

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

City Clerk

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4                                   **ORDINANCE 21-50(S)(A)**

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6                                   AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7                                   AMENDING HOMER CITY CODE 2.58 BOARDS AND COMMISSIONS  
8                                   REGARDING TELECONFERENCING, ATTENDANCE, VACANCIES,  
9                                   RECORDING CLERK, STAFF REPORTS AND RECOMMENDATIONS,  
10                                  AND RULES OF ORDER, **AND 2.72.040 PLANNING COMMISSION**  
11                                  **TERMS OF COMMISSION MEMBERS.**

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13                               WHEREAS, The State of Alaska Open Meetings Act allows elected officials to attend  
14 meetings by teleconference; and

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16                               WHEREAS, Attendance at regular meetings, special meetings, and worksessions by  
17 teleconference has been effective and efficiently employed by the board and commissions  
18 since April 2020; and

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20                               WHEREAS, Allowances for the continued ability to attend meetings by teleconference  
21 outside of emergency situations is beneficial to conducting the business of the City of Homer;  
22 and

23                               WHEREAS, Current code reference to a seat being vacated by a member missing 30% of  
24 the meetings isn't equitable based on the varying schedules of the Boards and Commissions  
25 and 50% requires that a member must attend at least half of their regularly scheduled  
26 meetings each year; and

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28                               WHEREAS, In reviewing Homer City Code 2.58 other clarifications were made regarding  
29 Recording Clerk, Staff Reports, and Rules of Order.

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31                               NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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33                               Section 1. Homer City Code Chapter 2.58.050, entitled "Required procedures" is hereby  
34 amended as follows:

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36                               2.58.050 Required procedures.

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38                               Except as otherwise provided in this title, bylaws for boards and commissions shall contain:

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40                               a. Presiding Officer. The presiding officer of the board or commission shall be the chairperson.  
41 In the chairperson's absence, the vice-chairperson shall be the presiding officer. In all other  
42 circumstances, the most senior member shall preside. The presiding officer shall preserve



order and decorum at all meetings of the board or commission, while promoting discussion by all members in deliberations unless otherwise prohibited by law.

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

c. Recording Clerk. The City Clerk shall designate a recording clerk to take minutes for each board and commission and that designee shall serve as the board's or commission's parliamentary advisory pursuant to AS 29.20.380(10) **and HCC 2.12.010** and assist the chairperson with ~~compliance with the commission's or board's bylaws~~ **the conduct of the meeting.**

d. Quorum. Four commission or board members shall constitute a quorum of seven members; and five commission or board members shall constitute a quorum of eight members.

e. Voting. Each member, including the chairperson, shall vote, and shall not abstain from voting, unless such member claims a conflict of interest, **or has an excused absence,** in which event the member shall be excused from voting. The member shall then state for the record the basis for the abstention.

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

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



g. Attendance. Any ~~commission or board member who misses three consecutive regular meetings without being excused, or 30 percent of all meetings within a calendar year, shall be removed from the board or commission. **A member shall be removed from the board or commission who has three consecutive unexcused absences, or misses half of all meetings within an appointment year, whether excused or unexcused.**~~ Any member who is unable to attend a meeting, whether regular or special, shall contact the City ~~Clerk~~, staff liaison, or chairperson as soon as possible **in advance no later than two hours prior to the scheduled meeting time** for excusal.

h. Vacancies. **With exception of the Planning Commission, a** commission or board member's appointment is vacated under the following conditions:

1. A member fails to qualify to take office within 30 days after their appointment;
2. A member resigns;
3. A member is physically or mentally unable to perform the duties of the office;
4. A member is convicted of a felony or of an offense involving a violation of their oath of office; **or**
5. A member misses **has** three consecutive regular meetings without being excused, or 30 percent of all meetings within a calendar year **unexcused absences, or misses half of all meetings within an appointment year, whether excused or unexcused.**

**Planning Commission vacancy terms are addressed in HCC 2.72.040(c).**

i. Rules of Order. Boards and commissions shall abide by the current edition of Robert's Rules of Order. ~~If Robert's Rules of Order conflict with the board or commission bylaws or other provisions of this code, the bylaws and/or code provisions shall apply.~~ **insofar as it is consistent with the board's or commission's bylaws, other provisions of the Homer City Code, or standing rules. In all other cases, bylaws, the code, or the standing rule shall prevail.**

j. Training and Model Procedures.

