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3/9/2020

CITY OF HOMER  
HOMER, ALASKA

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ORDINANCE 20-13(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE 2.72.010 HOMER PLANNING COMMISSION ESTABLISHED; CHAPTER 2.64 PORT AND HARBOR ADVISORY COMMISSION SECTION 2.64.010 COMMISSION - CREATION AND MEMBERSHIP; AND CHAPTER 2.76 ECONOMIC DEVELOPMENT ADVISORY COMMISSION SECTION 2.76.010 COMMISSION - CREATION AND MEMBERSHIP TO REMOVE THE MAYOR, CITY MANAGER OR DESIGNEE AS CONSULTING MEMBERS OF THE COMMISSION AND AMENDING HOMER CITY CODE 2.58 BOARDS AND COMMISSIONS TO ADD THE MAYOR, CITY MANAGER OR DESIGNEE AS A CONSULTING MEMBER TO ALL BOARDS AND COMMISSIONS AND DEFINE THE ROLE OF A CONSULTING MEMBER.

WHEREAS, ~~The Homer Planning Commission, Port and Harbor Advisory Commission, Parks, Art, Recreation and Culture Advisory Commission, Economic Development Advisory Commission, and Library Advisory Board~~ The City of Homers Commissions and Boards often receive guidance or requests for recommendations from the Homer City Council on topics within each Commission's and Board's purview; and

WHEREAS, ~~Direction to the Homer Planning Commission, Port and Harbor Advisory Commission, Parks, Art Recreation and Culture Advisory Commission, Economic Development Advisory Commission, and the Library Advisory Board~~ Commissions and Boards needs to come from the body rather than individual council members or the mayor; and

WHEREAS, The Commissions and Board may at any time seek guidance or clarification from a member of the Homer City Council or the Mayor on direction requested from the elected body; and

WHEREAS, Reference to the Mayor and City Manager or their designee as a consulting member is inconsistently used in Homer City Code in relation to the Commissions and Board; and

WHEREAS, The term "consulting member" currently used in city code is undefined, ambiguous, and confusing and is ~~best removed from code to reflect actual practice of the commission and the elected body.~~ inconsistently included related to individual Commissions and Boards; and

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**WHEREAS, Defining the term “consulting member” and applying it across all Commissions and Boards is in the best interest of the City.**

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 2.72.010 Homer Planning Commission Established is amended as follows:

- a. In order to maximize local involvement in planning, and in the implementation and modification of the Homer zoning ordinance, the Homer Planning Commission is established. Planning Commission jurisdiction is limited to the area within the City boundaries.
- b. The Homer Planning Commission shall have seven members. No more than one of its members may be from outside the City limits. Members shall be appointed by the Mayor subject to confirmation by the City Council.
- c. A Chairman and Vice-Chairman of the Commission shall be selected annually and shall be appointed from and by the appointive members.
- ~~d. In addition to the seven Commission members appointed by the Mayor, the Mayor, City Manager or the City Manager’s designee shall serve as consulting members of the Commission when the Commission is sitting in its advisory only capacity. Consulting members of the Commission shall have no vote.~~

Section 2. Homer City Code Chapter 2.64 Port and Harbor Advisory Commission Section 2.64.010 Commission-Creation and membership is amended as follows:

- a. There is created the City of Homer Port and Harbor Advisory Commission, referred to in this chapter as the Commission. Such Commission will be made up of seven members, who shall be nominated by the Mayor and confirmed by the City Council. Not more than two member(s) may be from outside the City limits,
- b. A Chairman and Vice-Chairman of the Commission shall be selected annually and shall be appointed from and by the appointive members.
- ~~c. The Mayor, the City Manager, the Port Manager and the Harbormaster shall serve as consulting members of the Commission in addition to the seven appointive members; and may attend all meetings as consultants, but shall have no vote.~~

84            Section 3. Homer City Code Chapter 2.76 Economic Development Advisory Commission  
85            Section 2.76.010 Commission-Creation and membership is amended as follows:

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87            a. There is created the City of Homer Economic Development Advisory Commission,  
88            referred to in this chapter as the Commission. Such Commission will be made up of  
89            seven members, who shall be nominated by the Mayor and confirmed by the City  
90            Council. A minimum of five Commissioners shall reside within the corporate limits of  
91            the City of Homer and shall be registered voters in the Kenai Peninsula Borough or the  
92            City of Homer.

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94            b. A Chairman and Vice-Chairman of the Commission shall be selected annually and  
95            shall be appointed from and by the appointive members.

