

**CITY OF HOMER
HOMER, ALASKA**

City Manager/City Clerk

ORDINANCE 26-31(A)

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

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

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

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

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

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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

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

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

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

50 d. Regular Meetings.

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

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

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

57 4. Public notice of a regular meeting shall be made as provided in Chapter 1.14 HCC.
58

59 e. Special Meetings.

60 1. Called by Mayor or majority of the Council;

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

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

65 4. Public notice of a special meeting shall be made as provided in Chapter 1.14 HCC.
66

67 f. Emergency Meetings.

68 1. By unanimous consent of quorum;

69 2. Required justifiable reason;

70 3. Informal agenda – limited to emergency;

71 4. Public notice shall be made as provided in Chapter 1.14 HCC.
72

73 g. Teleconference participation in meetings may be authorized pursuant to HCC
74 2.08.100 through 2.08.120.
75

76 h. Quorum – Voting. Four Council members shall constitute a quorum. Four
77 affirmative votes are required for the passage of an ordinance, resolution, or motion. A
78 member of the Council acting as Mayor Pro Tem shall not lose his vote as the result of serving
79 in such office. The Mayor is not a Council member and may vote only in the case of a tie. The
80 final vote on each ordinance, resolution, or substantive motion may be a roll call vote or may
81 be done in accordance with subsection (k) of this section (see AS 29.20.160(c)(d)).
82

83 i. Motions to Reconsider. A member of the Council who voted with the prevailing side
84 on any issue may move to reconsider the Council's action at the same meeting or at the next
85 regular meeting of the body. Notice of reconsideration shall be given to the Mayor or City
86 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.

m. Salaries of Elected Officials.

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

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

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

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

The City shall not spend any funds for elected officials' membership in the Public Employees Retirement System. An elected official may not receive any other compensation

for service to the City unless specifically authorized to do so by ordinance. Per diem payments or reimbursements for expenses are not compensation under this section.

Section 2. Homer City Code Section 2.08.110, 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. **Council members participating in executive session via teleconference must ensure that they have adequate privacy to prevent disclosure of confidential information.** ~~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 person an attempt to reestablish a connection. If the person cannot reestablish a clear connection after a recess, the Mayor shall call for a vote of the Council on whether to terminate teleconference participation. Prior to the vote, the Mayor or Council members may make such inquiries as necessary to make a decision. If a majority of the Council votes to terminate teleconference participation, the record will indicate such and the member participating by teleconference shall not be called upon to comment or vote. The Council's determination is final and not subject to veto or appeal.~~

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

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

Section 3. Homer City Code Section 2.08.070, Mayor's Veto, is hereby amended to read as follows:

a. Except as provided in this section, the Mayor may veto an ordinance, resolution, motion, or other action of the City Council and may strike or reduce appropriation items.

b. A veto must be exercised before the next regular meeting of the City Council. A veto must be signed by the Mayor and be accompanied by a written explanation of the reasons for the veto. A veto that is not signed or that fails to include a written explanation of the reasons for the veto is ineffective. A veto may be overridden by vote of two-thirds of the authorized membership of the City Council within 21 days following exercise of the veto, or at the next regular meeting, whichever is later. The City Council shall first consider a veto override at the first regular or special Council meeting, not including worksessions, that occurs following the veto, but the City Council may postpone taking action from time to time until the expiration of the time for override specified in the preceding sentence.

c. The veto does not extend to:

~~1. Actions of the City Council sitting as the Board of Adjustment;~~

~~2. 1.~~ Adoption or repeal of a Manager plan of government;

~~3. 2.~~ The veto does not extend to an ordinance adopted under AS 04.11.501.

Section 4. Homer City Code Section 2.08.100, Teleconference Participation in Meetings, is hereby amended to read as follows:

a. This section through HCC 2.08.120 govern the teleconference participation of the Mayor and members of the Council at all meetings of the City Council, including all other bodies that are comprised of the Mayor and members of the Council, such as, but not limited to, ~~the Board of Adjustment and an~~ Ethics Board.

b. The preferred procedure for City Council meetings is that the Mayor and all Council members should be physically present at the designated time and location within the City for the meeting. However, physical presence may be waived and the Mayor and any member(s) may participate in a

Council meeting by teleconference, subject to the procedures and limitations provided in this section through HCC 2.08.120.

c. A person participating by teleconference shall, while actually on the teleconference, be deemed to be present at the meeting for all purposes. The person shall make every effort to participate in the entire meeting.

d. "Teleconferencing" means remote participation by telephone or web-based format by an official for a meeting of the City Council which must enable the remote official, for the duration of the meeting, to clearly hear the Mayor, all Council members, the City Clerk and public testimony and to be clearly heard by the Mayor, all Council members, the City Clerk and the public in attendance.

Section 5. Homer City Code Section 2.08.120, Teleconference – Limitations, is hereby amended to read as follows:

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

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

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

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

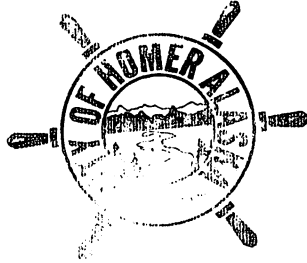
e. No Council member or the Mayor shall attend by teleconference means:

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

~~f. c.~~ Subsections (b) through (e) of this section ~~do~~ **does** 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, or when circumstances arise that temporarily prohibit meetings from being held in the City Council Chambers.

Section 6. This ordinance is of a permanent and general character and shall be included in the City Code.

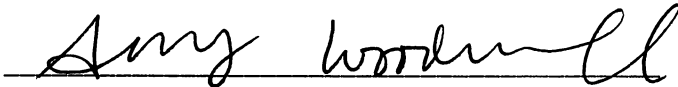
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 27th day of July, 2026.



CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:



AMY WOODRUFF, CITY CLERK

YES: 6

NO: 0

ABSTAIN: 0

ABSENT: 0

First Reading: 6/22/26

Public Hearing: 7/27/26

Second Reading: 7/27/26

Effective Date: 7/28/26