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



**k. Teleconferencing. Teleconference participation is allowed with notice to the clerk no later than two hours prior to the scheduled meeting time.**

Section 2. Homer City Code Chapter 2.58.060, entitled "Teleconferencing" is hereby enacted to read as follows:

**2.58.060 Teleconferencing.**

**a. This section governs the teleconference participation of board and commission members at all regular meetings, special meetings, and worksessions.**

**b. "Teleconference" means remote participation by telephone or web-based format by a member for a meeting of the board or commission which must enable the remote member, for the duration of the meeting, to clearly hear and to be heard by the chairperson, all other members, the staff liaison, the Clerk, and any public in attendance.**

**c. "Appointment year" means the 12 month period commencing the first day of the first month after expiration of terms.**

**d. The preferred procedure for all meetings is that all members should make all reasonable effort to be physically present at the designated time, date, and location within the City for the meeting. Teleconference participation is intended for good cause which may include, but is not limited to, absences required for work-related events, family emergencies, medical-related issues, or other good cause. Teleconferencing is not to be used as a regular means of attendance at meetings except during events described in section (g). A board or commission member allowed by this section to participate by teleconference shall, while actually on the teleconference, be deemed present at the meeting for all purposes.**

**e. Members who cannot be physically present for a meeting shall notify the clerk in advance no later than two hours prior to the scheduled meeting time of their intent to appear by teleconference.**

**f. All members teleconferencing will establish a connection by telephone or web-based format and shall make every effort to participate in the entire meeting. If teleconference participation is interrupted due to poor connectivity and hinders the active participation of a member in the meeting, the chairperson will request a brief recess to allow the member to attempt to reestablish a connection. If the member cannot reestablish a connection after a recess and a quorum remains, the chairperson shall proceed with the meeting and the clerk shall note in the minutes of the meeting the member's inability to participate in the meeting due to technical difficulties. If quorum is lost, the chairperson**



**shall adjourn the meeting and any remaining agenda items will carry over to the next regular or special meeting.**

**g. Section (d) does not apply to meetings held while an emergency disaster declaration is in effect and the nature of the disaster significantly impacts a member's ability to attend a meeting other than by teleconference or other technological means.**

**Section 3. Homer City Code Chapter 2.72 Planning Commission Section 2.72.040 Terms of Commission members is hereby amended as follows:**

2.72.040 Terms of Commission members.

a. Members of the first Commission shall be appointed for the following terms:

1. Three members shall be appointed for three-year terms;
2. Two members shall be appointed for two-year terms;
3. Two members shall be appointed for one-year terms.

b. At the end of the respective terms set forth in subsection (a) of this section, members shall be appointed for full three-year terms.

c. Any Commissioner who shall have two successive unexcused absences shall be subject to removal by the Commission by a majority vote of the members present. **A commission member's appointment is vacated under the following conditions:**


- 1. A member fails to qualify to take office within 30 days after their appointment;**
- 2. A member resigns;**
- 3. A member is physically or mentally unable to perform the duties of the office;**
- 4. A member is convicted of a felony or of an offense involving a violation of their oath of office; or**
- 5. A member has three consecutive unexcused absences, or misses six meetings in an appointment year.**

Section 4. 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 13th day of September, 2021.



CITY OF HOMER



KEN CASTNER, MAYOR

ATTEST:



RENEE KRAUSE, MMC, ACTING CITY CLERK

YES: 5

NO: 0

ABSTAIN: 0

ABSENT: 1

First Reading: 8/23/21

Public Hearing: 9/13/21

Second Reading: 9/13/21

Effective Date: 9/14/21

