

CODE ORDINANCE

Requested and prepared by: Clerk  
Introduced: March 13, 2000  
Public Hearing: April 10, 2000  
Amended: April 10, 2000  
Adopted: April 10, 2000  
Vote: Unanimous

CITY OF WASILLA  
ORDINANCE SERIAL NO. 00-16(AM)

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 2.08, COUNCIL MEETINGS; AND ADOPTING SECTIONS 2.08.015 – 2.15.050, RELATING TO MEETINGS OF THE COUNCIL, AND REPEALING WMC 2.08.020, SPECIAL MEETINGS AND WMC 2.12, COUNCIL PROCEDURES.

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BE IT ENACTED:

\* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

\* **Section 2. Amendment of section.** WMC 2.08, Council Meetings, is amended to read as follows:

**2.08.010 [REGULAR COUNCIL] MEETINGS.**

(A) **Regular meetings of the council shall be held on the second and fourth Mondays of each month beginning at 7 p.m. in the council chambers, unless otherwise designated by the council. The council may cancel a regular meeting, however, if no quorum exists. In an emergency, the mayor may cancel a regular meeting. No regular meeting shall be held on any holiday recognized by the city or on the fourth Monday of December.**

(B) **Special meetings of the council may be held at the call of the mayor or at least two members of the council [HOURS WRITTEN OR ORAL NOTICE MEMBER]. No business shall be transacted at any special meeting of the council except that**

**specifically stated in the notice of the meeting.** [ALL REGULAR MEETINGS OF THE COUNCIL SHALL BE OPEN TO THE PUBLIC AND THE PUBLIC SHALL HAVE THE REASONABLE OPPORTUNITY TO BE HEARD.]

(C) Emergency meetings may be held and business may be legally transacted if all members are present; or, if there is a quorum of the council **and all absent members waive, in writing, any meeting notice, before or after the time of the meeting.** The clerk shall make reasonable attempts to notify all council members of the emergency meeting. [PUBLIC NOTICE SHALL BE GIVEN OF THE REGULAR MEETING AND THE LOCATION.]

(D) **The council** shall adjourn **not later than** 11p.m. **and may not reconvene any earlier than 9 a.m. the next day.** However, by an affirmative vote of the council **the meeting may be extended until no later than** 12 midnight.

\* **Section 3. Adoption of section.** WMC 2.08.015, Public Meetings, is adopted to read as follows:

**2.08.015 PUBLIC MEETINGS.**

(A) **All meetings and work sessions of the council, except for executive sessions, are open to the public and shall be electronically recorded.**

(B) **At least 24 hour advance public notice, setting out the date, time, place, and agenda or issue of the meeting shall be given for all regular and special meetings and work sessions of the council, using print or broadcast media.**

(C) **Teleconferencing may be used for all lawful activities of the city and, if all voting individuals have an opportunity to evaluate all testimony and evidence, to**

vote on actions. Teleconferencing may not be used as a regular form of participating for regular meetings of the council.

\* Section 4. Adoption of section. WMC 2.08.025, Executive Session, is adopted to read as follows:

**2.08.025 EXECUTIVE SESSION.**

(A) If subjects excepted from public meetings are to be discussed, the meeting shall first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the exceptions of WMC 2.08.025(B) shall be determined by an affirmative vote of the council. Subjects may not be considered while in an executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Action may not be taken at an executive session, except to give direction to an attorney regarding the handling of a specified legal matter.

(B) Upon adoption of a motion stating the purpose for an executive session, the council in closed session may discuss:

(1) Potential or pending litigation to which the city may become or is a party;

(2) Matters, the immediate public knowledge of which would clearly have an adverse effect upon the finances of the city;

(3) Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

(4) Matters which by law, municipal charter, or ordinance are required to be confidential;

(5) Confidential attorney-client communications made for the purpose of facilitation the rendition of professional legal services to the city;

(6) Matters pertaining to personnel; or

(7) Land acquisition or disposal.

(C) This section does not apply to quasi-judicial boards when holding a meeting solely to make a decision in an adjudicatory proceeding.

