Council meetings is that the Mayor
29 and all Council members should be physically present at the designated time and location
30 within the City for the meeting. However, physical presence may be waived ~~by the~~
31 ~~Council and a Council member~~ and the Mayor and any member(s) may participate in a
32 Council meeting by teleconference, subject to the procedures and limitations as
33 provided in sections 1.24.100—1.24.120, this chapter when in the opinion of the Council
34 the physical presence of the Council member is not essential to effective participation or
35 the conduct of business at the meeting. A Council member

36 c. A person participating by teleconference shall, while actually on the
37 teleconference, be deemed to be present at the meeting for all purposes. The person
38 shall make every effort to participate in the entire meeting. In the event

39 d. If the Mayor participates telephonically the Mayor Pro Tem, or, ~~the~~
40 senior Council member in the Mayor Pro Tem's absence, ~~the senior Council member~~
41 shall shall preside over and perform all functions of the Mayor at the meeting.
42

43 Section 2. Section 1.14.085 of the Homer City Code is renumbered as section
44 1.24.110 and hereby amended to read as follows:

45 1.14.0851.24.110 Teleconference procedures. a. A **Mayor or** Council
46 member who cannot be physically present for a regularly scheduled Council meeting
47 shall notify the City Clerk at least five days prior to the scheduled time for the meeting of
48 his **or her request** ~~intent to appear at~~ **participate in** the meeting by telephonic means of
49 communication.

50 b. **Three days prior to the scheduled time for the Council meeting, the** The
51 City Clerk shall notify the **Mayor and** Council three days prior to the scheduled time for
52 the Council meeting of Council members intending to appear **of the person's request to**
53 **participate** by teleconference.

54 c. **At the commencement of the Council meeting a telephonic connection will**
55 **be established with the person or persons intending to participate telephonically.**
56 **After a telephonic connection is established the Mayor shall call for a vote of the**
57 **council on whether the person(s) may or may not participate by telephone. Prior to**
58 **the vote, the Mayor or Council members may make such inquiries as necessary to**
59 **make a decision. Only the Council members physically present may vote on the**
60 **question. The Council's determination is final and not subject to veto or appeal. If**
61 **a person participates in the meeting telephonically without a ruling from the**
62 **Council, it shall be deemed to be with the approval of such participation by the**
63 **Council, and all actions taken by the Council with the participation of all such**
64 **persons are valid.** The Council shall determine whether or not the Council member(s)
65 shall participate by teleconference. If the Council determines that the teleconferencing is
66 not required for the conduct of business the Council member(s) shall be notified in the
67 most ~~expedient~~ manner possible.

68 d. Sections a. and b. of this section do not apply to special meetings or emergency
69 meetings of the City Council called under §§ 1.14.030 and 1.14.050 of the Homer City
70 Code. **A Council member or Mayor who requests to participate in a special or**
71 **emergency meeting of the City Council must notify the City Clerk before the time**
72 **scheduled for the start of the meeting. The Clerk will notify the Mayor and Council**
73 **no later than the commencement of the meeting. After a telephonic connection is**
74 **established with the person or persons requesting to participate telephonically, a**
75 **ruling shall be made on the person's participation in the meeting as provided in**
76 **subsection c. of this section.** Council members may appear at a special meeting or
77 emergency meeting by teleconference and be considered present for all purposes unless
78 the Mayor or the Council members calling the special meeting or emergency request the
79 physical presence of Council members in the advance notice of the meeting.

80 e. The Council may require that all Council members appearing telephonically
81 present at one teleconference site whenever such presence is possible.

82 ~~f.e.~~ The means used to facilitate **for** a teleconference meeting of the City
83 Council must enable each Council member appearing telephonically to clearly hear **the**
84 **Mayor,** all other Council members, and members of the public attending **public**
85 **testimony at** the meeting as well as be clearly heard by all other Council members and
86 members of the public **in attendance.**

87 ~~g.f.~~ The City Clerk shall note in the journal of the proceedings of the City
88 Council all City Council members appearing telephonically.

