



## CITY & BOROUGH OF WRANGELL PUBLIC HEARING AGENDA

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**Tuesday, March 22, 2016**  
**6:30 – 7:00 p.m.**

**Location: Assembly Chambers, City Hall**

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1. Call to Order
2. Roll Call
3. Public Hearing Items:
  - a. **PROPOSED ORDINANCE No. 915:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 3.04.035, ABSENCE FROM MEETINGS, AND SECTION 3.05.050, TELECONFERENCING, OF THE WRANGELL MUNICIPAL CODE (*second reading*)
4. Written Testimony
5. Oral Testimony
6. Adjournment

# **Agenda Item 3a**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY PUBLIC HEARING AGENDA ITEM March 22, 2016**

#### **INFORMATION:**

**PROPOSED ORDINANCE No. 915:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 3.04.035, ABSENCE FROM MEETINGS, AND SECTION 3.05.050, TELECONFERENCING, OF THE WRANGELL MUNICIPAL CODE *(second reading)*

#### **1. PROPOSED ORDINANCE No. 915**

**Information:** The Assembly held a Work Session on February 23, 2016 to discuss changing the Wrangell Municipal Code to allow for full participation (including voting) for all Assembly meetings. The Assembly was in favor of moving forward with an ordinance based in part, on Sitka's code section. The proposed ordinance is a combination on Sitka's code section and Wrangell's code section on teleconferencing.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 915

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 3.04.035, ABSENCE FROM MEETINGS, AND SECTION 3.05.050, TELECONFERENCING, OF THE WRANGELL MUNICIPAL CODE

[The changes to the existing code are shown as follows: the words that are underlined are to be added and the words that are **[bolded and in brackets are to be deleted]**.]

SEC. 1. Action. The purpose of this ordinance is to amend Section 3.04.035, Absence from meetings, and section 3.05.050, Teleconferencing, of the Wrangell Municipal Code.

SEC. 2. Amendment. Section 3.04.035 of the Wrangell Municipal Code is amended to read:

**3.04.035 Absence from meetings.**

A. If an elected or appointed assembly member or the mayor is absent and not excused from more than one-half of all regular meetings of the assembly held within any period of four consecutive calendar months, the member shall cease to hold office and the assembly shall declare the office vacant.

B. An elected or appointed assembly member or the mayor participating in a regular meeting of the assembly by teleconference in accordance with Section 3.05.050 is deemed present at that meeting and such participation not an unexcused absence.

**[B]**C. If an elected or appointed assembly member or the mayor is absent from a regular meeting of the assembly on borough business, the absence shall be deemed to be excused.

SEC. 3. Amendment. Section 3.05.050 of the Wrangell Municipal Code is amended to read:

**3.05.050 Teleconferencing.**

A. **[An]**The mayor or an assembly member who will be absent from a meeting, including public hearings and work sessions of the assembly, may participate in the meeting by

telephone or other electronic means **[under the following]**as provided in this section and provided the following circumstances are met:

1. The meeting is held with a quorum of members physically present;
2. Reasonable technical capabilities are available at the meeting location to allow the member to participate by teleconference, including being able to hear and engage in discussion, and being audible to all persons participating in the meeting;
3. Prior to the meeting reasonable efforts will be made to ensure that the member participating by teleconference is provided with the meeting agenda and other pertinent documents to be discussed and acted upon; access to the agenda and documents from the borough's website will be considered sufficient access.

**B. Participation of Mayor and Assembly Members by Teleconference.**

1. An assembly member may request to participate in any meeting of the assembly by notifying the clerk to arrange for teleconference participation by four p.m. on the Friday before the Tuesday regular assembly meeting, and at least twelve hours before any special assembly meeting.
2. The mayor, or the presiding officer in the absence of the mayor, may request to participate in any meeting of the assembly by notifying the clerk to arrange for teleconference participation by four p.m. on the Friday before the Tuesday regular assembly meeting, and at least twelve hours before any special assembly meeting.
3. The mayor and any assembly member participating by teleconference shall be deemed to be present at the assembly meeting for all purposes, including for quorum and voting, provided that:
  - a. The mayor, or the presiding officer in the absence of the mayor, shall not preside over the assembly meeting when participating by teleconference;
  - b. Participation by teleconference shall not be allowed for any executive session by the mayor or any assembly member.
4. The mayor and any assembly member participating by teleconference shall have the same right to participate in any matter, other than an executive session, as if physically present at the assembly meeting, including debate under Section 3.05.060, adjudicatory matters, and presentations. Reasonable efforts shall be made to make available to the mayor and any assembly member participating by teleconference any pertinent documents that are to be discussed and/or acted upon, including the assembly packet.
5. The mayor and any assembly member participating by teleconference shall have the same right to vote on any matter as if physically present at the assembly

meeting. All voting at the meeting shall be by roll call vote. The assembly member who is participating by teleconference, or the mayor when participating by teleconference, determines whether the member or the mayor has had the opportunity to evaluate all pertinent information, including any testimony and/or evidence, and is prepared to vote.

6. Teleconference participation at any assembly meeting by each assembly member or by the mayor is limited to four times during the twelve month period commencing January 1 each year. However, teleconference participation by a member or the mayor will not be allowed consecutively for more than two regular meetings. Participation in a meeting by teleconference while out of town on municipal business does not count toward the four times for which teleconference participation is permitted or toward the two consecutive regular meetings limit on participation by teleconference.
- B. [Assembly members may not use teleconferencing as a regular form of participating in meetings of the assembly. Participation in a regular assembly meeting by teleconference will be considered an unexcused absence for purposes of WMC 3.04.035 unless the member is absent from the meeting as a result of attending to official business on behalf of the borough.]**
- C. All votes taken at the meeting are by roll call of the members physically present at the meeting and the members participating by teleconference [at the meeting; members participating in the meeting by teleconference may not vote].**
- D. [Assembly members shall provide the clerk's office with at least twenty-four (24) hours' notice of their intent to participate in a meeting by teleconference and provide sufficient contact information for purposes of setting up the teleconference.]**
- E. [Assembly members are responsible for any telephone long distance charges incurred due to their participation in a meeting by teleconference unless they are absent from the meeting on borough business. An assembly member is not considered to be on official borough business merely by attendance at an assembly meeting by teleconference.]**
- F. [The mayor may participate in assembly meetings as set forth in subsections (A) through (E) of this section, and may participate in debate, but may not act as presiding officer of the meeting.]**

SEC. 4. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 5. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to

other persons or circumstances shall not be affected thereby.

SEC. 6.       Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: March 8, 2016.

PASSED IN SECOND READING: \_\_\_\_\_, 2016.

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David L. Jack, Mayor

ATTEST:

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Kim Lane, Borough Clerk