

**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**ORDINANCE 18-38(S)**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
AMENDING HOMER CITY CODE TITLE 2 TO REPEAL HOMER CITY  
CODE 2.32.020, AND ENACT CHAPTER 2.58 ENTITLED  
"COMMISSIONS AND BOARDS" TO CONSOLIDATE ALL GENERAL  
PROVISIONS REGARDING BOARDS AND COMMISSIONS AND TO  
PROVIDE FOR GENERAL POLICIES AND PROCEDURES FOR  
BOARDS AND COMMISSIONS

WHEREAS, It is in the City of Homer's best interest to ensure that Homer City Code provisions governing City of Homer ("City") boards and commissions are located in one title and, to the extent appropriate, the policies and procedures governing these boards and commissions are consolidated within the Homer City Code ("Code"); and

WHEREAS, The Code only addresses procedures for the Parks, Art, Recreation, and Culture Advisory Commission, the Port and Harbor Advisory Commission, Economic Development Advisory Commission, the Advisory Planning Commission, and the Library Advisory Board, but does not provide procedures for other existing or future commissions or boards.

NOW, THEREFORE, The City of Homer Ordains:

Section 1. Homer City Code 2.23 is amended to repeal HCC Section 2.32.020 as follows:

Chapter.2.32

DEPARTMENTS AND DIRECTORS

Sections:

2.32.010	Departments-Directors
2.32.030	Designation and function of departments.
2.32.040	Departmental administrative fee schedule.

Section 2. Homer City Code is amended to enact Chapter 2.58 entitled "Commissions and Boards" to read as follows:

Chapter.2.58  
BOARDS AND COMMISSIONS

Sections:

- 2.58.010 Boards and commissions.
- 2.58.020 Creation of City boards and commissions.
- 2.58.030 Applicability.
- 2.58.035 Commission and board member terms.
- 2.58.040 Commission and board bylaws.
- 2.58.050 Required procedures.

2.58.010 Boards and commissions.

City Council may create or abolish boards and commissions. Council shall create or abolish boards and commissions via ordinance. Council shall establish the number of members of each board or commission, their terms of office, and the purpose for which the board or commission is created via ordinance.

2.58.020 Creation of City boards and commissions.

The following commissions and boards have been created by City Council and are subject to this chapter unless otherwise provided in this title:

1. Library Advisory Board
2. Parks, Art, Recreation, and Culture Advisory Commission
3. Port and Harbor Advisory Commission
4. Advisory Planning Commission
5. Economic Development Advisory Commission

2.58.030 Applicability.

Except as otherwise provided within this Title, this chapter applies to all boards and commissions created by City Council which exercise powers vested in the City or which serve as an advisory body of the City. This chapter does not apply to standing committees, special committees, work groups or task forces which are created jointly with other governing bodies, City staff or which do not exercise powers vested in the City.

2.58.035 Commission and board member terms.

Appointment and removal of the members of City boards and commissions shall be by recommendation of the Mayor and confirmation of such action by the Council, except as specifically provided otherwise in the Alaska Statutes and/or under other provisions of the Code. In addition to the voting members of the board or commission, the Mayor may appoint honorary members of a board or commission, subject to confirmation by Council. The honorary members' terms are to be determined at the time of appointment. Honorary members of a board or commission may participate in the deliberations of the board or commission, but may not vote, nor shall they be counted in determining whether a quorum is present.

2.58.040 Commission and board bylaws.

- (a) Except as otherwise provided in this Title, all boards and commissions created by Council shall draft and approve proposed bylaws governing the operations of their respective areas of authority, subject to review by the City Attorney. Once approved by the board or commission, the proposed bylaws shall be submitted to Council for approval via resolution.
- (b) Except as otherwise provided in this Title, the City Clerk shall file the bylaws and the resolution approving them. The City Clerk shall make the bylaws available to the public upon request.
- (c) A commission or board may recommend an amendment to its bylaws to Council after considering any amendments at two separate meetings. Amendments to bylaws of any City commission or board shall be effective upon approval of the amendments by Council via resolution.

2.58.050 Required procedures.

Except as otherwise provided in this Title, bylaws for boards and commissions shall contain:

- (a) *Presiding officer.* The presiding officer of the board or commission shall be the chairperson. In the chairperson's absence, the vice-chairperson shall be the presiding officer. In all other circumstances, the most senior member shall preside. The presiding officer shall preserve order and decorum at all meetings of the board or commission, while promoting discussion by all members in deliberations unless otherwise prohibited by law.

