City of Homer
Advisory Body Training
2022

Levels of Authority

1. State Laws & Regulations
2. City Code
3. Bylaws
4. Rules of Procedure (if any are adopted)
5. Adopted Parliamentary Authority (Robert's Rules of Order)
State Laws and Regulations

➤ Alaska Statutes 29.20.320 Other Boards and Commissions
   a. The governing body may by ordinance establish advisory, administrative, technical, or quasi-judicial boards and commissions.
   b. Members of boards or commission, except members of the board of adjustment are appointed by the Mayor and Confirmed by the governing body.

State Laws and Regulations

➤ Alaska Statutes 44.62.310 Government meetings public.
   a. All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law.
   b. If permitted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are listed in (c) of this section shall be determined by a majority vote of the governmental body.
   c. The following subjects may be considered in an 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 which by law, municipal charter, or ordinance are required to be confidential;
      ✓ matters involving consideration of government records that by law are not subject to public disclosure.
State Laws and Regulations

➢ The Open Meetings Act
  • Applies to meetings of governmental bodies.
  • Defines "governmental body" 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;
  • Defines a meeting as:
    • More than three members or a majority of the members, whichever is less, are present;
    • There is a gathering of governmental body members; and
    • This gathering is "prearranged for the purpose of considering a matter upon which the governmental body is empowered to act." AS 44.62.310(h)(2)(b).

State Laws and Regulations

➢ What constitutes a meeting?
  • It's a gathering of at least 4 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 deliberative 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)
State Laws and Regulations

What doesn’t constitute a meeting?

- 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.

When you pause the music, but keep the headphones on so you can eavesdrop

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 or Board Duties and Responsibilities
- Defines a quorum as four members
- Requires a quorum of members to conduct a meeting
- Directs that all members will vote unless they have a conflict of interest
- Defines that four yes votes are required to pass a motion (exceptions will be addressed under Parliamentary Procedures)
- Directs that voting by proxy is prohibited
- Directs that meetings shall be conducted under the current version of Roberts Rules of Order
What are the Chairs 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.

What is the Chair not responsible to do?

➤ Exercise their leadership position to determine the outcome of a vote
➤ Be in control of the decision the group makes
➤ Obtain consensus of the group
➤ Contact the membership directly regarding business matters
A few more things to note...

➢ 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.

➢ The Chair can make motions in a small board/commission, but it's recommended that other members make the motions, and the Chair states the question and puts it to a vote.

➢ In absence of the Chair, the Vice Chair presides. If both are absent, and there is still a quorum present, the member with the most seniority in appointment shall assume and perform the duties of the Chair.

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 that parking fees be increased.*

- Primary Amendment – a motion to amend the main motion
  - *I move to amend the motion that parking fees be increased and add “by $3 at all locations.”*

- Secondary Amendment – a motion to amend the amendment
  - *I move to amend the amendment that parking fees be increased by $3 at all locations, to add “with exception of the parking at the fishin’ hole.”*
Taking care of business - Making motions

- Motion to postpone – an action to consider a main motion at a later time.
  - *I move to postpone the motion to the next regular meeting.*

- 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.
  - *I move to suspend the rules to take up election of officers after reports.*

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Taking care of business - Making motions

- 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.
  - *Member raises hand to be recognized and states Point of Order.*

  - Call for a Notice for Reconsideration – Used to bring a motion back before the Commission/Board for further consideration.
  - *I move to reconsider the motion to increase parking by $3 at all locations with the exception of the fishing hole.*

  - win 48 hrs
  - only by prevailing side vote
Taking care of business - Making motions

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.

- Member raises hand to be recognized and Call the for the Question.

  motion & 2nd

  2/3 vote (5) roll call