89 **g. To the extent practicable, materials to be considered by the council**
90 **shall be made available to those attending by teleconference.**

91 Section 3. A new section 1.24.120 of the Homer City Code is hereby created to
92 read as follows:

93 1.24.120 Teleconference – limitations. a. All Council members
94 and the Mayor should make all reasonable effort to be physically present for every
95 meeting. Teleconference procedures may not be used as a regular means of
96 attendance at meetings.

97 b. Participation by teleconference may be denied whenever the
98 physical presence of the individual is considered essential to effective participation
99 in the meeting or to the proper conduct of the business to be addressed at the
100 meeting.

101 c. Each Council member and the Mayor may attend a maximum of
102 three City Council meetings by teleconference during the 12 month period
103 commencing November 1 each year.

104 d. Each Council member and the Mayor may attend additional
105 teleconferences as a special exception if expressly approved for good cause in each
106 instance by a vote of the Council. Good cause may include, but is not limited to
107 absence required for extended medical care needed for the individual or the
108 individual's immediate family.

109 e. No Council member or the Mayor shall attend by telephonic
110 means:

111 1. an executive session of the City Council,

112 2. a hearing on an ethics charge under Chapter 1.18.

113
114 Section 4. Homer City Code subsection 1.24.040(g) concerning bylaws for city council
115 procedure is hereby amended to read as follows:

116 g. Teleconference participation in meetings 1. By determination of ~~may~~
117 ~~be authorized~~ the council, pursuant to chapter 1.14 ~~sections 1.24.100—1.24.120.~~

118
119 Section 5. This ordinance is of a permanent and general character and shall be included
120 in the city Code.

121
122 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of
123 _____, 2007.

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126 CITY OF HOMER

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131 _____
132 JAMES C. HORNADAY, MAYOR

133 ATTEST:

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135 _____
136 JO JOHNSON, CMC, CITY CLERK

137 AYES:
138 NOES:
139 ABSTAIN:
140 ABSENT:
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142 First Reading:
143 Public Reading:
144 Second Reading:
145 Effective Date:

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148 Reviewed and approved as to form and content:

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152 _____
Walt Wrede, City Manager

Gordon J. Tans, City Attorney

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**CITY OF HOMER
HOMER, ALASKA**

Novak

ORDINANCE 07-45(A)(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA AMENDING HOMER CITY CODE
PROVISIONS GOVERNING TELEPHONIC
PARTICIPATION IN CITY COUNCIL MEETINGS BY
THE MAYOR AND MEMBERS OF THE COUNCIL.

WHEREAS, AS 44.62.310 authorizes telephonic attendance and participation in meetings of a governmental body by its members; and

WHEREAS, Homer City Code §§ 1.14.080 and 1.14.085 presently provide for such participation, but are in need of revision and reorganization; and

WHEREAS, Homer City Code should also be amended to include the definition of teleconferencing.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 1.14.080 of the city code is hereby renumbered as section 1.24.100 and amended to read as follows:

1.24.100 Teleconference participation in meetings. a. Sections 1.24.100 through 1.24.120 govern the telephonic participation of the Mayor and members of the Council at all meetings of the City Council, including all other bodies that are comprised of the Mayor and members of the Council, such as, but not limited to, the Board of Adjustment and an ethics board.

b. The preferred procedure for City Council meetings is that the Mayor and all Council members should be physically present at the designated time and location within the City for the meeting. However, physical presence may be waived and the Mayor and any member(s) may participate in a Council meeting by teleconference, subject to the procedures and limitations provided in sections 1.24.100—1.24.120.

c. A person participating by teleconference shall, while actually on the teleconference, be deemed to be present at the meeting for all purposes. The person shall make every effort to participate in the entire meeting.

d. If the Mayor participates telephonically the Mayor Pro Tem, or the senior Council member in the Mayor Pro Tem's absence, shall preside over and perform all functions of the Mayor at the meeting.

e. "Teleconferencing" means a means used for remote participation by an official for a meeting of the city council which must enable the remote official for the duration of the meeting, to clearly hear the mayor, all councilmembers, the city clerk and

45 public testimony and to be clearly heard by the mayor, all councilmembers, the city clerk
46 and the public in attendance.
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48 Section 2. Section 1.14.085 of the Homer City Code is renumbered as section
49 1.24.110 and hereby amended to read as follows:
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51 1.24.110 Teleconference procedures. a. A Mayor or Council member who
52 cannot be physically present for a regularly scheduled Council meeting shall notify the
53 City Clerk at least five days prior to the scheduled time for the meeting of his or her
54 request to participate in the meeting by telephonic means of communication.

