

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

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4 **ORDINANCE 19-37**

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6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AMENDING HOMER CITY CODE CHAPTER 2.08, SECTION  
8 2.08.040(H) QUORUM-VOTING TO REQUIRE THE MAYOR TO VOTE  
9 IN THE CASE OF A TIE.

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11 WHEREAS, Unlike Commissioners and other appointed city officials, Homer City Code  
12 1.18.045 emphasizes the importance of Councilmember participation in decision making by  
13 mandating their participation unless the body declares a conflict of interest; and

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15 WHEREAS, Even though the Mayor is not a Councilmember, he or she is an elected  
16 public official at the table and fundamental to the governance of the City, and it is equally  
17 important that his or her voice is heard; and

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19 WHEREAS, It is the Mayor and Council's duty and obligation to govern even when  
20 making those decisions is difficult; and

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22 WHEREAS, Requiring that the Mayor vote in the case of a tie provides clarity to the  
23 listening public and for the minutes of meetings in the record, and is consistent with the  
24 practice of former City of Homer Mayors; and

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26 WHEREAS, According to Roberts Rules an abstention by the Mayor is considered the  
27 same as a 'no' vote; and

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29 WHEREAS, For all the reasons listed above, clarifying Homer City Code to specify that  
30 the Mayor shall vote in the case of a tie is in the best interest of the City.

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32 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

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34 Section 1. HCC Section 2.08.040(h) is hereby amended as follows:

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36 h. Quorum – Voting. Four Council members shall constitute a quorum. Four affirmative  
37 votes are required for the passage of an ordinance, resolution, or motion. A member of  
38 the Council acting as Mayor Pro Tem shall not lose his vote as the result of serving in  
39 such office. The Mayor is not a Council member and ~~may vote only~~ **shall vote only** in  
40 the case of a tie. The final vote on each ordinance, resolution, or substantive motion  
41 may be a roll call vote or may be done in accordance with subsection (k) of this section  
42 (see AS 29.20.160(c)(d)).

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Section 2. 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 \_\_\_ day of \_\_\_\_\_, 2019.

CITY OF HOMER

\_\_\_\_\_  
KEN CASTNER, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Katie Koester, City Manager

\_\_\_\_\_  
Holly Wells, City Attorney

Date:\_\_\_\_\_

Date:\_\_\_\_\_