



City of Homer

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Memorandum 21-163

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: RACHEL TUSSEY, CMC, DEPUTY CITY CLERK

DATE: SEPTEMBER 8, 2021

SUBJECT: INPUT FROM COMMISSIONS AND BOARD REGARDING ORDINANCE 21-50
AMENDING HOMER CITY CODE 2.58 AND 2.72 REGARDING
TELECONFERENCING, ATTENDANCE, AND VACANCIES

A draft of Ordinance 21-50 and memo from City Clerk Jacobsen went before all the commissions and board for their input on the proposed changes to teleconferencing, attendance, and vacancies.

Based on their feedback and additional recommendations from staff, a substitute ordinance was produced for City Council's consideration. The following excerpts reflect the discussions on the topic:

Planning Commission – August 18, 2021 Regular Meeting

- B. Memorandum from City Clerk re: Amending Homer City Code 2.58 Regarding Teleconferencing, Attendance and Vacancies for Boards and Commissions

Chair Smith introduced the next item by reading of the title and invited City Planner Abboud to speak to the Commission.

City Planner Abboud stated that he would defer to the Clerk as this item was presented by their office and he has stated his comments previously on the proposed amendments regarding excused or unexcused as he does not like undefined terms and anybody being a decider was excused other than to notify the Clerk two hours prior to the meeting and that for the Commission we would hold ourselves to a standard of six meetings rather than half.

Deputy City Clerk Krause provided background on why these proposed changes were being recommended by the Clerk's Office were due to the Emergency Order allowing attendance and conducting a meeting via teleconference expired and there were some commissions that did not allow conducting their meetings via teleconference; the City Clerk brought forward and Council approved an emergency ordinance which allowed them the ability to draft the ordinance that is before them tonight. The City plans to conduct hybrid meetings going forward and this requires some changes to Commissions and Board Bylaws. She provided some history on the previous amendments to the other Commissions and Board's bylaws to bring some consistency to them and how they conduct their meetings and the background for the proposed changes to vacancies, absences and excused or unexcused absences.

Chair Smith questioned what would happen if the Clerk was not available, in regards to absences.

Deputy City Clerk Krause responded that there are two other clerks that would be available to step in and she does have the ability to work from home. She further noted that the Clerk's Office is working on their Standard Operating Procedures.

Chair Smith did not have any objections to the other recommendations and supported them.

Commissioner Highland requested clarification on striking the word "advisory" in front of Planning Commission throughout the documents.

Deputy City Clerk Krause facilitated discussion on the following:

- Preference to attend meetings in person but it is encourage to attend meetings as a whole whether teleconference or in person
- Due to COVID it is understandable why persons may opt for attending a meeting by teleconference.
- The Clerk will make the determination as to who is excused and who is not as we are responsible for attendance.
 - Historically Commissions and Board members have automatically excused anyone just because
- The requirement to notify the clerk is to address the issue of the Clerk trying to track down a member especially in the case of needed quorums.
- Over the past year it has been proven that the Board and Commissions can conduct business and be effective via teleconference.
- In accordance to Homer City Code, the Mayor is not a consulting member of the Planning Commission, the City Manager and Public Works Director or their designees is specified.

Parks, Art, Recreation and Culture Advisory Commission – August 19, 2021 Regular Meeting

C. Memorandum from City Clerk re: Amending Homer City Code 2.58 Boards and Commissions regarding Teleconferencing, Attendance and Vacancies

Chair Lewis introduced the item and asked if any of the Commissioners had any comments, concerns or questions for the Clerk.

Commissioner Archibald commented on the 50% of meetings and noted that if a commissioner missed half the meetings they should consider resigning.

There were no further comments, concerns or recommendations from the Commission on the proposed amendments.

Port and Harbor Advisory Commission – August 25, 2021 Regular Meeting

B. Ordinance 21-xx Amending HCC 2.58 Regarding Teleconferencing, Attendance, & Vacancies

- i. Draft Ordinance 21-xx Amending HCC 2.58
- ii. Current HCC 2.58

Chair Zimmerman introduced the agenda item by reading the title and opened the floor for discussion.

In response to questions from commissioners, Deputy City Clerk Tussey spoke to the purpose of the code amendments, how it lessens the limitations for commissioners to participate by teleconference, and better clarifies attendance and vacancies. She further explained how once the code amendments

are approved by Council, the Clerk's Office will be proposing bylaw amendments for all of the advisory bodies to address any discrepancies between bylaws and City Code.

