



MEMORANDUM

CC-26-144

Ordinance 26-31, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Sections 2.08.040 Bylaws for Council Procedure, 2.08.110 Teleconference Procedures and 2.08.120 Teleconference – Limitations.

Item Type: Backup Memorandum, Action Memorandum, or Informational Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: July 14, 2026
From: Amy Woodruff, City Clerk
Through: Melissa Jacobsen, City Manager

SUMMARY:

When ordinance 26-31 was introduced on June 22nd, Councilmembers raised questions about further edits to the section of code it amends and asked staff to research whether those edits would be applicable. Staff researched relevant sections of code and consulted the City Attorney. Responses are summarized in this memorandum along with suggested motions, where appropriate, should Council wish to propose amendments to the ordinance.

BACKGROUND:

2.08.040 (m)(1)(b), Lines 121-122 “b. A scheduled and publicly noticed meeting of the Board of Adjustment, Board of Ethics, or other board or commission that is composed of the Mayor and Council members.”

The Council continues to serve as the Board of Ethics in some cases. The City no longer has a Board of Adjustment. Other references to the Board of Adjustment in this chapter will also need to be removed.

Possible motion: I MOVE TO AMEND ORDINANCE 26-31 ON LINE 121 TO STRIKE “BOARD OF ADJUSTMENT,” AND ON LINE 186 TO ADD NEW SECTIONS THAT AMEND 2.08.070 MAYOR’S VETO SECTION (C) TO STRIKE ITEM (1) “ACTIONS OF THE CITY COUNCIL SITTING AS THE BOARD OF ADJUSTMENT” AND 2.08.100 TELECONFERENCE PARTICIPATION IN MEETINGS. SECTION (A) TO STRIKE “, THE BOARD OF ADJUSTMENT AND”

2.08.110(f), lines 167-179

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

If teleconference participation is interrupted due to poor connectivity that hinders the active participation of a member in the meeting the Mayor will request a brief recess to allow the person an attempt to reestablish a connection. If the person cannot reestablish a clear connection after a recess, the Mayor shall call for a vote of the Council on whether to terminate teleconference participation. Prior to the vote, the Mayor or Council members may make such inquiries as necessary to make a decision. If a majority of the Council votes to terminate teleconference participation, the record will indicate such and the member participating by teleconference shall not be called upon to comment or vote. The Council's determination is final and not subject to veto or appeal."

The procedure outlined in this section for connectivity issues – a brief recess followed by a vote of council to terminate participation if connectivity cannot be restored—is not currently in use. At least one councilmember suggested that this procedure be removed and that the Clerk simply maintain a close watch on connectivity for remote participants, particularly when their presence is required to maintain a quorum.

Possible motion: [I MOVE TO AMEND ORDINANCE 26-31 TO STRIKE LINES 171 THROUGH 179](#)"

2.08.120 (e)(2), Line 212 "2. A hearing on an ethics charge under Chapter 1.18 HCC."

Since the Council continues to serve as the Board of Ethics under some circumstances, this section does not need to be removed.

Possible motion: n/a

Not currently in code: Councilmembers suggested that the City might add specific language about ensuring that one is participating from a private place when in joining an executive session via teleconference. One possible location is under 2.08.110(c) which describes the procedure for joining a teleconference.

Possible Motion: [I MOVE TO AMEND ORDINANCE 26-31 ON LINE 143 TO ADD A SECOND SENTENCE THAT READS "COUNCIL MEMBERS PARTICIPATING IN EXECUTIVE SESSION VIA TELECONFERENCE MUST ENSURE THAT THEY HAVE ADEQUATE PRIVACY TO PREVENT DISCLOSURE OF CONFIDENTIAL INFORMATION."](#)

RECOMMENDATION:

Review the information and make motions to amend the ordinance as desired