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**CITY OF HOMER  
HOMER, ALASKA**

Erickson

**ORDINANCE 19-05(A)**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
AMENDING HOMER CITY CODE 2.08.100-2.08.120 REGARDING  
TELEPHONIC PARTICIPATION IN MEETINGS

WHEREAS, Telephonic participation in City Council meetings is an important tool that allows members to participate when traveling or unable to be physically present; and

WHEREAS, In person is the preferred method for participation in meetings as it can be difficult to follow the public testimony and debate by voice only; and

WHEREAS, Every effort should be made to ensure a quality connection by the councilmember and City staff when participating telephonically such as testing the connection prior to the meeting, using a headset, and using a land line whenever possible; and

WHEREAS, Even given those measures, on occasion a telephonic connection can be spotty and interfere in the members ability to participate in the meeting; and

WHEREAS, The Council needs to have a mechanism in place to declare the member absent if it becomes clear throughout the course of the meeting that the telephonic connection is too poor for the member to be able to fully participate.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Homer, Alaska that:

Section 1. Homer City Code 2.08.100 entitled "Teleconference participation in meetings" is hereby amended to read:

**2.08.100 Teleconference participation in meetings.**

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

42 member(s) may participate in a Council meeting by teleconference, subject to the  
43 procedures and limitations provided in this section through HCC 2.08.120.  
44

45 c. A person participating by teleconference shall, while actually on the teleconference,  
46 be deemed to be present at the meeting for all purposes. The person shall make every  
47 effort to participate in the entire meeting.  
48

49 d. If the Mayor participates telephonically, the Mayor may vote telephonically to break  
50 a tie as permitted in HCC 2.08.040(h), but the Mayor Pro Tem, or the senior Council  
51 member in the Mayor Pro Tem's absence, shall preside over and perform all other  
52 functions of the Mayor at the meeting.  
53

54 e. "Teleconferencing" means a means used for remote participation by an official for a  
55 meeting of the City Council which must enable the remote official, for the duration of  
56 the meeting, to clearly hear the Mayor, all Council members, the City Clerk and public  
57 testimony and to be clearly heard by the Mayor, all Council members, the City Clerk and  
58 the public in attendance. [Ord. 16-58(A) § 1, 2017; Ord. 07-45(A)(S) § 1, 2007. Code 1981  
59 § 1.24.100].  
60

#### 61 **2.08.110 Teleconference procedures.** 62

63 a. A Mayor or Council member who cannot be physically present for a regularly  
64 scheduled Council meeting shall notify the City Clerk at least five days prior to the  
65 scheduled time for the meeting of his or her request to participate in the meeting by  
66 telephonic means of communication.  
67

68 b. Three days prior to the scheduled time for the Council meeting, the City Clerk shall  
69 notify the Mayor and Council of the person's request to participate by teleconference.  
70

71 c. At the commencement of the Council meeting a telephonic connection will be  
72 established with the person or persons intending to participate telephonically. After a  
73 telephonic connection is established the Mayor shall call for a vote of the Council on  
74 whether the person(s) may or may not participate by telephone. Prior to the vote, the  
75 Mayor or Council members may make such inquiries as necessary to make a decision.  
76 Only the Council members physically present may vote on the question. If a person  
77 participates in the meeting telephonically without a ruling from the Council, it shall be  
78 deemed to be with the approval of such participation by the Council, and all actions  
79 taken by the Council with the participation of all such persons are valid.  
80

81 If telephonic participation is interrupted due to poor connectivity that hinders the  
82 active participation of a member in the meeting the Mayor will request a brief recess to  
83 allow the person an attempt to reestablish a connection. If the person cannot

84 reestablish a clear connection after a recess, the Mayor shall call for a vote of the  
85 Council on whether to terminate telephonic participation. Prior to the vote, the Mayor  
86 or Council members may make such inquiries as necessary to make a decision. If a  
87 majority of the council votes to terminate telephonic participation, the record will  
88 indicate such and the member participating telephonically shall not be called upon to  
89 comment or vote. The Council's determination is final and not subject to veto or appeal.  
90

