

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

3 City Manager/City Clerk

4 **ORDINANCE 26-31**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7 AMENDING HOMER CITY CODE SECTIONS 2.08.040 BYLAWS FOR  
8 COUNCIL PROCEDURE, 2.08.110 TELECONFERENCE  
9 PROCEDURES AND 2.08.120 TELECONFERENCE – LIMITATIONS.

10  
11 WHEREAS, During the annual review of the City Council Operating Manual it was  
12 proposed to remove strict limits on teleconference participation by Councilmembers in favor  
13 of an approach that emphasizes the value of in-person attendance while recognizing that  
14 travel for family, health needs, and work may result in the need to participate in meetings  
15 remotely; and

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17 WHEREAS, Staff recommends allowing for teleconference participation in executive  
18 session when council members can ensure they have adequate privacy to prevent disclosure  
19 of confidential information; and

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21 WHEREAS, Given the technological improvements in recent years, the stipend for  
22 teleconference participation need not be differentiated from the stipend for in-person meeting  
23 attendance as previously established for telephonic attendance; and

24  
25 WHEREAS, The City Council Operating Manual’s limit of three teleconference meetings  
26 per year and prohibition on teleconference participation in executive session are derived from  
27 City Code which requires an amendment by ordinance.

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29 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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31 Section 1. Homer City Code Section 2.08.040 Bylaws for Council procedure is hereby  
32 amended to read as follows:

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

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

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37 b. To abide by the current edition of Robert’s Rules of Order insofar as this treatise is  
38 consistent with these bylaws, other provisions of the Homer City Code, or unwritten standing  
39 rules adopted by the City Council. In all other cases, bylaws, the code or the standing rule  
40 shall prevail.

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42 c. The Council’s agenda format specified in the City of Homer City Council Operating  
43 Manual, as the same may be amended from time to time, is incorporated herein by reference.

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1. The manual may be revised with Council approval;

2. A copy of the manual shall be available to the public during regular business hours at the Homer City Hall and be available during City Council meetings.

d. Regular Meetings.

1. Second and fourth Mondays of each month at 6:00 p.m., unless otherwise provided by two-thirds vote of the City Council;

2. The agenda shall be provided to each Council member 36 hours prior to meeting, by City Clerk;

3. Adding items to or removing items from the agenda will be by unanimous consent of the Council;

4. Public notice of a regular meeting shall be made as provided in Chapter 1.14 HCC.

e. Special Meetings.

1. Called by Mayor or majority of the Council;

2. If a majority of members are given at least 36 hours' oral or written notice and reasonable efforts are made to notify all members, a special meeting may be held at the call of the presiding officer or at least one-third of the members;

3. Agenda shall be as per subsection (c) of this section;

4. Public notice of a special meeting shall be made as provided in Chapter 1.14 HCC.

f. Emergency Meetings.

1. By unanimous consent of quorum;

2. Required justifiable reason;

3. Informal agenda – limited to emergency;

4. Public notice shall be made as provided in Chapter 1.14 HCC.

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

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.

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

89  
90 k. Consensus. The Council may, from time to time, express its opinion or preference  
91 concerning a subject brought before it to consideration. The statement, representing the will  
92 of the body and a meeting of the minds of the members, may be given by the presiding officer  
93 as the consensus of the body as to that subject without taking a motion and roll call vote.

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

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

112 m. Salaries of Elected Officials.

113 1. The Mayor and each Council member shall be paid a stipend of \$75.00 for each  
114 council-meeting-day in which the person participates in person, or \$50.00 per council-  
115 meeting-day in which a majority of the person's participation time is telephonic. A council-  
116 meeting-day is any calendar day in which the person participates in any one or more of the  
117 following:

118 a. A scheduled and publicly noticed meeting of the City Council, including without  
119 limitation a regular meeting, special meeting, committee of the whole meeting and meeting  
120 in executive session.

121 b. A scheduled and publicly noticed meeting of the Board of Adjustment, Board of  
122 Ethics, or other board or commission that is composed of the Mayor and Council members.

123 c. Training or continuing education programs, and work sessions, that are required by  
124 law or commonly recognized best practice to perform the duties of Mayor or Council  
125 member.