- (b) *Staff liaison.* The City Manager shall designate an employee to serve as a staff liaison to each board or commission. The staff liaison shall assist the chairperson in setting meetings, preparing agendas, and other documentary material, and coordinating the acquisition of needed materials and training.
- (c) *Recording clerk.* The city clerk shall designate a recording clerk to take minutes for each board and commission and that designee shall serve as the board's or commission's parliamentary advisory pursuant to AS 29.20.380(10) and assist the chairperson with compliance with the commission's or board's bylaws.
- (d) *Quorum.* Four commission or board members shall constitute a quorum of seven members; and five commission or board members shall constitute a quorum of eight members.
- (e) *Voting.* Each member, including the chairperson, shall vote, and shall not abstain from voting, unless such member claims a conflict of interest, in which event the member shall be excused from voting. The member shall then state for the record the basis for the abstention.
1. Four affirmative votes of seven members and five affirmative votes of eight members, are required to pass a motion.
  2. Voting will be by a roll call vote, the order to be rotated; or by unanimous consent if no objection is expressed.
  3. Voting by proxy or absentee is prohibited.
- (f) *Staff reports and recommendations.* The staff liaison shall submit reports and recommendations for those agenda items requiring decisions or recommendations by any board or commission. Other staff having experience, education, and professional training in the subject matter may provide input into the reports and recommendations, or may provide supplemental ones. The material submitted may be oral, written or graphic, or some combination of all. Except as otherwise provided in this Code, the reports and recommendations shall be accepted as evidence of record to the same extent as oral testimony and exhibits accepted from applicants, opponents, persons who are subjects of an inquiry, expert and lay witnesses, and members of the public who provide information for the record of the proceedings.
- (g) *Attendance.* Any commission or board member who misses three consecutive regular meetings without being excused, or 30 percent of all meetings within a

calendar year, shall be removed from the board or commission. Any member, who is unable to attend a meeting, whether regular or special, shall contact the City Clerk, staff liaison, or chairperson as soon as possible for excusal.

(h) *Vacancies.* A commission or board member's appointment is vacated under the following conditions:

1. A member fails to qualify to take office within 30 days after their appointment;
2. A member resigns;
3. A member is physically or mentally unable to perform the duties of the office;
4. A member is convicted of a felony or of an offence involving a violation of their oath of office;
5. A member misses three consecutive regular meetings without being excused, or 30 percent of all meetings within a calendar year.

(i) *Rules of order.* Boards and Commissions shall abide by the current edition of Robert's Rules of Order. If Robert's Rules of Order conflict with the board or commission bylaws or other provisions of this Code, the bylaws and/or Code provisions shall apply.

(j) *Training and model procedures.*

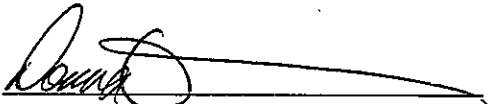
- (1) Training sessions developed or arranged by the City Clerk and approved by the City Manager shall be mandatory unless a member's absence is excused by the chairperson.
- (2) The City Manager and/or City Clerk, in their discretion and in consultation with the City Attorney as needed, may develop model procedures to be used as a guide for boards and commissions.

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

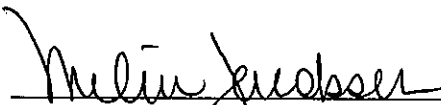
Section 4. This ordinance is of a permanent and general character and shall be included in the Homer City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 10 day of September, 2018.

CITY OF HOMER

  
DONNA ADERHOLD, MAYOR PRO TEM

ATTEST:


  
MELISSA JACOBSEN, MMC, CITY CLERK



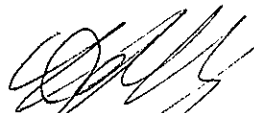
YES: 6  
NO: 0  
ABSTAIN: 0  
ABSENT: 0

Introduction: 8.13.18  
Public Hearing: 8.27.18 + 9.10.18  
Second Reading: 9.10.18  
Effective Date: 9.11.18

Reviewed and approved as to form:

  
Katie Koester, City Manager

Date: 9.18.18

  
Holly Wells, Attorney

Date: 9.30.18