Chair Zimmerman noted a typo on Line 95 where the word "misses" should be changed to "has". He clarified with Ms. Tussey the next steps of the process and what staff is requesting from the commission.

ULMER/MATTHEWS MOVED TO SUPPORT AMENDMENTS TO HOMER CITY CODE 2.58 REGARDING TELECONFERENCING, ATTENDANCE, AND VACANCIES AND RECOMMEND ADOPTION TO CITY COUNCIL.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Economic Development Advisory Commission – August 31, 2021 Worksession

- B. Amending HCC 2.58 Regarding Teleconferencing, Attendance, & Vacancies
 - i. Draft Ordinance 21-xx Amending HCC 2.58
 - ii. Current HCC 2.58

Chair Marks introduced the discussion topic by reading the title and deferred to Deputy City Clerk Tussey to begin discussion.

Ms. Tussey explained the reasons for the code amendments, what revisions have already been suggested by other commissions and staff, and where the ordinance is at in the process. At the request of Chair Marks, Ms. Tussey facilitated discussion with the commission on each section of the draft ordinance and pointed out what changes will be in the substitute ordinance going before City Council at their September 13th meeting. Points discussed included:

- Defining attendance Members will be considered "present" at the meeting if on Zoom.
- That the two hour timeframe was enough previous notice for the Clerk's Office.
- What scenarios would constitute as good cause and the benefit of teleconferencing to ensure the continuation of City business getting done in what could have been a cancelled meeting due to lack of quorum.
- Concerns with teleconferencing taking over, the importance of conducting public meetings in person, and ways to prevent exploiting the Zoom option.
- How the code acts as a basis and the EDC can implement additional changes in their bylaws.
- Mixed opinions on missing half the meetings in an appointment year; some commissioners were fine with that amount and some felt it was far too low.

Chair Marks clarified with Ms. Tussey the next steps in the process for amending code, and how staff will later bring bylaw amendments to their next meetings.

Library Advisory Board – September 7, 2021 Regular Meeting

- B. Amending HCC 2.58 Regarding Teleconferencing, Attendance, & Vacancies
 - i. Draft Ordinance 21-xx(S) Amending HCC 2.58
 - ii. Current HCC 2.58

Chair Finn introduced the agenda item by reading the title and deferred to Deputy City Clerk Tussey to begin discussion.

Ms. Tussey referenced City Clerk Jacobsen's memo in the packet and explained how the Clerk's Office is gathering feedback from the advisory bodies on the proposed code amendments, what changes are being recommended by staff, and the reasons behind them.

Boardmember Fair commended Deputy Clerks Krause and Tussey on a job well done. He opined that the changes made code clean and simple, and that it was in need of restructuring. He supported the amendments.

Boardmember Kuzmaul commented that the revised section on attendance states a member shall contact the clerk within two hours of a meeting, but it is not clear on what the consequences are if you don't. Ms. Tussey noted that code can provide the basis, and any details it does not address can be found in the Clerk's standard operating procedures, the LAB's orientation packet, or in their annual training materials. Ms. Tussey agreed that it was a good suggestion of clarification that Council may want to make.

Boardmember McKinney commented on using the word "temporarily" in proposed HCC 2.58.060(d). The word caused confliction with the first part of the section regarding good cause. He inquired on the issue of a member using teleconferencing for every meeting, and at what point does it no longer become "good cause". Discussion ensued on what constitutes good cause, if there should be a limit clarified in code, and what constitutes temporary.

Chair Finn and Boardmember Kuzmaul asked about the LAB's involvement at any point in the process of determining a member's attendance or vacancy. Ms. Tussey explained that it's not necessarily the clerk's decision; if the rules are outlined in City Code, the LAB's policies, and the Clerk's standard operating procedures, then the Clerk's Office is simply following the processes. If good cause or the reason for a vacancy is clear in any one of those areas then we are following protocol, not making some ultimate decision.

In response to Boardmember McKinney, Ms. Tussey suggested that the word "temporarily" could be removed as the sentence still read appropriately without it. The board agreed to the revision.

Chair Finn clarified with Ms. Tussey next steps of the ordinance process and where their revisions will go from here.

FAIR/MCKINNEY MOVED TO SUPPORT AMENDMENTS TO HOMER CITY CODE 2.58 REGARDING TELECONFERENCING, ATTENDANCE, AND VACANCIES AND RECOMMEND ADOPTION TO CITY COUNCIL.

Chair Finn confirmed with Deputy City Clerk Tussey that the word "temporarily" would be removed and that the motion made incorporated that amendment.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Recommendation:

Approve Ordinance 21-50(S)