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1/13/2020

CITY OF HOMER
HOMER, ALASKA

Evensen/
Hansen-Cavazos

ORDINANCE 19-55(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE ~~2.08.040, BYLAWS FOR COUNCIL
PROCEDURES TO ESTABLISH THAT NEWLY ELECTED MEMBERS
WILL BE SEATED AT A SPECIAL MEETING FOLLOWING THE
CANVASS OF THE ELECTION; AND 4.35.040 CERTIFICATION OF
ELECTION~~ **2.08.030 COMPOSITION OF GOVERNING BODY -
TERMS OF OFFICE** TO CLARIFY THE TIME FOR **ELECTION**
CERTIFICATION.

WHEREAS, Holding a special meeting to certify an election and swear in newly elected members designates a time to celebrate the service of outgoing members and welcome new members; and

WHEREAS, Certifying an election as soon as possible after the canvass board has completed its work allows City business to proceed with as little disruption as possible ; and

WHEREAS, Holding a special meeting to certify election results and swear in newly elected members on the same day of the regular meeting is a convenient and efficient use of meeting time; and

WHEREAS, This ordinance also clarifies that special elections will be certified by special meeting.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code ~~2.08.040~~ Bylaws for Council Procedure **2.08.030**
Composition of governing body - Terms of office is hereby amended to read as follows:

~~2.08.040~~ Bylaws for Council procedure.

The following bylaws shall govern the procedures of the City Council of the City:

a. To abide by existing Alaska State laws pertaining to cities of the first class.

b. To abide by the current edition of Robert's Rules of Order insofar as this treatise is consistent with these bylaws, other provisions of the Homer City Code, or unwritten

43 ~~standing rules adopted by the City Council. In all other cases, bylaws, the code or the~~
44 ~~standing rule shall prevail.~~

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46 e. ~~The Council's agenda format specified in the City of Homer City Council Operating~~
47 ~~Manual, as the same may be amended from time to time, is incorporated herein by~~
48 ~~reference.~~

- 49 ~~1. The manual may be revised with Council approval;~~
50 ~~2. A copy of the manual shall be available to the public during regular business~~
51 ~~hours at the Homer City Hall and be available during City Council meetings.~~

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53 d. ~~Regular Meetings.~~

- 54 ~~1. Second and fourth Mondays of each month at 6:00 p.m., unless otherwise~~
55 ~~provided by two thirds vote of the City Council;~~
56 ~~2. The agenda shall be provided to each Council member 36 hours prior to~~
57 ~~meeting, by City Clerk;~~
58 ~~3. Adding items to or removing items from the agenda will be by unanimous~~
59 ~~consent of the Council;~~
60 ~~4. Public notice of a regular meeting shall be made as provided in Chapter 1.14~~
61 ~~HCC.~~

62
63 e. ~~Special Meetings.~~

- 64 ~~1. Called by Mayor or majority of the Council;~~
65 ~~**2. Held for certification of regular election results and swearing in newly**~~
66 ~~**elected members following the completion of the canvass by the Election**~~
67 ~~**Board, prior to convening Committee of the Whole.**~~
68 ~~**3. Held for certification of a special election, when necessary, following the**~~
69 ~~**completion of the canvass by the Election Board.**~~
70 ~~2-3. If a majority of members are given at least 36 hours' oral or written notice~~
71 ~~and reasonable efforts are made to notify all members, a special meeting may~~
72 ~~be held at the call of the presiding officer or at least one third of the members;~~
73 ~~3-4. Agenda shall be as per subsection (c) of this section;~~
74 ~~4-5. Public notice of a special meeting shall be made as provided in Chapter 1.14~~
75 ~~HCC.~~

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77 f. ~~Emergency Meetings.~~

- 78 ~~1. By unanimous consent of quorum;~~
79 ~~2. Required justifiable reason;~~
80 ~~3. Informal agenda—limited to emergency;~~
81 ~~4. Public notice shall be made as provided in Chapter 1.14 HCC.~~

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83 ~~g. Teleconference participation in meetings may be authorized pursuant to HCC~~
84 ~~2.08.100 through 2.08.120.~~

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~~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 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)).~~

~~i. Motions to Reconsider. A member of the Council who voted with the prevailing side on any issue may move to reconsider the Council’s action at the same meeting or at the next regular meeting of the body. Notice of reconsideration shall be given to the Mayor or City Clerk within 48 hours from the time the original action was taken.~~

~~j. Abstentions. All Council members present shall vote unless abstention is required by law (AS 29.20.160(d)).~~

