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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.

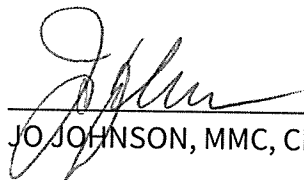
Section 3. This ordinance is of a permanent and general character and shall be included in the City Code.

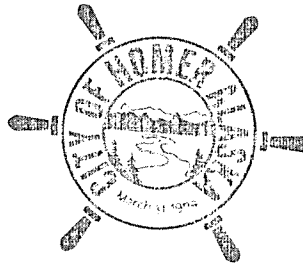
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 9th day of January, 2017.

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

88

89 Date: 1-18-17

90

91

92 Fiscal Note: NA

Holly C. Wells
Holly C. Wells, City Attorney

Date: 1-27-17