

**CANNABIS ADVISORY COMMISSION  
BYLAWS**

1 The Cannabis Advisory Commission is established with those powers and duties as set forth in  
2 Chapter 2, Section 78, of the Homer Municipal Code.

3 The Commission is established to act in an advisory capacity to the City Manager and the City Council  
4 and shall serve as the local regulatory authority for purposes of AS 17.38 within the City.

5 The Commission’s jurisdiction is limited to the area within the city boundaries except for those extra  
6 territorial interests, such as trails and city properties, subject to city jurisdiction.

7  
8 The Cannabis Advisory Commission membership will consist of nine members; five members of the  
9 public, two members may be residents from outside the city limits, and preference shall be given to  
10 city resident applicants; Two Council members, one member of the Homer Advisory Planning  
11 Commission, who shall be nominated by the Mayor and confirmed by the Council, and the Chief of  
12 Police.

13 Members will be appointed by the Mayor for three-year terms (except to complete terms) subject to  
14 confirmation by the City Council.

15 There will be regular monthly meetings of the Commission and permanent records or minutes shall be  
16 kept of the proceedings. The minutes will record the vote of each member upon every question. Every  
17 decision shall be filed in the office of the City Clerk and shall be public record open to inspection.

18

19 **HISTORY**

20 The By-laws were approved by the Cannabis Advisory Commission on July 23, 2015 and by the Homer  
21 City Council on August 10, 2015, and shall be in effect and govern the procedures of the Commission.

22 The duties and responsibilities of the Commission are:

23 A. Act in an advisory capacity to the City Manager and the City Council on regulatory issues in the  
24 city. Consideration may include existing facilities, possible future developments and  
25 recommendations on land use.

26 B. Consider any specific proposal, problem or project as directed by the City Council in regards to  
27 cannabis.

28

29 **BY-LAWS**

30 A. To abide by existing Alaska State Law, Borough Code of Ordinance, where applicable, and  
31 Homer Municipal Code.

32 B. To abide by Robert’s Rules of Order, current edition, in so far as this treatise is consistent with  
33 Homer Municipal Code.

34

35 **REGULAR MEETINGS**

36 1. The commission will meet on the fourth Thursday of the month at 5:30 p.m. with the  
37 exception of November the commission will meet on the last Monday and December the commission  
38 will meet on the third Thursday of the month due to the holidays.

39 2. Items will be added to the agenda upon request of staff, the Commission or a  
40 Commissioner. Agenda deadline is the Wednesday of the week preceding the meeting date at 12:00  
41 p.m.

42 3. Removing items from the published agenda will be by consensus of the Commission. No items  
43 may be added.

44 4. Commissioners will give the Clerk's Office or Chair a minimum of a two week notice or as soon  
45 as possible regarding their potential absence from a meeting.

46

#### 47 **COMMITTEES**

48 1. The commission shall submit a request for approval to City Council to form special  
49 committees. Committee membership shall include at least two Commissioners. The commission will  
50 submit in memorandum form to Council the reason for establishing a committee, the task(s) assigned  
51 to the committee and the expected term for the committee plus a list of persons to be appointed to  
52 the committee such as Council members, department personnel, or number of public in specific  
53 sectors or with special experience preferred.

54 2. One committee member shall be appointed as Chair and work with the City Clerk's Office to  
55 create the agenda and schedule of meetings so they may be advertised in accordance with Alaska  
56 State Law and Homer City Code.

57 3. One committee member shall be appointed and responsible for furnishing summary notes of  
58 all Committee meetings to the City Clerk.

59 4. Committees shall meet in accordance with Commission bylaws and Robert's Rules.

60 5. Committees will make a progress report at all commission meetings.

61 6. No committee shall have other than advisory powers.

62 7. Per Robert's Rules and the resolution creating the committee as established by City Council  
63 upon giving final report the committee is disbanded.

64 8. All meetings are to be conducted in City Hall where they may be recorded.