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97            c. ~~The Mayor, the City Manager, one Council member, a~~ A representative of the Homer  
98            Marine Trades Association, and the Director of the Homer Chamber of Commerce shall  
99            serve as ~~consulting~~ ex-officio members of the Commission in addition to the seven  
100            appointive members, and may attend and participate in all meetings ~~as consultants,~~  
101            but shall have no vote.

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103            Section 4. Homer City Code Chapter 2.58 Boards and Commissions Section  
104            2.58.050 Required Procedures is amended as follows:

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106            Except as otherwise provided in this title, bylaws for Boards and Commissions shall  
107            contain:

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

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115            b. Staff Liaison. The City Manager shall designate an employee to serve as a staff liaison  
116            to each board or commission. The staff liaison shall assist the chairperson in setting  
117            meetings, preparing agendas, and other documentary material, and coordinating the  
118            acquisition of needed materials and training.

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120            c. Recording Clerk. The City Clerk shall designate a recording clerk to take minutes for  
121            each board and commission and that designee shall serve as the board's or  
122            commission's parliamentary advisory pursuant to AS 29.20.380(10) and assist the  
123            chairperson with compliance with the commission's or board's bylaws.

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125 **d. Consulting Member. The Mayor, City Manager or the City Manager's designee**  
126 **may serve as a consulting member of the Board or Commission when the**  
127 **Commission is sitting in its advisory only capacity. A consulting member serves as**  
128 **a representative of the full Council (in the case of the Mayor) or the Administration**  
129 **(in the case of the City Manager) and can be called on by a majority of the body or**  
130 **the presiding officer to give input on a specific topic on the properly noticed**  
131 **agenda of the Board or Commission. Consulting members of the Board or**  
132 **Commission shall have no vote.**  
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134 **de. Quorum.** Four commission or board members shall constitute a quorum of seven  
135 members; and five commission or board members shall constitute a quorum of eight  
136 members.  
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138 **ef. Voting.** Each member, including the chairperson, shall vote, and shall not abstain  
139 from voting, unless such member claims a conflict of interest, in which event the  
140 member shall be excused from voting. The member shall then state for the record the  
141 basis for the abstention.

- 142 1. Four affirmative votes of seven members and five affirmative votes of eight
- 143 members are required to pass a motion.
- 144 2. Voting will be by a roll call vote, the order to be rotated; or by unanimous
- 145 consent if no objection is expressed.
- 146 3. Voting by proxy or absentee is prohibited.
- 147

148 **fg. Staff Reports and Recommendations.** The staff liaison shall submit reports and  
149 recommendations for those agenda items requiring decisions or recommendations by  
150 any board or commission. Other staff having experience, education, and professional  
151 training in the subject matter may provide input into the reports and  
152 recommendations, or may provide supplemental ones. The material submitted may be  
153 oral, written or graphic, or some combination of all. Except as otherwise provided in  
154 this code, the reports and recommendations shall be accepted as evidence of record to  
155 the same extent as oral testimony and exhibits accepted from applicants, opponents,  
156 persons who are subjects of an inquiry, expert and lay witnesses, and members of the  
157 public who provide information for the record of the proceedings.  
158

159 **gh. Attendance.** Any commission or board member who misses three consecutive  
160 regular meetings without being excused, or 30 percent of all meetings within a calendar  
161 year, shall be removed from the board or commission. Any member who is unable to  
162 attend a meeting, whether regular or special, shall contact the City Clerk, staff liaison,  
163 or chairperson as soon as possible for excusal.  
164

165 **hi. Vacancies.** A commission or board member's appointment is vacated under the  
166 following conditions:

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

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175 **ij.** Rules of Order. Boards and commissions shall abide by the current edition of Robert's  
176 Rules of Order. If Robert's Rules of Order conflict with the board or commission bylaws  
177 or other provisions of this code, the bylaws and/or code provisions shall apply.

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179 **jk.** Training and Model Procedures.

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

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187 **Section 5.** This ordinance is of a permanent and general character and shall be  
188 included in the Homer City Code.

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190 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of \_\_\_\_\_,  
191 2020.

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193 CITY OF HOMER

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197 KEN CASTNER, MAYOR

198 ATTEST:

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

202  
203 YES:

204 NO:

205 ABSTAIN:

206 ABSENT:

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208 First Reading:  
209 Public Hearing:  
210 Second Reading:  
211 Effective Date:  
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213 Reviewed and approved as to form.  
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215 \_\_\_\_\_  
216 Katie Koester, City Manager  
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218 Date: \_\_\_\_\_

\_\_\_\_\_  
Michael Gatti, City Attorney  
  
Date: \_\_\_\_\_