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**CITY OF HOMER
HOMER, ALASKA**

Lord

ORDINANCE 19-37

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

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

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

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

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

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

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

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

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

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