65

#### 66 **COMMISSION MEETING PUBLIC COMMENT/TESTIMONY AND AUDIENCE COMMENT TIME LIMITS**

67 1. The Chair shall note for the audience's benefit that there is a three minute time limit each time  
68 there is a place in the agenda for public comment/testimony or audience comments.

69 2. Any individual wishing to address the Commission shall adhere to a three minute time limit. It  
70 is the responsibility of the Chair to announce under Public Comments, public testimony on public  
71 hearing items and Audience Comments that there is a 3 minute time limit.

72 3. Time limits may be adjusted by the 2 minutes up or down with the concurrence of the body in  
73 special circumstances only such as agenda content and public attendance.

74

#### 75 **SPECIAL MEETINGS**

76 1. Called by Chair or majority of the Commission only when required to complete time sensitive  
77 business of the commission, at the request of City Administration or City Council.

78

79 **DUTIES AND POWERS OF THE OFFICERS**

- 80 1. A Chair and Vice-Chair shall be selected annually (May meeting) from among the appointed  
81 members.
- 82 2. The Chair shall preside at all meetings of the Commission, call special meetings in accordance  
83 with the by-laws, sign documents of the Commission, sees that all actions and notices are properly  
84 taken, and summarize the findings of the Commission for the official record.
- 85 3. The Vice-Chair shall perform all duties and be subject to all responsibilities of the Chair in  
86 his/her absence, disability or disqualification of office.
- 87 4. The Vice-Chair will succeed the Chair if he/she vacates the office before the term is completed,  
88 to complete the unexpired term. A new Vice-Chair shall be elected at the next regular meeting.

89  
90 **MOTIONS TO RECONSIDER**

- 91 1. Notice of reconsideration shall be given to the Chair, Vice-Chair, if the Chair is unavailable, or  
92 the Clerk's Office within forty-eight hours from the time the original action was taken.
- 93 2. A member of Commission who voted on the prevailing side on any issue may move to  
94 reconsider the Commission's action at the same meeting or at the next regular meeting of the body  
95 provided the above 48-hour notice has been given.
- 96 3. Consideration is only for the original motion to which it applies.

97  
98 **CONFLICT OF INTEREST**

- 99 1. A member or the Commission shall disqualify himself/herself from participating in any official  
100 action in which he/she has a substantial financial interest.
- 101 2. Should the Commission member not move to disqualify himself/herself after it has been  
102 established that he/she has a substantial financial interest, the Commission may move to disqualify  
103 that member by a majority vote of the body.

104  
105 **QUORUM; VOTING**

- 106 1. Five Commission members shall constitute a quorum.
- 107 2. Five affirmative votes are required for the passage of a resolution or motion.
- 108 3. Voting will be by verbal vote, the order to be rotated. The final vote on each resolution or  
109 motion is a recorded roll call vote.
- 110 4. The City Manager and Mayor shall serve as consulting members of the Commission but shall  
111 have no vote.

112  
113 **CONSENSUS**

- 114 1. The Commission may, from time to time, express its opinion or preference concerning a  
115 subject brought before it for consideration. Said statement, representing the will of the body and  
116 meeting of the minds of the members, may be given by the presiding officer as the consensus of the  
117 body as to that subject without taking a motion and roll call vote.

118

119 **ABSTENTIONS**

- 120 1. All Commission members present shall vote unless the Commission, for special reasons,  
121 permits a member to abstain.
- 122 2. A motion to excuse a member from voting shall be made prior to the call for the question to be  
123 voted upon.
- 124 3. A member of the Commission requesting to be excused from voting may make a brief, oral  
125 statement of the reasons for the request and the question of granting permission to abstain shall be  
126 taken without further debate.
- 127 4. A member may not explain a vote, may not discuss the question while the roll call vote is  
128 being taken and may not change his/her vote thereafter.
- 129

130 **VACANCIES**

- 131 1. A Commission appointment is vacated under the following conditions and upon the  
132 declaration of vacancy by the Commission.
- 133 2. The Commission shall declare a vacancy when the person appointed:
- 134 A. Fails to qualify to take office within 30 days after his/her appointment;  
135 B. Resigns and the resignation is accepted;  
136 C. Is physically or mentally unable to perform the duties of his/her office;  
137 D. Misses three consecutive regular meetings unless excused; or  
138 E. Is convicted of a felony or of an offense involving a violation of his/her oath of office.
- 139