55 b. Three days prior to the scheduled time for the Council meeting, the City Clerk
56 shall notify the Mayor and Council of the person's request to participate by
57 teleconference.

58 c. At the commencement of the Council meeting a telephonic connection will be
59 established with the person or persons intending to participate telephonically. After a
60 telephonic connection is established the Mayor shall call for a vote of the council on
61 whether the person(s) may or may not participate by telephone. Prior to the vote, the
62 Mayor or Council members may make such inquiries as necessary to make a decision.
63 Only the Council members physically present may vote on the question. The Council's
64 determination is final and not subject to veto or appeal. If a person participates in the
65 meeting telephonically without a ruling from the Council, it shall be deemed to be with
66 the approval of such participation by the Council, and all actions taken by the Council
67 with the participation of all such persons are valid.

68 d. Sections a. and b. of this section do not apply to special meetings or emergency
69 meetings of the City Council called under §§ 1.14.030 and 1.14.050 of the Homer City
70 Code. A Council member or Mayor who requests to participate in a special or emergency
71 meeting of the City Council must notify the City Clerk before the time scheduled for the
72 start of the meeting. The Clerk will notify the Mayor and Council no later than the
73 commencement of the meeting. After a telephonic connection is established with the
74 person or persons requesting to participate telephonically, a ruling shall be made on the
75 person's participation in the meeting as provided in subsection c. of this section.

76 e. The means used or a teleconference meeting of the City Council must
77 enable each member appearing telephonically to clearly hear the Mayor, all other Council
78 members, and public testimony at the meeting as well as be clearly heard by all other
79 Council members and members of the public in attendance.

80 f. The City Clerk shall note in the journal of the proceedings of the City
81 Council all members appearing telephonically.

82 g. To the extent practicable, materials to be considered by the council
83 shall be made available to those attending by teleconference.
84

85 Section 3. A new section 1.24.120 of the Homer City Code is hereby created to
86 read as follows:

87 1.24.120 Teleconference – limitations. a. All Council members and
88 the Mayor should make all reasonable effort to be physically present for every meeting.
89 Teleconference procedures may not be used as a regular means of attendance at meetings.

90 b. Participation by teleconference may be denied whenever the physical

91 presence of the individual is considered essential to effective participation in the meeting
92 or to the proper conduct of the business to be addressed at the meeting.

93 c. If teleconferencing is denied the individual will be listed as absent.

94 d. Each Council member and the Mayor may attend a maximum of three
95 City Council meetings by teleconference during the 12 month period commencing
96 November 1 each year.

97 e. Each Council member and the Mayor may attend additional
98 teleconferences as a special exception if expressly approved for good cause in each
99 instance by a vote of the Council. Good cause may include, but is not limited to absence
100 required for extended medical care needed for the individual or the individual's
101 immediate family.

102 f. No Council member or the Mayor shall attend by telephonic means:

- 103 1. an executive session of the City Council.
- 104 2. a hearing on an ethics charge under Chapter 1.18.

105
106 Section 4. Homer City Code subsection 1.24.040(g) concerning bylaws for city council
107 procedure is hereby amended to read as follows:

108 g. Teleconference participation in meetings may be authorized pursuant to
109 sections 1.24.100—1.24.120.

110
111 Section 5. This ordinance is of a permanent and general character and shall be included
112 in the city Code.

113
114 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 26th day of
115 November, 2007.

CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

122 ATTEST:

123 [Signature]
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126 JO JOHNSON, CMC, CITY CLERK

127
128 AYES: 4
129 NOES: 1
130 ABSTAIN: 0
131 ABSENT: 1

132
133 First Reading: 10/22/07
134 Public Reading: 11/13 & 11/26/07
135 Second Reading: 11/26/07
136 Effective Date: 11/27/07

137 Reviewed and approved as to form and content:

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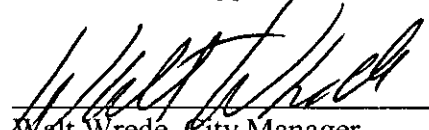
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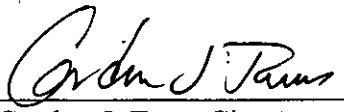
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Malt Wrede, City Manager

12/3/07



Gordon J. Tans, City Attorney

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**CITY OF HOMER
HOMER, ALASKA**

Lewis

ORDINANCE 16-58(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 2.08.100 TO CLARIFY THAT THE
MAYOR RETAINS THE RIGHT TO CAST A TIE-BREAKING VOTE
EVEN WHEN ATTENDING A COUNCIL MEETING TELEPHONICALLY.

WHEREAS, The Mayor Pro Tem retains their right to vote as a Council member despite taking on the Mayor's ceremonial duties in the Mayor's absence and thus it is essential that the Mayor retain their right to cast the tie-breaking vote at all Council meetings they attend, even if their attendance is telephonic.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 2.08.100 is amended to read as follows:

a. This section through HCC 2.08.120 govern the telephonic participation of the Mayor and members of the Council at all meetings of the City Council, including all other bodies that are comprised of the Mayor and members of the Council, such as, but not limited to, the Board of Adjustment and an Ethics Board.

b. The preferred procedure for City Council meetings is that the Mayor and all Council members should be physically present at the designated time and location within the City for the meeting. However, physical presence may be waived and the Mayor and any member(s) may participate in a Council meeting by teleconference, subject to the procedures and limitations provided in this section through HCC 2.08.120.

c. A person participating by teleconference shall, while actually on the teleconference, be deemed to be present at the meeting for all purposes. The person shall make every effort to participate in the entire meeting.

d. If the Mayor participates telephonically, the Mayor may vote telephonically to break a tie as permitted in Section 2.08.040(h), but the Mayor Pro Tem, or the senior Council member in the Mayor Pro Tem's absence, shall preside over and perform all other functions of the Mayor at the meeting.

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e. "Teleconferencing" means a means used for remote participation by an official for a meeting of the City Council which must enable the remote official, for the duration of the meeting, to clearly hear the Mayor, all Council members, the City Clerk and public testimony and to be clearly heard by the Mayor, all Council members, the City Clerk and the public in attendance.

Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

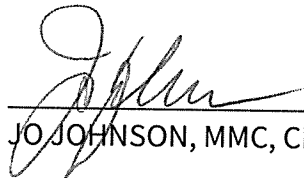
Section 3. This ordinance is of a permanent and general character and shall be included in the City Code.

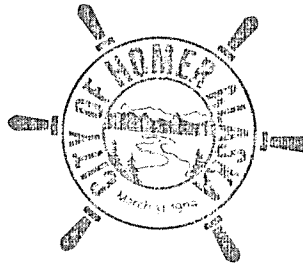
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 9th day of January, 2017.

CITY OF HOMER


BRYAN ZAK, MAYOR

ATTEST:


JO JOHNSON, MMC, CITY CLERK



YES: 5
NO: 0
ABSTAIN: 0
ABSENT: 1

First Reading: 12/05/16
Public Hearing: 1/09/17
Second Reading: 1/09/17
Effective Date: 1/10/17

84 Reviewed and approved as to form.

85

86 Mary K Koester

87 Mary K. Koester, City Manager

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89 Date: 1-18-17

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92 Fiscal Note: NA

Holly C. Wells
Holly C. Wells, City Attorney

Date: 1-27-17

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**CITY OF HOMER
HOMER, ALASKA**

Erickson

ORDINANCE 19-05(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE 2.08.100-2.08.120 REGARDING
TELEPHONIC PARTICIPATION IN MEETINGS

WHEREAS, Telephonic participation in City Council meetings is an important tool that allows members to participate when traveling or unable to be physically present; and

WHEREAS, In person is the preferred method for participation in meetings as it can be difficult to follow the public testimony and debate by voice only; and

WHEREAS, Every effort should be made to ensure a quality connection by the councilmember and City staff when participating telephonically such as testing the connection prior to the meeting, using a headset, and using a land line whenever possible; and

WHEREAS, Even given those measures, on occasion a telephonic connection can be spotty and interfere in the members ability to participate in the meeting; and

WHEREAS, The Council needs to have a mechanism in place to declare the member absent if it becomes clear throughout the course of the meeting that the telephonic connection is too poor for the member to be able to fully participate.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Homer, Alaska that:

Section 1. Homer City Code 2.08.100 entitled "Teleconference participation in meetings" is hereby amended to read:

2.08.100 Teleconference participation in meetings.

a. This section through HCC 2.08.120 govern the telephonic participation of the Mayor and members of the Council at all meetings of the City Council, including all other bodies that are comprised of the Mayor and members of the Council, such as, but not limited to, the Board of Adjustment and an Ethics Board.

b. The preferred procedure for City Council meetings is that the Mayor and all Council members should be physically present at the designated time and location within the City for the meeting. However, physical presence may be waived and the Mayor and any

42 member(s) may participate in a Council meeting by teleconference, subject to the
43 procedures and limitations provided in this section through HCC 2.08.120.
44

45 c. A person participating by teleconference shall, while actually on the teleconference,
46 be deemed to be present at the meeting for all purposes. The person shall make every
47 effort to participate in the entire meeting.
48

49 d. If the Mayor participates telephonically, the Mayor may vote telephonically to break
50 a tie as permitted in HCC 2.08.040(h), but the Mayor Pro Tem, or the senior Council
51 member in the Mayor Pro Tem's absence, shall preside over and perform all other
52 functions of the Mayor at the meeting.
53

54 e. "Teleconferencing" means a means used for remote participation by an official for a
55 meeting of the City Council which must enable the remote official, for the duration of
56 the meeting, to clearly hear the Mayor, all Council members, the City Clerk and public
57 testimony and to be clearly heard by the Mayor, all Council members, the City Clerk and
58 the public in attendance. [Ord. 16-58(A) § 1, 2017; Ord. 07-45(A)(S) § 1, 2007. Code 1981
59 § 1.24.100].
60

61 **2.08.110 Teleconference procedures.**
62

63 a. A Mayor or Council member who cannot be physically present for a regularly
64 scheduled Council meeting shall notify the City Clerk at least five days prior to the
65 scheduled time for the meeting of his or her request to participate in the meeting by
66 telephonic means of communication.
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68 b. Three days prior to the scheduled time for the Council meeting, the City Clerk shall
69 notify the Mayor and Council of the person's request to participate by teleconference.
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71 c. At the commencement of the Council meeting a telephonic connection will be
72 established with the person or persons intending to participate telephonically. After a
73 telephonic connection is established the Mayor shall call for a vote of the Council on
74 whether the person(s) may or may not participate by telephone. Prior to the vote, the
75 Mayor or Council members may make such inquiries as necessary to make a decision.
76 Only the Council members physically present may vote on the question. If a person
77 participates in the meeting telephonically without a ruling from the Council, it shall be
78 deemed to be with the approval of such participation by the Council, and all actions
79 taken by the Council with the participation of all such persons are valid.
80

81 If telephonic participation is interrupted due to poor connectivity that hinders the
82 active participation of a member in the meeting the Mayor will request a brief recess to
83 allow the person an attempt to reestablish a connection. If the person cannot