91 d. Subsections (a) and (b) of this section do not apply to special meetings or emergency  
92 meetings of the City Council called under HCC 1.14.030 and 1.14.050. A Council member  
93 or Mayor who requests to participate in a special or emergency meeting of the City  
94 Council must notify the City Clerk before the time scheduled for the start of the meeting.  
95 The Clerk will notify the Mayor and Council no later than the commencement of the  
96 meeting. After a telephonic connection is established with the person or persons  
97 requesting to participate telephonically, a ruling shall be made on the person's  
98 participation in the meeting as provided in subsection (c) of this section.  
99

100 e. The means used for a teleconference meeting of the City Council must enable each  
101 member appearing telephonically to clearly hear the Mayor, all other Council members,  
102 and public testimony at the meeting as well as be clearly heard by all other Council  
103 members and members of the public in attendance.  
104

105 f. The City Clerk shall note in the journal of the proceedings of the City Council all  
106 members appearing telephonically.  
107

108 g. To the extent practicable, materials to be considered by the Council shall be made  
109 available to those attending by teleconference. [Ord. 07-45(A)(S) § 2, 2007. Code 1981  
110 § 1.24.110].  
111

## 112 **2.08.120 Teleconference – Limitations.**

113

114 a. All Council members and the Mayor should make all reasonable effort to be  
115 physically present for every meeting. Teleconference procedures may not be used as a  
116 regular means of attendance at meetings.  
117

118 b. Participation by teleconference may be denied whenever the physical presence of  
119 the individual is considered essential to effective participation in the meeting or to the  
120 proper conduct of the business to be addressed at the meeting.  
121

122 c. If teleconferencing is denied the individual will be listed as absent.  
123

124 d. Each Council member and the Mayor may attend a maximum of three City Council  
125 meetings by teleconference during the 12-month period commencing November 1st

126 each year. If a member participates in any part of a regularly scheduled meeting  
127 telephonically, it will count towards their maximum allowable telephonic  
128 participations.

129  
130 e. Each Council member and the Mayor may attend additional teleconferences as a  
131 special exception if expressly approved for good cause in each instance by a vote of the  
132 Council. Good cause may include, but is not limited to, absence required for work  
133 related travel or medical care needed for the individual or the individual's immediate  
134 family.

135  
136 f. No Council member or the Mayor shall attend by telephonic means:

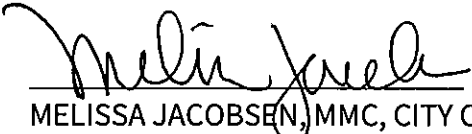
- 137  
138 1. An executive session of the City Council.  
139  
140 2. A hearing on an ethics charge under Chapter 1.18 HCC. [Ord. 07-45(A)(S) § 3, 2007.  
141 Code 1981 § 1.24.120].

142  
143 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

144  
145 Section 3. This ordinance is of a permanent and general character and shall be included  
146 in the Homer City Code.

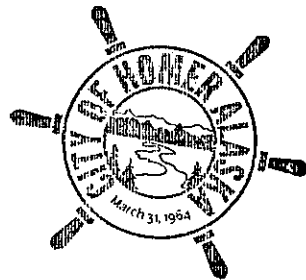
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148 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 28<sup>th</sup> day of January, 2019.

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151 CITY OF HOMER  
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155 KEN CASTNER, MAYOR

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157 ATTEST:  
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160  
161 MELISSA JACOBSEN, MMC, CITY CLERK

162  
163 YES: 6  
164 NO: 0  
165 ABSTAIN: 0  
166 ABSENT: 0

167



168 Introduction: 1.14.19  
169 Public Hearing: 1.28.19  
170 Second Reading: 1.28.19  
171 Effective Date: 1.29.19

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173

174 Reviewed and approved as to form:

175  
176 Katie Koester  
177 Katie Koester, City Manager

178  
179 Date: 1.31.19

Holly Wells  
Holly Wells, Attorney

Date: 2.1.19