140 **GENERAL ORDER OF BUSINESS**

141

142 NAME OF BODY	DATE OF MEETING
143 PHYSICAL LOCATION OF MEETING	DAY OF WEEK AND TIME OF MEETING HOMER, ALASKA
	MEETING ROOM

144

145 NOTICE OF MEETING

146 REGULAR MEETING AGENDA

- 147 1. CALL TO ORDER
- 148 2. APPROVAL OF AGENDA
- 149 3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA. (3 MINUTE TIME LIMIT)
- 150 4. RECONSIDERATION
- 151 5. APPROVAL OF MINUTES or CONSENT AGENDA.
- 152 6. VISITORS (Chair set time limit not to exceed 20 minutes) (Public may not comment on the  
153 visitor or the visitor's topic until audience comments.) No action may be taken at this time.
- 154 7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS (Chair set time limit  
155 not to exceed 5 minutes.)
- 156 8. PUBLIC HEARING (3 MINUTE TIME LIMITS)
- 157 9. PENDING BUSINESS
- 158 10. NEW BUSINESS

- 159 11. INFORMATIONAL MATERIALS (NO ACTION MAY BE TAKEN ON THESE MATTERS, THEY MAY BE  
160 DISCUSSED ONLY).
- 161 12. COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)
- 162 13. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)
- 163 14. COMMENTS OF THE COUNCILMEMBER (If one is assigned)
- 164 15. COMMENTS OF THECHAIR
- 165 16. COMMENTS OF THE COMMISSION
- 166 17. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR note any worksessions,  
167 special meetings, committee meetings etc. All meetings scheduled to be held in the Homer City Hall  
168 Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.
- 169

#### 170 **PROCEDURE FOR CONSIDERATION OF AGENDA ITEMS**

171 The following procedure will normally be observed pursuant to Robert's Rules:

- 172 1. A motion is made to discuss the item OR to approve the staff recommendation. The item may  
173 then be discussed, amended or voted on.
- 174 2. If there are questions of staff or an appropriate audience member, a Commissioner may  
175 request permission from the Chair to ask the question. The Chair, upon consensus approval, may  
176 grant the request.
- 177

#### 178 **BYLAWS AMENDED**

179 The bylaws may be amended at any meeting of the Commission by a majority plus one vote of the  
180 members, provided that notice of said proposed amendment is given to each member in writing. The  
181 proposed amendment shall be introduced at one meeting and action shall be taken at the next  
182 commission meeting.

183

#### 184 **TELECONFERENCE MEETINGS**

185 1. The preferred procedure for Commission meeting is that all members be physically present at  
186 the designated time and location within the City for the meeting. However, physical presence may be  
187 waived by the Chair or Commission and a member may participate in a meeting by Teleconference  
188 when it is not essential to the effective participation or the conduct of business at the meeting.  
189 A Commission member participating by teleconference shall be deemed to be present at the meeting  
190 for all purposes. In the event the Chair participates telephonically, the Vice-Chair shall run the  
191 meeting.

192

193 2. Teleconference procedures.

194 A. A Commission member who cannot be physically present for a regularly scheduled  
195 meeting shall notify the City Clerk Office at least five days prior to the scheduled time for the meeting  
196 of his/her intent to appear by telephonic means of communication.

197 B. The Clerk shall notify the Commission members three days prior to the scheduled time  
198 for the Commission meeting of Commission members intending to appear by teleconference.

199 C. The means used to facilitate a teleconference meeting of the Commission must enable  
200 each Commission member appearing telephonically to clearly hear all other Commission members  
201 and members of the public attending the meeting as well as be clearly heard by all other Commission  
202 members and members of the public.

203 D. The Clerk shall note in the attendance record all Commission members appearing  
204 telephonically.

205

206 **LEGISLATIVE HISTORY**

207 Cannabis Advisory Commission established by Ordinance 15-07(A)(S)(A)