84 reestablish a clear connection after a recess, the Mayor shall call for a vote of the
85 Council on whether to terminate telephonic participation. Prior to the vote, the Mayor
86 or Council members may make such inquiries as necessary to make a decision. If a
87 majority of the council votes to terminate telephonic participation, the record will
88 indicate such and the member participating telephonically shall not be called upon to
89 comment or vote. The Council's determination is final and not subject to veto or appeal.
90

91 d. Subsections (a) and (b) of this section do not apply to special meetings or emergency
92 meetings of the City Council called under HCC 1.14.030 and 1.14.050. A Council member
93 or Mayor who requests to participate in a special or emergency meeting of the City
94 Council must notify the City Clerk before the time scheduled for the start of the meeting.
95 The Clerk will notify the Mayor and Council no later than the commencement of the
96 meeting. After a telephonic connection is established with the person or persons
97 requesting to participate telephonically, a ruling shall be made on the person's
98 participation in the meeting as provided in subsection (c) of this section.
99

100 e. The means used for a teleconference meeting of the City Council must enable each
101 member appearing telephonically to clearly hear the Mayor, all other Council members,
102 and public testimony at the meeting as well as be clearly heard by all other Council
103 members and members of the public in attendance.
104

105 f. The City Clerk shall note in the journal of the proceedings of the City Council all
106 members appearing telephonically.
107

108 g. To the extent practicable, materials to be considered by the Council shall be made
109 available to those attending by teleconference. [Ord. 07-45(A)(S) § 2, 2007. Code 1981
110 § 1.24.110].
111

112 **2.08.120 Teleconference – Limitations.** 113

114 a. All Council members and the Mayor should make all reasonable effort to be
115 physically present for every meeting. Teleconference procedures may not be used as a
116 regular means of attendance at meetings.
117

118 b. Participation by teleconference may be denied whenever the physical presence of
119 the individual is considered essential to effective participation in the meeting or to the
120 proper conduct of the business to be addressed at the meeting.
121

122 c. If teleconferencing is denied the individual will be listed as absent.
123

124 d. Each Council member and the Mayor may attend a maximum of three City Council
125 meetings by teleconference during the 12-month period commencing November 1st

126 each year. If a member participates in any part of a regularly scheduled meeting
127 telephonically, it will count towards their maximum allowable telephonic
128 participations.

129
130 e. Each Council member and the Mayor may attend additional teleconferences as a
131 special exception if expressly approved for good cause in each instance by a vote of the
132 Council. Good cause may include, but is not limited to, absence required for work
133 related travel or medical care needed for the individual or the individual's immediate
134 family.

135
136 f. No Council member or the Mayor shall attend by telephonic means:
137
138 1. An executive session of the City Council.
139
140 2. A hearing on an ethics charge under Chapter 1.18 HCC. [Ord. 07-45(A)(S) § 3, 2007.
141 Code 1981 § 1.24.120].

142
143 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.
144

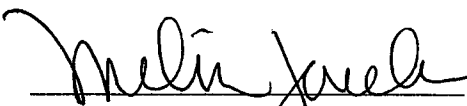
145 Section 3. This ordinance is of a permanent and general character and shall be included
146 in the Homer City Code.
147

148 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 28th day of January, 2019.
149

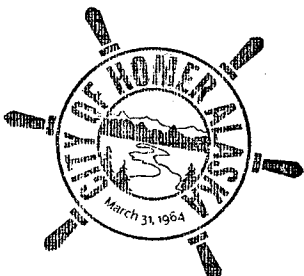
150
151 CITY OF HOMER
152

153 
154 _____
155 KEN CASTNER, MAYOR
156

157 ATTEST:
158

159 
160 _____
161 MELISSA JACOBSEN, MMC, CITY CLERK
162

163 YES: 6
164 NO: 0
165 ABSTAIN: 0
166 ABSENT: 0
167



168 Introduction: 1.14.19
169 Public Hearing: 1.28.19
170 Second Reading: 1.28.19
171 Effective Date: 1.29.19

172
173

174 Reviewed and approved as to form:

175
176 Katie Koester
177 Katie Koester, City Manager

178 Date: 1.31.19
179

Holly Wells
Holly Wells, Attorney

Date: 2.1.19