

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Mayor

4 **ORDINANCE 16-56**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 2.08.100 TO CLARIFY THAT THE
8 MAYOR RETAINS THE RIGHT TO CAST A TIE-BREAKING VOTE
9 EVEN WHEN ATTENDING A COUNCIL MEETING TELEPHONICALLY
10 AND AMENDING HCC 2.08.120 TO PERMIT COUNCIL MEMBERS TO
11 PARTICIPATE IN MORE THAN THREE MEETINGS
12 TELEPHONICALLY WHERE OTHERWISE PERMITTED BY THE
13 HOMER CITY CODE.

14
15 WHEREAS, The participation of all members of the City Council and the Mayor in City
16 Council meetings is ideal; and

17
18 WHEREAS, It is in the City Council's best interest to adopt local laws that encourage
19 and enable Council members to participate in as many meetings as possible, even when they
20 cannot attend in person; and

21
22 WHEREAS, The Mayor Pro Tem retains his or her right to vote as a Council member
23 despite taking on the Mayor's ceremonial duties in the Mayor's absence and thus it is
24 essential that the Mayor retain his or her right to cast the tie-breaking vote at all Council
25 meetings he or she attends, even if his or her attendance is telephonic.

26
27 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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

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

36
37 b. The preferred procedure for City Council meetings is that the Mayor and all
38 Council members should be physically present at the designated time and
39 location within the City for the meeting. However, physical presence may be
40 waived and the Mayor and any member(s) may participate in a Council meeting
41 by teleconference, subject to the procedures and limitations provided in this
42 section through HCC 2.08.120.

Added language. Deleted language ~~stricken through.~~

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

46
47 d. If the Mayor participates telephonically, **the Mayor may vote telephonically**
48 **to break a tie as permitted in Section 2.08.040(h), but** the Mayor Pro Tem, or
49 the senior Council member in the Mayor Pro Tem's absence, shall preside over
50 and perform all **other** functions of the Mayor at the meeting.

51
52 e. "Teleconferencing" means a means used for remote participation by an
53 official for a meeting of the City Council which must enable the remote official,
54 for the duration of the meeting, to clearly hear the Mayor, all Council members,
55 the City Clerk and public testimony and to be clearly heard by the Mayor, all
56 Council members, the City Clerk and the public in attendance.

57
58 Section 2. Section 2.08.120 shall be amended to read as follows:

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

63
64 b. Participation by teleconference may be denied whenever the physical
65 presence of the individual is considered essential to effective participation in
66 the meeting or to the proper conduct of the business to be addressed at the
67 meeting.

68
69 c. If teleconferencing is denied the individual will be listed as absent.

70
71 ~~d. Each Council member and the Mayor may attend a maximum of three City~~
72 ~~Council meetings by teleconference during the 12-month period commencing~~
73 ~~November 1st each year.~~

74
75 ~~e. Each Council member and the Mayor may attend additional teleconferences~~
76 ~~as a special exception if expressly approved for good cause in each instance by~~
77 ~~a vote of the Council. Good cause may include, but is not limited to, absence~~
78 ~~required for extended medical care needed for the individual or the~~
79 ~~individual's immediate family.~~

80
81 **df.** No Council member or the Mayor shall attend by telephonic means:

82
83 1. An executive session of the City Council.

84
[Bold and underlined added. Deleted language stricken through.]

85 2. A hearing on an ethics charge under Chapter 1.18 HCC.

86
87 Section 3. This ordinance shall take effect upon its adoption by the Homer City
88 Council.

89
90 Section 4. This ordinance is of a permanent and general character and shall be
91 included in the City Code.

92
93 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
94 _____, 2016.

95
96 CITY OF HOMER

97
98
99 _____
100 BRYAN ZAK, MAYOR

101 ATTEST:

102
103
104 _____
105 JO JOHNSON, MMC, CITY CLERK

106
107
108 YES:

109 NO:

110 ABSTAIN:

111 ABSENT:

112
113 First Reading:

114 Public Hearing:

115 Second Reading:

116 Effective Date:

117
118 Reviewed and approved as to form.

119
120 _____
121 Mary K. Koester, City Manager

120 _____
121 Holly C. Wells, City Attorney

122
123 Date: _____

122
123 Date: _____

124
125
126 Fiscal Note: NA