

1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 Evensen/  
4 Hansen-Cavasos

5 **ORDINANCE 19-55**

6  
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
8 AMENDING HOMER CITY CODE 2.08.040, BYLAWS FOR COUNCIL  
9 PROCEDURES TO ESTABLISH THAT NEWLY ELECTED MEMBERS  
10 WILL BE SEATED AT A SPECIAL MEETING FOLLOWING THE  
11 CANVASS OF THE ELECTION; AND 4.35.040 CERTIFICATION OF  
12 ELECTION TO CLARIFY THE TIME FOR CERTIFICATION OF A  
13 REGULAR AND SPECIAL ELECTION.

14  
15 WHEREAS, Holding a special meeting to certify an election and swear in newly elected  
16 members designates a time to celebrate the service of outgoing members and welcome new  
17 members; and

18  
19 WHEREAS, Certifying an election as soon as possible after the canvass board has  
20 completed its work allows City business to proceed with as little disruption as possible ; and

21  
22 WHEREAS, Holding a special meeting to certify election results and swear in newly  
23 elected members on the same day of the regular meeting is a convenient and efficient use of  
24 meeting time; and

25  
26 WHEREAS, This ordinance also clarifies that special elections will be certified by special  
27 meeting.

28  
29 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

30  
31 Section 1. Homer City Code 2.08.040, Bylaws for Council Procedure is hereby amended  
32 to read as follows:

33  
34 2.08.040 Bylaws for Council procedure.

35  
36 The following bylaws shall govern the procedures of the City Council of the City:

37  
38 a. To abide by existing Alaska State laws pertaining to cities of the first class.

39  
40 b. To abide by the current edition of Robert's Rules of Order insofar as this treatise is  
41 consistent with these bylaws, other provisions of the Homer City Code, or unwritten

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

44  
45 c. The Council's agenda format specified in the City of Homer City Council Operating  
46 Manual, as the same may be amended from time to time, is incorporated herein by  
47 reference.

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

51  
52 d. Regular Meetings.

- 53 1. Second and fourth Mondays of each month at 6:00 p.m., unless otherwise  
54 provided by two-thirds vote of the City Council;  
55 2. The agenda shall be provided to each Council member 36 hours prior to  
56 meeting, by City Clerk;  
57 3. Adding items to or removing items from the agenda will be by unanimous  
58 consent of the Council;  
59 4. Public notice of a regular meeting shall be made as provided in Chapter 1.14  
60 HCC.

61  
62 e. Special Meetings.

- 63 1. Called by Mayor or majority of the Council;  
64 **2. Held for certification of regular election results and swearing in newly**  
65 **elected members following the completion of the canvass by the Election**  
66 **Board, prior to convening Committee of the Whole.**  
67 **3. Held for certification of a special election, when necessary, following the**  
68 **completion of the canvass by the Election Board.**  
69 ~~2~~ **3.** If a majority of members are given at least 36 hours' oral or written notice  
70 and reasonable efforts are made to notify all members, a special meeting may  
71 be held at the call of the presiding officer or at least one-third of the members;  
72 ~~3~~ **4.** Agenda shall be as per subsection (c) of this section;  
73 ~~4~~ **5.** Public notice of a special meeting shall be made as provided in Chapter 1.14  
74 HCC.

75  
76 f. Emergency Meetings.

- 77 1. By unanimous consent of quorum;  
78 2. Required justifiable reason;  
79 3. Informal agenda – limited to emergency;  
80 4. Public notice shall be made as provided in Chapter 1.14 HCC.

81  
82 g. Teleconference participation in meetings may be authorized pursuant to HCC  
83 2.08.100 through 2.08.120.

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

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

126 m. Salaries of Elected Officials.

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

132  
133 a. A scheduled and publicly noticed meeting of the City Council,  
134 including without limitation a regular meeting, special meeting,  
135 committee of the whole meeting and meeting in executive session.

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

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

142  
143 The City shall not spend any funds for elected officials' membership in  
144 the Public Employees Retirement System. An elected official may not  
145 receive any other compensation for service to the City unless specifically  
146 authorized to do so by ordinance. Per diem payments or  
147 reimbursements for expenses are not compensation under this section.

148  
149 Section 2. Homer City Code 4.35.040 Certification of election is hereby amended to read  
150 as follows:

151  
152 4.35.040 Certification of election.

153  
154 ~~The Council shall certify the results of the election at the next regular Council meeting~~  
155 ~~following completion of the canvass by the Canvass Board~~

156  
157 **a. The Council shall certify the results of a regular election at a special**  
158 **meeting scheduled prior to Committee of the Whole following completion**  
159 **of the canvass by the Canvass Board.**

160 **b. The Council shall certify a special election at the next regular Council**  
161 **meeting or a special Council meeting following completion of the canvass**  
162 **by the Canvass Board.**

163  
164 Section 3: This ordinance is of a permanent and general character and shall be  
165 included in the City Code.

166

167 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_ DAY OF \_\_\_\_\_,  
168 2019.

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CITY OF HOMER

\_\_\_\_\_  
KEN CASTNER, MAYOR

176 ATTEST:

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\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

180  
181 YES:  
182 NO:  
183 ABSTAIN:  
184 ABSENT:

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187 First Reading:  
188 Public Hearing:  
189 Second Reading:  
190 Effective Date:

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Reviewed and approved as to form:

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\_\_\_\_\_  
Katie Koester, City Manager

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Michael Gatti, City Attorney

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Date: \_\_\_\_\_

Date: \_\_\_\_\_