

Planning Commission

BOARD & COMMISSION Training – January 15, 2025



Where did we come from?

- Boards and Commissions are created by the City Council via Ordinance per Alaska Statutes 29.40 & Homer City Code 2.58.2.72
- This Planning Commission was created via Ordinance 16-100 in 1967 and held their first meeting on July 18th
- Discussed the Zoning Ordinance for the City of Homer Comprehensive Planning and Zoning study being prepared for the City by the Alaska State Housing Authority.



Duties and Responsibilities

- ❑ Alaska Statute 29.40 outlines Planning, Platting, and Land Use Regulations
- ❑ Kenai Peninsula Borough Title 21.01.010 Powers of the Borough and cities
- ❑ HCC 2.72.030 outlines the duties and powers of the Planning Commission
 - ❖ The Commission's Policies and Procedures Manual and Bylaws establish how the Commission conducts their business
 - ❖ Current Edition of Robert's Rule of Order is the Parliamentary Authority and the Clerk is the Parliamentarian for the Commission



Open Meetings Act (OMA)

AS 44.62.310 Government Meetings Public

- ❖ All meetings of a governmental body of a public entity are open to the public, except as otherwise provided.
- ❖ Certain subjects may be considered in executive session and these are limited to:
 - ✓ Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity
 - ✓ Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion
 - ✓ Matters involving consideration of government records that by law are not subject to public disclosure
 - ✓ Matters which by law, municipal charter, or ordinance are required to be confidential



OMA definitions

- **Governmental Body-** means an assembly, council, board, commission, committee, or other similar body of a public entity
- **Meeting-** means a gathering of members of a governmental body when:
 - more than three members or a majority of the members, whichever is less, are present;
 - the gathering is prearranged for the purpose of considering a matter upon which the body is empowered to act;
 - regardless whether the body has authority to establish policies or make decisions for the public entity or to advise or make recommendations for a public entity.



What constitutes a meeting?

- ❖ It's a gathering of more than three commissioners that's been prearranged to discuss a matter upon which the body is empowered to act, aka: commission business.
- ✓ A matter on which the body is permitted to act includes every step of the decision making process, from brainstorming sessions to fine-tuning a proposal.
- ✓ Emailing, texting, phone calls, or other communications between four or more commissioners to discuss commission business and is referred to a Serial Meeting.



Attendance at Public Events

- ❖ A social gathering arranged for a given social purpose and not prearranged to discuss matters on which the body can act is not a meeting.
- ❖ Chance encounters will not constitute a meeting, even if the members discuss a matter on which they could advise or make a recommendation.

But!!! Remember the public's perception is important so it's best to refrain from talking about commission business if you find yourself in these situations.

The Clerk's Office will typically advertise the attendance of members of the advisory bodies at a local event if it is known that a majority plan to attend.



Homer City Code and Bylaws

- Outlines Commission duties and responsibilities
- Defines a quorum as four members
- Requires a quorum of members to conduct a meeting, including worksessions.
- Directs that all members vote unless they have a conflict of interest or personal bias.
- Defines that four yes votes are required to pass a motion
- Directs that voting by proxy is prohibited
- Directs that meetings will be conducted under the current edition of Robert's Rules of Order as the parliamentary authority



Chair' s Responsibilities

- Homer City Code 2.58.050 states:
- *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.*
- **These duties are all about procedure and running a meeting well.**



The Chair

- Is a member of the body with the same voting and discussion rights as the other members. Robert's Rules recommends the Chair speak last.
- Can make motions in a small board or commission, but it's recommended that other member's make the motions, and the Chair state the question and put it to a vote
- Is not a position where they can exercise their leadership to determine the outcome of a vote
- Is not in control of the decision the group makes
- Is not tasked with **obtaining consensus** of the group
- Should not contact the membership directly regarding business matters



Taking care of business

- **Before the meeting**

- **Agenda Packets**

- Agendas are set by the Chair and Staff
- Commissioners may request items be added to a commission agenda and must provide packet information, prior to agenda deadline.
- The agenda deadline is 5:00 p.m. on the Wednesday prior to the meeting day.
- Agenda packet materials are provided to the Clerk, who prepares and distributes the agenda packets.



Taking care of business

- **At the meeting**
 - The Chair will announce agenda items in the order listed on the agenda and will ask for motions when necessary
 - Under pending and new business items, the Chair will open the floor to staff or a member to provide a report on the topic, and one or more motions to carry out the recommendations in the report may be introduced.
 - If a public hearing is scheduled, the Chair will open the public hearing, the Commission will hear public comments, the Chair will close the public hearing and ask for motions when necessary.



Taking care of business

- **Making motions**

- Main motion – a formal motion by a commissioner that the body take a certain action.
 - *I move to Adopt Staff Report 24-099 and recommend approval of the preliminary plat.*
- Primary Amendment – a motion to amend the main motion
 - *I move to amend the motion by adding “with the following comment:
1. The placement of the structure be an additional 20 feet from the setback”*
- Secondary Amendment – a motion to amend the amendment
 - *I move to amend the amendment by adding to the comment “on the western boundary of the plat”*



Taking care of business

Voting

- Secondary Amendment – a motion to amend the amendment
 - ***The motion on the floor is to amend the comment to be more descriptive***
 - ***Discussion, Vote, Motion carries***
- Primary Amendment – a motion to amend the main motion
 - ***The motion on the floor is to amend the main motion as amended by adding comment 1***
 - ***Discussion, Vote, Motion carries.***
- Main motion– as amended
 - ***I move to Adopt Staff Report 34-099 and Recommend Approval of the Preliminary Plat with the following comment***
 - ***1. Placement of the structure to be an additional 20 feet from the setback on the western boundary . Discussion, Vote, Motion carries.***



Taking care of business

Voting, another scenario-

- Secondary Amendment – a motion to amend the amendment
 - ***The motion on the floor is to amend the motion to amend by adding the words “on the western boundary”. Discussion, Vote, Motion fails.***
- Primary Amendment – a motion to amend the main motion
 - ***The motion on the floor is to amend the main motion by adding comment 1 to move the structure an additional 20 feet from the setback. Discussion, Vote, Motion fails.***
- Main motion– as amended
 - ***I move to Adopt Staff Report 24-099 and recommend approval of the preliminary plat. Discussion, Vote, Motion carries.***



Taking care of business

- **Other motions**

- Postpone - an action to consider a main motion at a later time.
- Suspend the rules – Used if the Commission/Board wishes to do something during a meeting that it cannot do without violating one or more of its regular rules.
- Point of order– Used when a member thinks the rules are being violated or more commonly when discussion does not pertain to the topic of the motion on the floor.
- Reconsideration– Used to bring a motion back before the Commission/Board for further consideration.
- Call for the question– Used to immediately close discussion and the making of subsidiary motions . Commonly used to bring an immediate vote on one or more pending motions.
- Withdraw a motion – The mover of the motion can withdraw their motion before it is stated by the Chair as pending. After the Chair states the motion, it belongs to the body and the maker may request permission to withdraw the motion.



Taking care of business

- **Voting**

- Each member, including the Chair shall vote, and shall not abstain unless excused for a conflict of interest or situation of personal interest.
 - If a Commissioner has been declared to have a conflict they will not sit at the table until the action has been concluded.
- Four affirmative votes are required to pass a motion.
 - There are exceptions where a 2/3 affirmative vote is required
Calling for the question or suspending the rules.
- Voting will be by a roll call vote, the order to be rotated; or by unanimous consent if no objection is expressed.
- Voting by proxy or absentee is prohibited.