~~k. Consensus. The Council may, from time to time, express its opinion or preference concerning a subject brought before it to consideration. The statement, representing the will of the body and a meeting of the minds of the members, may be given by the presiding officer as the consensus of the body as to that subject without taking a motion and roll call vote.~~

~~l. Vacancies. An elected municipal office is vacated under the following conditions and upon the declaration of vacancy by the Council. The Council shall declare an elective office vacant when the person elected:~~

- ~~1. Fails to qualify or take office within 30 days after his election or appointment;~~
- ~~2. Resigns and his resignation is accepted;~~
- ~~3. Is physically or mentally unable to perform the duties of the office as determined by two-thirds vote of the Council;~~
- ~~4. Is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the Council concur in expelling the person elected;~~
- ~~5. Misses three consecutive regular meetings unless excused;~~
- ~~6. Is convicted of a felony or of an offense involving a violation of the oath of office;~~
- ~~7. Is convicted of a violation of AS 15.13 concerning Alaska Public Offices Commission reporting requirements;~~
- ~~8. No longer physically resides in the municipality and the City Council by two-thirds vote declares the seat vacant; and~~
- ~~9. Is physically absent from the municipality for 90 consecutive days unless excused by the City Council.~~

127 ~~m. Salaries of Elected Officials.~~

128 ~~1. The Mayor and each Council member shall be paid a stipend of \$75.00 for each~~
129 ~~council meeting day in which the person participates in person, or \$50.00 per~~
130 ~~council meeting day in which a majority of the person's participation time is~~
131 ~~telephonic. A council meeting day is any calendar day in which the person~~
132 ~~participates in any one or more of the following:~~

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- 134 ~~a. A scheduled and publicly noticed meeting of the City Council,~~
135 ~~including without limitation a regular meeting, special meeting,~~
136 ~~committee of the whole meeting and meeting in executive session.~~
 - 137 ~~b. A scheduled and publicly noticed meeting of the Board of Adjustment,~~
138 ~~Board of Ethics, or other board or commission that is composed of the~~
139 ~~Mayor and Council members.~~
 - 140 ~~c. Training or continuing education programs, and work sessions, that~~
141 ~~are required by law or commonly recognized best practice to perform the~~
142 ~~duties of Mayor or Council member.~~

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144 ~~The City shall not spend any funds for elected officials' membership in~~
145 ~~the Public Employees Retirement System. An elected official may not~~
146 ~~receive any other compensation for service to the City unless specifically~~
147 ~~authorized to do so by ordinance. Per diem payments or~~
148 ~~reimbursements for expenses are not compensation under this section.~~

- 149
- 150 a. The governing body of the City of Homer shall consist of six Council members, two
151 of whom are elected at large each year for three-year terms and until a successor
152 qualifies.
 - 153 b. The Mayor shall be elected for a two-year term and until a successor qualifies.
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 - 155 c. A person so elected to office under this chapter shall take office at the first regular
156 Council meeting following the election, immediately after the final certification of that
157 election, except that when HCC 4.40.010(c)(3) applies, the person shall take office at the
158 first regular Council meeting following the runoff election, **Election certification will**
159 **take place** immediately after the certification of that election **agenda approval**.

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161 ~~Section 2. Homer City Code 4.35.040 Certification of election is hereby amended to read~~
162 ~~as follows:~~

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164 ~~4.35.040 Certification of election.~~

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166 The Council shall certify the results of the election at the next regular Council meeting
167 following completion of the canvass by the Canvass Board

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- 169 ~~**a. The Council shall certify the results of a regular election at a special**~~
170 ~~**meeting scheduled prior to Committee of the Whole following completion**~~
171 ~~**of the canvass by the Canvass Board.**~~
172 ~~**b. The Council shall certify a special election at the next regular Council**~~
173 ~~**meeting or a special Council meeting following completion of the canvass**~~
174 ~~**by the Canvass Board.**~~

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

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179 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS __ DAY OF _____,
180 2019.

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182 CITY OF HOMER

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185 _____

186 KEN CASTNER, MAYOR

187

188 ATTEST:

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190 _____

191 MELISSA JACOBSEN, MMC, CITY CLERK

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193 YES:

194 NO:

195 ABSTAIN:

196 ABSENT:

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199 First Reading:

200 Public Hearing:

201 Second Reading:

202 Effective Date:

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204 Reviewed and approved as to form:

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208 Katie Koester, City Manager

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210 Date: _____

Michael Gatti, City Attorney

Date: _____