\* Section 5. Adoption of section. WMC 2.08.030, Parliamentary Authority, is adopted to read as follows:

**2.08.030 PARLIAMENTARY AUTHORITY.**

**All meetings shall be conducted in accordance with the current edition of Roberts Rules of Order Newly Revised, which shall be used an advisory guide and kept by the city clerk, or other rules the council may adopt.**

\* Section 6. Adoption of section. WMC 2.08.035, Quorum, is adopted to read as follows:

**2.08.035 QUORUM.**

**Four council members shall constitute a quorum of the council, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council.**

\* Section 7. Adoption of section. WMC 2.08.040, Agenda, is adopted to read as follows:

## **2.08.040 AGENDA**

**The clerk shall prepare the agenda for each meeting after consultation with the mayor or deputy mayor. Items not on the agenda may not be discussed at the meeting unless approved by a majority vote of the council.**

\* **Section 8. Adoption of section. WMC 2.08.045, Persons to be Heard,**  
is adopted to read as follows:

### **2.08.045 PERSONS TO BE HEARD.**

**(A) A person wishing to speak before the council under the agenda item “persons to be heard” shall file an appearance request with the clerk specifying the topic on which the person intends to speak. The clerk shall place the appearance request on the next available regular meeting agenda.**

**(B) The clerk shall not accept appearance requests involving:**

**(1) Items that have other clearly defined channels of resolution by the administration;**

**(2) Items scheduled for public hearing on an agenda; and**

**(3) Items upon which litigation involving the applicant or applicant’s representative is currently pending.**

**(D) In lieu of appearance requests, the council shall accept brief written communications on any subject.**

**(E) Persons who do not wish to speak before the council under persons to be heard, and who do not wish to submit written communications, may be heard under “audience participation,” which is scheduled for each regular meeting.**

\* **Section 9. Adoption of section.** WMC 2.08.050, Council Voting, is adopted to read as follows:

**2.08.050 COUNCIL VOTING.**

**(A) Four affirmative votes shall be required to carry any measure before the council unless a greater number is required by ordinance. Any lesser number, even though it constitutes a majority of the members present, shall not carry and the measure shall be defeated.**

**(B) All council members, unless lawfully excused, shall vote on each question before the council.**

\* **Section 10. Repeal of section.** WMC 2.08.020, Special Meetings, is hereby repealed in its entirety:

**[2.08.020 SPECIAL MEETINGS.**

(A) SPECIAL MEETINGS MAY BE HELD ON THE CALL OF THE MAYOR OR TWO (2) COUNCILMEN UPON NOT LESS THAN TWENTY-FOUR (24) HOURS WRITTEN OR ORAL NOTICE COMMUNICATED TO EACH MEMBER.

(B) ALL SPECIAL MEETINGS OF THE COUNCIL SHALL BE OPEN TO THE PUBLIC AND THE PUBLIC SHALL HAVE THE REASONABLE OPPORTUNITY TO BE HEARD.]

**Section 11. Repeal of chapter.** WMC 2.12, Council Procedures, is hereby repealed in its entirety:

**[2.12.010 MAYOR THE PRESIDING OFFICER AT COUNCIL MEETINGS.**

THE MAYOR SHALL PRESIDE AT COUNCIL MEETINGS.

**2.12.040 MINUTES.**

THE COUNCIL SHALL PROVIDE FOR KEEPING A JOURNAL OF ITS PROCEEDINGS.

2.12.050 COUNCIL RULES-AMENDMENT-SUSPENSION-VIOLATION.

(A) THE COUNCIL SHALL DETERMINE ITS OWN RULES AND ORDER OF BUSINESS.

(B) ROBERT'S RULES OF ORDER AS ADVISORY PARLIAMENTARY GUIDE. IN MATTERS OF MEETING PROCEDURE NOT OTHERWISE SPECIFICALLY PROVIDED FOR IN THIS CODE OR BY STATE LAW, THE PERSON PRESIDING AT COUNCIL MEETINGS SHALL USE ROBERT'S RULES OF ORDER (NEWLY REVISED) AS AN ADVISORY PARLIAMENTARY GUIDE. HOWEVER, NO ACTION TAKEN BY COUNCIL NOR ACTION TAKEN BY THE PERSON PRESIDING WILL BE RENDERED INVALID FOR FAILURE TO OBSERVE OR FOLLOW ROBERT'S RULES OF ORDER.

(C) PARLIAMENTARY INQUIRY OF CHAIR. ANY MEMBER MAY MAKE A PARLIAMENTARY INQUIRY OF THE MAYOR AT ANY TIME DURING THE MEETING.

(D) POINT OF ORDER. ANY MEMBER MAY MAKE A POINT OF ORDER WITHOUT A SECOND AT ANY TIME. THE PERSON PRESIDING MAY SPEAK TO POINTS OF ORDER IN PREFERENCE TO OTHER MEMBERS AND SHALL DECIDE ALL SUCH QUESTIONS, SUBJECT TO APPEAL TO THE COUNCIL BY MOTION DULY SECONDED; NO OTHER BUSINESS SHALL BE IN ORDER UNTIL THE QUESTION ON THE APPEAL, IF MOVED AND SECONDED, HAS BEEN DECIDED.

(E) APPEALS FROM DECISION OF CHAIR. NO APPEAL FROM ANY DECISION OF THE MAYOR, OR OTHER PRESIDING PERSON, SHALL BE ENTERTAINED UNLESS IT IS SECONDED, AND NO OTHER BUSINESS SHALL BE IN

ORDER UNTIL THE QUESTION ON APPEAL HAS BEEN DECIDED. THE QUESTION ON APPEAL SHALL BE GENERALLY PHRASED SO AS TO DETERMINE THE QUESTION: "SHALL THE DECISION OF THE CHAIR STAND AS THE JUDGMENT OF THE COUNCIL?" IT SHALL BE DEEMED TO BE DECIDED IN THE AFFIRMATIVE UNLESS A MAJORITY OF THE VOTES ARE GIVEN TO THE CONTRARY.

(F) PROCEDURES REGULATING TELEPHONIC PARTICIPATION. PURSUANT TO A.S. 44.62.310 (A) AND FURTHER PURSUANT TO A.S. 29.20.160 (F), THE FOLLOWING REQUIREMENTS AND PROCEDURES SHALL APPLY TO AUTHORIZE AND IMPLEMENT THE USE OF TELEPHONIC PARTICIPATION BY A MEMBER OR MEMBERS OF THE CITY COUNCIL OR BY MEMBERS OF THE PUBLIC AT COUNCIL MEETINGS.

(1) REGARDLESS OF THE PARTICULAR TECHNOLOGY USED TO TELEPHONICALLY PARTICIPATE, THE QUALITY OF THE TELEPHONE CONNECTION AND THE QUALITY AND VOLUME OF THE VOICE AMPLIFICATION MUST BE ADEQUATE TO ENABLE THE PUBLIC TO HEAR THE COUNCIL MEMBER PARTICIPATING BY TELEPHONE AND TO ENABLE THE COUNCIL MEMBER SO PARTICIPATING TO HEAR THE COMMENTS OF THE PUBLIC AND OTHER COUNCIL MEMBERS WHO ARE PHYSICALLY PRESENT AT THE MEETING.

(2) COUNCIL MEMBERS WISHING TO PARTICIPATE TELEPHONICALLY MUST AGREE TO PAY FOR THE DIRECT COSTS (E.G., LONG DISTANCE PHONE CHARGES FOR THE TELEPHONE CONNECTION) OF THE TELEPHONE CONNECTION TO AUTHORIZE THAT COUNCIL MEMBER'S



PARTICIPATION, UNLESS TELEPHONIC PARTICIPATION IS NECESSARY OR DESIRABLE FOR PURPOSES OF AN EMERGENCY OR SPECIAL MEETING.

(3) DOCUMENTS AND WRITTEN MATERIALS CONSIDERED BY COUNCIL MEMBERS AT A REGULAR COUNCIL MEETING MUST BE MADE AVAILABLE TO THE COUNCIL MEMBER PARTICIPATING TELEPHONICALLY IN ORDER TO AUTHORIZE THE COUNCIL MEMBER PARTICIPATING TELEPHONICALLY TO VOTE ON THE ISSUE OR SUBJECT PRESENTED FOR A VOTE BY THE COUNCIL.

(4) VOTES TAKEN THAT INCLUDE THE VOTE OF THE COUNCIL MEMBER PARTICIPATING TELEPHONICALLY SHALL BE TAKEN BY ROLL CALL SO THAT THE PUBLIC MAY KNOW THE VOTE OF EACH PERSON ENTITLED TO VOTE.

(5) TELEPHONIC PARTICIPATION IS AUTHORIZED ONLY UNDER CIRCUMSTANCES WHERE THE COUNCIL MEMBER SO PARTICIPATING CANNOT BE PHYSICALLY PRESENT DESPITE REASONABLE AND GOOD FAITH EFFORT TO ATTEND IN PERSON.

(6) THE PROCEDURES AND REQUIREMENTS STATED HEREIN MAY BE RELAXED OR MODIFIED IN THE EVENT THAT NO OTHER VIOLATION OF LAW OR ORDINANCE IS CREATED BY SUCH RELAXATION OR MODIFICATION AND IN THE FURTHER EVENTS OF:

(A) CIRCUMSTANCES THAT IN THE JUDGMENT OF THE COUNCIL MEMBERS, INCLUDING THOSE PARTICIPATING TELEPHONICALLY, JUSTIFY RELAXATION OR MODIFICATION OF THE PROCEDURES OR REQUIREMENTS; AND

(B) FOUR AFFIRMATIVE VOTES TO RELAX OR MODIFY THE PROCEDURES OR REQUIREMENTS.

2.12.200 QUORUM-VOTING.

(A) FOUR COUNCIL MEMBERS SHALL DETERMINE A QUORUM. FOUR AFFIRMATIVE VOTES ARE REQUIRED FOR PASSAGE OF AN ORDINANCE, RESOLUTION, OR MOTION.

(B) THE FINAL VOTE ON EACH ORDINANCE, RESOLUTION, OR SUBSTANTIVE MOTION IS A RECORDED ROLL CALL VOTE. ALL COUNCIL MEMBERS PRESENT SHALL VOTE UNLESS THE COUNCIL, FOR SPECIAL REASON, PERMITS A MEMBER TO ABSTAIN.

2.12.210 MAYOR'S VOTE.

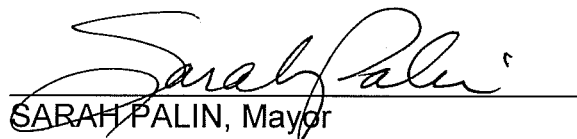
THE MAYOR IS NOT A COUNCIL MEMBER AND MAY VOTE ONLY IN THE CASE OF A TIE.

2.12.220 VETO.


THE MAYOR HAS VETO POWER THAT MAY BE EXERCISED AS DESCRIBED IN A.S. 29.20.270.]

\* **Section 12. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council, Alaska, on April 10, 2000.

  
SARAH PALIN, Mayor

ATTEST:

  
KRISTIE L. VANGORDER, CMC/AAE  
City Clerk [SEAL]

**SUBJECT: AMENDMENT AND ADOPTION OF SECTIONS OF THE CODE RELATING TO CITY COUNCIL MEETINGS AND PROCEDURES**

PREPARED/REQUESTED BY: K. VanGorder, City Clerk

DATE: March 7, 2000

FOR AGENDA OF: March 13, 2000

**SUMMARY:**

This ordinance is being revised as part of the re-codification project, which is now in process. A brief description of the changes are listed below:

Section 2. Clarifies procedure on when meetings are held and called.

Section 3. New section entitled "Public Meetings." Note teleconferencing will now be referenced in this section only and will be repealed in Section 11.

Section 4. New section entitled "Executive Session." Since the council has been going into executive session more and more lately, the attorney and I felt it should be properly included in the code.

Section 5 & 6. Moved from Section 11 repeal.

Section 7. New section entitled "Agenda." Provides for procedure of the agenda. Follows *Robert's Rules of Order Newly Revised*. Suggested to help the council move through the agenda more rapidly. Please note a new heading entitled, Public Participation. This will now be the place where the public will have an opportunity to be heard in one segment of the meeting, rather than having our current practice of persons to be heard in the middle and audience participation at the end of the meeting. It also allows for audience participation to be heard before the consent agenda is considered, which at times can be useful rather than suspending the rules to allow the public to speak on an issue under consent. This allows public comments prior to the consent agenda being considered.

Section 8. New section entitled "Persons to be Heard." Provides the procedure for which a person may ask to be placed on the agenda prior to the meeting and follows our current practice.

Section 9. New section "Council Voting." Moved from Section 11 repeal.

Section 10 and 11. Repealed sections of the code.

**FISCAL IMPACT:** \_\_No \_\_Yes, amount requested: \$ Fund:

**CLERK'S RECOMMENDED ACTION:**

Introduce ordinance and set for public hearing.

Administration Initial: SP

Presented with: Ord 00-16  
Date: 4/10/00 Verified by: KV