

Planning Commission

BOARD & COMMISSION TRAINING – AUGUST 2023



Where did we come from?

- ❖ Boards and Commissions are created by the City Council via Ordinance.
Alaska Statutes 29.40 & Homer City Code 2.58.2.72
- ❖ The Homer Planning Commission held their first meeting on July 18, 1967. At that meeting the Commission discussed the Zoning Ordinance for the City of Homer and was briefed on the Comprehensive Planning and Zoning study being prepared for the City by the Alaska State Housing Authority. The meeting convened at 7:30 p.m. and adjourned at 10:00 p.m.

Duties and Responsibilities

- ❑ Alaska Statute 29.40 outlines Planning, Platting, and Land Use Regulations
- ❑ Kenai Peninsula Borough Title 21 outlines Land Use Planning and Zoning Powers in the Borough and Cities
- ❑ HCC 2.73.080 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

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
 - ✓ 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 with the authority to establish policies or make decisions for the public entity or with the authority to advise or make recommendations to the public entity; "governmental body" includes the members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members

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 governmental body is empowered to act,
- regardless whether the governmental 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 brainstorm sessions to fine-tuning a proposal.
- ✓ Emailing, texting, phone calls, or other communications between four or more commissioners to discuss commission business. (Serial Meeting)

What if I run into other commissioners at a gathering or event?

- ❖ 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.



Homer City Code

- Outlines Commission duties and responsibilities
- Defines a quorum as four members
- Requires a quorum of members to conduct a meeting
- 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 material 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 approve the building of a mammalian outreach center.*
- Primary Amendment – a motion to amend the main motion
 - *I move to amend the motion by adding “in the Diamond Creek Recreation area”.*
- Secondary Amendment – a motion to amend the amendment
 - *I move to amend the motion to amend by adding the words “near the entrance at the Sterling Highway”.*

Taking care of business

Voting

- Secondary Amendment – a motion to amend the amendment
 - *The motion on the floor is to amend the motion to amend by adding the words “near the entrance at the Sterling Highway”. 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 “in the Diamond Creek Recreation area, near the entrance of the Sterling Highway”. Discussion, Vote, Motion carries.*
- Main motion– as amended
 - *I move to approve the building of a mammalian outreach center in the Diamond Creek Recreation area, near the entrance of the Sterling Highway. 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 “near the entrance at the Sterling Highway”. Discussion, Vote, Motion fails.*
- Primary Amendment – a motion to amend the main motion
 - *The motion on the floor is to amend the main motion as amended by adding “in the Diamond Creek Recreation area. Discussion, Vote, Motion carries.*
- Main motion– as amended
 - *I move to approve the building of a mammalian outreach center in the Diamond Creek Recreation area. 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.
- 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.