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

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Section 2. Homer City Code Section 2.08.100, Teleconference Procedures, is hereby amended to read as follows:

a. A Mayor or Council member who cannot be physically present for a regularly scheduled Council meeting shall notify the City Clerk ~~at least five days~~ prior to the scheduled time for the meeting of his or her request to participate in the meeting by teleconference ~~means of communication.~~

~~b. Three days prior to the scheduled time for the Council meeting, the City Clerk shall notify the Mayor and Council of the person's request to participate by teleconference.~~

c. At the commencement of the Council meeting a teleconference connection will be established with the person or persons intending to participate by teleconference. ~~If the Council member or Mayor has requested a special exception as outlined in HCC 2.08.120(c) or (d) after a teleconference connection is established the Mayor shall call for a vote of the Council on whether the person(s) may or may not participate by teleconference. Prior to the vote, the Mayor or Council members may make such inquiries as necessary to make a decision. Only the Council members physically present may vote on the question. If a person participates in the meeting by teleconference without a ruling from the Council, it shall be deemed to be with the approval of such participation by the Council, and all actions taken by the Council with the participation of all such persons are valid.~~

~~d. Subsections (a) and (b) of this section do not apply to special meetings or emergency meetings of the City Council called under HCC 1.14.030 and 1.14.050. A Council member or Mayor who requests to participate in a special or emergency meeting of the City Council must notify the City Clerk before the time scheduled for the start of the meeting. The Clerk will notify the Mayor and Council no later than the commencement of the meeting. After a teleconference connection is established with the person or persons requesting to participate by teleconference, a ruling shall be made on the person's participation in the meeting as provided in subsection (c) of this section.~~

~~e. Subsections (a), (b), and (c) of this section do not apply to meetings held while an emergency disaster declaration is in effect and the nature of the disaster significantly impacts a Council member's ability to attend a Council meeting other than by teleconference or other technological means.~~

f. The means used for a teleconference meeting of the City Council must enable each member appearing by teleconference to clearly hear the Mayor, all other Council members, and public testimony at the meeting as well as be clearly heard by all other Council members and members of the public in attendance.

If teleconference participation is interrupted due to poor connectivity that hinders the active participation of a member in the meeting the Mayor will request a brief recess to allow the

173 person an attempt to reestablish a connection. If the person cannot reestablish a clear  
174 connection after a recess, the Mayor shall call for a vote of the Council on whether to  
175 terminate teleconference participation. Prior to the vote, the Mayor or Council members may  
176 make such inquiries as necessary to make a decision. If a majority of the Council votes to  
177 terminate teleconference participation, the record will indicate such and the member  
178 participating by teleconference shall not be called upon to comment or vote. The Council's  
179 determination is final and not subject to veto or appeal.

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181 g. The City Clerk shall note in the minutes of the council meeting all members appearing by  
182 teleconference.

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184 h. To the extent practicable, materials to be considered by the Council shall be made  
185 available to those attending by teleconference.

186  
187 Section 3. Homer City Code Section 2.0.120, Teleconference – Limitations, is hereby  
188 amended to read as follows:

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190 a. All Council members and the Mayor should make all reasonable effort to be physically  
191 present for every meeting. Teleconference procedures may not be used as a regular means of  
192 attendance at meetings except temporarily during events described in subsection ~~(f)~~**(c)** of  
193 this section.

194  
195 ~~b. Each Council member and the Mayor may attend a maximum of three City Council~~  
196 ~~meetings by teleconference during the 12-month period commencing November 1st each~~  
197 ~~year. If a member participates in any part of a regularly-scheduled meeting by teleconference,~~  
198 ~~it will count towards their maximum allowable teleconference participations.~~

199  
200 ~~c. Each Council member and the Mayor may attend additional teleconferences as a special~~  
201 ~~exception if expressly approved for good cause in each instance by a vote of the Council.~~  
202 ~~Good cause may include, but is not limited to, absence required for work-related travel or~~  
203 ~~medical care needed for the individual or the individual's immediate family.~~

204 ~~d. A Council member or the Mayor may request to participate in a meeting by teleconference~~  
205 ~~upon notification to the City Clerk before the time scheduled for the start of the meeting as a~~  
206 ~~special exception if expressly approved for good cause in each instance by a vote of the~~  
207 ~~Council. Good cause may include, but is not limited to, absence required for work-related~~  
208 ~~travel or medical care needed for the individual or the individual's immediate family.~~

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210 e. No Council member or the Mayor shall attend by teleconference means:

- 211 ~~1. An executive session of the City Council.~~  
212 2. A hearing on an ethics charge under Chapter 1.18 HCC.

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214 ~~f. c.~~ Subsections (b) through (e) of this section ~~do~~ **does** not apply to meetings held while an  
215 emergency disaster declaration is in effect and the nature of the disaster significantly impacts

216 a Council member’s ability to attend a Council meeting other than by teleconference or other  
217 technological means, or when circumstances arise that temporarily prohibit meetings from  
218 being held in the City Council Chambers.

219  
220 Section 4. This ordinance is of a permanent and general character and shall be included  
221 in the City Code.

222  
223 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this \_\_\_\_ day of \_\_\_\_\_, 2026.

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226 CITY OF HOMER

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228 \_\_\_\_\_  
229 RACHEL LORD, MAYOR

230  
231 ATTEST:  
232  
233 \_\_\_\_\_  
234 AMY WOODRUFF, CITY CLERK

235  
236 YES:  
237 NO:  
238 ABSTAIN:  
239 ABSENT:  
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241 First Reading:  
242 Public Hearing:  
243 Second Reading:  
244 Effective Date: