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Committee and Commissions Informational Booklet

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Dear Commission, Committee and Council on Aging Members:

The information provided in this packet has been prepared to assist individuals serving on the City's Commissions, Committees or Councils on Aging.

Members of the City's Commissions, Committees and Council on Aging provide an invaluable service to our City. They provide a way for the public to participate in the City's decision-making process by advising the Council on a wide variety of subjects and by making recommendations on important policy matters.

Serving on a Committee or Commission can be a rewarding experience for community minded residents. It is an excellent way to participate in the democratic form of local government and to contribute to the improvement and future development of our community.

Thank you for taking the time to read through and understand your role as a Committee, Commission or Council on Aging member; I am hopeful you will find the information included in this booklet helpful to you in your role. One of the areas of responsibility of the Office of the City Clerk includes working with the City's Committees, Commissions and Council on Aging and we are happy to answer any questions you might have. Clerk's Office staff is available to provide training upon notice; please feel free to call us anytime at 283-8231 or send an email to cityclerk@kenai.city.

Thank you again for your service to our community!

Sincerely,



Shellie Saner, MMC
City Clerk

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OVERVIEW

Citizen Participation

The City of Kenai's system of Committees and Commissions (hereinafter Commissions) provides a way for residents to participate in the City's decision-making process by advising the Administration and Council on numerous issues. The governmental decision-making process has other citizen participation mechanisms such as speaking at public hearings, speaking before the Council, serving on commissions, petitioning, and voting.

In this democratic form of government, it is not only a right but a responsibility for citizens to help shape the community in which we live. This is achieved when individuals come together across neighborhood, economic, social, and cultural lines to serve as commission members, assisting our local government in making decisions that affect all the citizens within our community. The City has a responsibility to provide its citizens the tools necessary to participate effectively. Some responsibilities include having established codes to help guide decisions, established policies to provide for equal participation opportunity, providing for annual trainings, and supplemental written support such as this handbook.

While commissioners are appointed from within the community, it is important that they, in turn, ensure that a wide variety of viewpoints from the rest of the community are considered when making recommendations to the Council. Commissioners should treat these widely varying viewpoints of other commissioners and members of the public with respect so that all citizens are encouraged to participate in government.



VOLUNTEERS DON'T NECESSARILY HAVE THE TIME;
THEY JUST HAVE THE HEART!
- Elizabeth Andrew

SERVING ON A COMMISSION

Membership

Appointments

Appointments to commissions are governed by Kenai Municipal Code 1.90.010 which states in part, "All boards, commissions and committees created by the Council of the City of Kenai, shall consist of seven (7) members who shall be nominated by the Mayor and confirmed by the City Council from application submitted to the City Clerk." Applications are available in the Office of the City Clerk and may also be obtained through the City's website at:

<http://www.kenai.city/government/cityforms>.

Completed applications should be returned to the Clerk's office. Applications are kept on file for one year and should a seat become available, applications are provided to the Mayor for review. Annually, recruitment takes place to fill seats in which terms are up.

The Mayor will make his/her determinations based on vacancies and inform the City Clerk of his/her nominations. The Office of the City Clerk then includes the application of the nominee(s) in a packet for Council approval. Once an applicant is approved, the Office of the City Clerk will notify the applicants should they be appointed.

Terms of Office

Members of Commissions serve a three (3) year term, unless replacing a member who has left prior to the end their term. Appointments are held annually for those staggered seats in which the term is expiring. The Office of the City Clerk maintains the master list of appointments and terms.

To resign from a seat, the member may simply provide an e-mail or letter stating such to the Office of the City Clerk.

Qualifications

A member of a commission must be a resident of the City of Kenai, unless the commission is specifically exempted by Council from this requirement. Refer to KMC 1.90.030 for more specific details regarding qualifications and residency.

Oath of Office

As a public official serving the people of the City of Kenai, you must take an oath that you will “support the Constitution of the United States, the laws of the State of Alaska, and the laws and ordinances of the City of Kenai,” and “will honestly, faithfully, and impartially perform [your] duties,” as a member of the commission you serve on, “to the best of [your] ability.”

Attendance Requirements

Your voice is important in the decision making that affects the people and the City and it can’t be heard if you don’t attend meetings. KMC 1.90.050(b) provides that if a member is absent from more than one-half of his or her commission meetings held within any period of three (3) consecutive calendar months without being excused, or, has more than three (3) excused absences during a twelve (12) month calendar year, the member will lose his or her seat on the commission.

Conflicts of Interest and Financial Disclosure

Certain acts are considered a conflict of interest and are prohibited pursuant to KMC 1.85.060; some acts include receiving money for advice or assistance given in the course of official duties for the City of Kenai, accepting a gift or other valuable consideration with the understanding or agreement that a specific vote will be cast, voting on a matter in which the member has a substantial direct or indirect financial interest. More detailed information can be found in the appendix of this booklet.

Current City of Kenai Committees and Commissions

- Airport Commission
- Beautification Committee
- Council on Aging
- Harbor Commission
- Parks and Recreation Commission
- Planning and Zoning Commission

Members of the Planning Commission are required by KMC, to file a financial disclosure statement with the City Clerk; more specific information regarding this requirement can be found in the appendices of this booklet.

Recusal

When direct and indirect conflicts are identified, it is the duty of the subject of the conflict to present the circumstances and initiate recusal of themselves. To recuse yourself, should the need arise, you simply need to inform the presiding officer, on the record, as soon as the matter comes before the Commission and the presiding officer will determine whether or not a conflict of interest exists. A vote will take place amongst the Commission. Should any Commissioner object to the Chair's ruling, the matter is voted on; the Commissioner in question does not vote as to whether he or she has a conflict.

CITY ORGANIZATION AND FUNCTION

Mayor and Council

Mayor

The Mayor is a Council member and, in addition to presiding over all City Council meetings, the Mayor has all powers, rights, privileges, duties, and responsibilities of a Council member, including the right to vote on questions. The Mayor also acts as the ceremonial head of the City.

The Mayor is responsible for appointing members of commissions with confirmation by the Council, except for members of the Board of Adjustment.

Council

The legislative power of the City is vested in the Council. The Kenai City Council is comprised of seven members which consist of the Mayor and six (6) other Council members elected at-large for staggered three-year terms. The Council approves the budget, sets the mill rate for taxation, appropriates funds to provide for City services, and establishes policy which is executed by the administration.

Under specific direction of the Council is the City Attorney, City Clerk, and City Manager. These three positions work directly for the Council.



Administration

City Attorney

The City Attorney is the head of the Department of Law and is the chief legal advisor of the Council and all other officers, departments, and agencies of the City government in matters relating to their official powers and duties. He also represents the City in proceedings in court. The City Attorney does not provide legal advice or representation to the general public.

City Clerk

The City Clerk is the head of the Office of the City Clerk and provides the direct link between the residents of the City, their elected officials, and agencies of government at all other levels. The Office of the City Clerk administers all City elections, provides for records management and public record requests; prepares legislation, meeting agendas, and packets for the City Council and other city commissions; serves as parliamentarian to the City Council and advises the city commissions on parliamentary procedures; has custody of the official municipal seal and attests (confirms to be genuine) to documents by signing and affixing the City seal.

City Manager

The City Manager is the Chief Administrative Officer of the City and is responsible for the proper administration of all City affairs and implementation of City policy as established by the City Council. The Manager has the ultimate responsibility and authority for the proper functioning of the City. The Manager is responsible for the direction of all City employees except for the City Clerk and the City Attorney. The direction and supervision of the City staff is distributed among the departments established by ordinance.

City Departments

The City Manager is responsible for the direction of all City employees except for those in the City Attorney's and City Clerk's offices. The direction and supervision of City staff is distributed among the departments and their directors. The City has nine departments which the Manager oversees to include the Airport, Finance, Fire, Library, Parks and Recreation, Planning and Zoning, Police, Public Works, and Senior Center.

MEETING PROCEDURES

Ground Rules for Effective Meetings

☑ Show up on time and come prepared

- Be prompt in arriving to the meeting and in returning from breaks.
- Be prepared to contribute to achieving the meeting goals.
- Come to the meeting with a positive attitude.

☑ Stay mentally and physically present

- Be present, and don't attend to non-meeting business.
- Listen attentively to others and don't interrupt or have side conversations.
- Treat all meeting participants with the same respect you would want from them.

☑ Contribute to meeting goals

- Participate 100% by sharing ideas, asking questions, and contributing to discussions.
- Share your unique perspectives and experience, and speak honestly.
- If you state a problem or disagree with a proposal, try to offer a solution.

☑ Think before speaking

- Seek first to understand, then to be understood.
- Avoid using idioms, three letter acronyms, and phrases that can be misunderstood.
- It's OK to disagree, respectfully and openly, and without being disagreeable.

☑ Stay on point and on time

- Respect the groups' time and keep comments brief and to the point.
- When a topic has been discussed fully, do not bring it back up.
- Do not waste everyone's time by repeating what others have said.

☑ Attack the problem, not the person

- Respectfully challenge the idea, not the person.
- Blame or judgment will get you further from a solution, not closer.
- Honest and constructive discussions are necessary to get the best results.

☑ Let everyone participate

- Share time so that all can participate.
- Be patient when listening to others speak and do not interrupt them.
- Respect each other's' thinking and value everyone's contributions.

☑ Listen with an open mind

- Value the learning from different inputs, and listen to get smarter.
- Stay open to new ways of doing things, and listen for the future to emerge.
- You can respect another person's point of view without agreeing with them.

☑ Audio Visual Participation

- Log in on time, if using new software or device make sure they work before the meeting.
- Please consider leaving your video on, you can see the other members, they should see you.
- Consider your surroundings, what part of your personal life will you be presenting.
- If you would not do it when attending in person, then you shouldn't do it while video/teleconferencing.
- Finally, Camera angle matters!

☑ Close decisions and follow up

- Make sure decisions are supported by the group, otherwise they won't be acted on.
- Note pending issues and schedule follow up meetings as needed.
- Identify actions based on decisions made, and follow up actions assigned to you.

☑ Record outcomes and share

- Record issues discussed, decisions made, and tasks assigned.
- Share meeting reports with meeting participants.
- Share meeting outcomes with other stakeholders that should be kept in the loop.

Basic Rules

All meetings of the City of Kenai are open to the public and follow the guidelines set forth in the Open Meetings Act. Procedures for Commission, Committees and Council on Aging are stated in Council Policy 20.020 which has been included in this packet. Meetings follow Robert's Rules of Order and you will receive meeting packets containing the pertinent information to be covered as well as the agenda for the meeting from either the Planning Department or the Office of the City Clerk depending on which commission you sit on. Please review and familiarize yourself with the information to be covered prior to the meeting.

Open Meetings Act and Public Notice

The Alaska Open Meetings Act (OMA) protects the public's right to know by legislating the methods by which public meetings are conducted in the State of Alaska. It applies to all meetings, including teleconferencing, of any and all Alaska governmental bodies of a public entity, unless exempt by statute. The Alaska Open Meetings Act generally ensures that members of the public have both the right to attend government meetings and the right to speak before the body holding the meeting. As such, public noticing is required for all meetings and is taken care of by the Planning Department or the Office of the City Clerk accordingly. The full statute is provided in the appendices.

Quorum, and Voting

A quorum (the established minimum number of commission members present during a meeting) is necessary in order for any commission to conduct any business and to vote on any matters. If a



quorum is not present, the meeting will have to be cancelled and the business scheduled for a later date. A quorum for most City of Kenai commissions is four (4) members as there are typically seven (7) members on the commissions.

All motions require a second and a majority of votes is required to pass a motion.

If a roll call vote is used, the department liaison will call the roll ensuring the names are called in a different order for each roll call vote. After all commissioners have voted, the liaison will announce the vote and whether or not the motion passes. All motions and votes will be included in the meeting summaries.

Parliamentary Procedure and Robert's Rules of Order

Per KMC 1.90.050(c), meetings shall be conducted under the most current Edition of Robert's Rules of Order Newly Revised, unless specifically modified pursuant to KMC 1.15.060, 1.15.100 and 1.15.110.

Basic Parliamentary

1. **Quorum:** A quorum must be present to conduct any business. For a seven (7) Member Board, four (4) members must be present.
2. **Obtain the Floor Before Speaking:** Wait until the previous speaker has finished, wait until the chair has given you the floor, address the chair and make your statement.
3. **Making a Motion:** A motion begins with "I move". Motions should be specific, unique and concise and always be in the affirmative. Stating "What he/she said" is not a proper motion. Wait until the motion is seconded and placed before the body before speaking to it.
4. **Seconding a Motion:** A second is required and must be made prior to debate. If no second is received the motion dies "falls to the floor" and no further discussion of the item should occur.
5. **Debating a Motion:** Debate is only in order after a second and the debate is opened by the chair. The maker of the motion is allowed to speak first.
6. **Amending a Motion:** There is no such thing as a friendly amendment, it is only an amendment. A motion to amend requires a second and the amendment must be resolved "voted on" prior to returning to the main motion. The purpose of a motion to amend is to change or affect how the main motion is handled.

Misunderstood Motions

1. **Question:** This motion is often used to stop debate. Properly stated, "I move the previous question". The motion is out of order when another person has the floor, requires a second, is not debatable, is not amendable, and requires a two-third vote.
2. **Table:** This motion enables the body to lay the pending question aside temporarily when something else of immediate urgency has arisen or when something else needs to be addressed before consideration of the pending question. Properly stated, "I move to lay on the table...". The motion is out of order when another person has the floor, requires a second, is not debatable, is not amendable, and requires a majority vote.

To bring a tabled item back the motion is "I moved that we take from the table the motion..."

A tabled item will remain on the table until they are taken off or until the next regular meeting, if a tabled item is not taken off the table by the end of the next regular meeting it will fall to the floor.

3. **Postpone Indefinitely:** This motion is used when the body declines to take a position on the main question, adoption of this motion kills the main motion while avoiding a direct vote on the question. Properly stated, “I move to postpone indefinitely...”. The motion is out of order when another person has the floor, requires a second, is debatable, is not amendable, and requires a majority vote.
4. **Postpone to a Certain Time:** This motion is used to delay action on a pending question to a definite day, meeting or hour, or until after a certain event (*KMC 1.15.060(h)*); however, a pending question or item may not be postponed beyond the current session. Properly stated, “I move to postpone to (date), the motion to...”. The motion is out of order when another person has the floor, requires a second, is debatable, is amendable, and requires a majority vote.
5. **Session:** A session ends at the adjournment of the meeting the terms of all or some of the members end.

Processing Motions

When a motion is made and seconded, it should be stated by the maker and repeated by the Chair prior to debate. After discussion has ended and immediately prior to the vote, the Chair clearly states the motion with amendments.

Withdrawing Motions

The mover of a motion may withdraw it at any time before decision or amendment, by consent of the second. (*KMC 1.15.060(g)*)

Order and Decorum

Conduct of Commissioners

While the meeting is in session, members should not interrupt the proceedings or any commissioner that has the floor. A commissioner, once recognized, should not be interrupted when speaking unless it is to call him or her to order. If a commissioner is called to order, he or she should cease speaking until the question of order can be determined. If determined to be in order by the Chair, the commissioner should be permitted to proceed.

After being recognized by the Chair, commissioners may briefly question individuals speaking during audience participation or testifying during a public hearing, but may not enter into a discussion with the individual.

Conduct of Public in Attendance

Persons attending the meeting should observe the rules and procedures of the commission and should not disrupt commission business by interrupting commissioners, speaking out of turn, shouting, preventing or attempting to prevent others that have the floor from speaking, making disruptive noises such as boos, hisses, and clapping. Any messages or contact with any member of the commission during a meeting should be through the Chair.




Members of the public that do not follow the rules for decorum may be asked to leave the meeting. If a member of the public creates a significant physical disruption to the conduct of the meeting or acts in a threatening manner towards another member of the public, the applicant, staff, or Commissioners, law enforcement personnel may be called to remove the individual from the premises.

Each person addressing the commission should state their name and state if they are a resident or non-resident of the City. After recognition by the Chair, all remarks should be addressed to the commission as a body and not to any specific member. No one other than the commission and the person having the floor may enter into any discussion, either directly or through a member of the commission, without the permission of the Chair. No questions may be asked of a commission member except through the Chair.

Interested persons may address the commission on any subject concerning City business during audience participation except for those items that have been advertised and scheduled for public hearing during that meeting. More information on this topic can be found in the Planning and Zoning section.

Rules of Debate

Every member desiring to speak should first address the Chair and, upon recognition, should confine him or herself to the question under debate. The commission Chairs may participate in debate and has the same rights and privileges enjoyed by the other members of the Commission, however, the Chair should be the last to speak and should not attempt to unduly influence the commission.



WITHOUT DEBATE, WITHOUT
CRITICISM, NO ADMINISTRATION
AND NO COUNTRY CAN SUCCEED
AND NO REPUBLIC CAN SURVIVE.
- John F. Kennedy

Hearing from the Staff

Staff is available to the commission for questions and comments throughout the meeting. The commission may question staff, request further information, or give further direction.

Joint Meetings of Commissions/Council

From time to time the Council and a Commission will meet jointly for purposes as they deem appropriate. Generally joint meetings are informational or educational in nature and do not result in any action being taken.

Prohibited Serial Meetings

A serial meeting is one in which a quorum of the body communicates with each other, directly or indirectly, through whatever medium, to develop collective concurrence. Serial meetings are in violation of the Open Meetings Act. Commissioners should be aware of the potential for serial meetings and never hit “reply all” when responding by email.

Meeting Location

Typically, meetings are held in the Council Chambers at City Hall located at 210 Fidalgo Avenue, Kenai, Alaska. The Council on Aging typically meets at the Kenai Senior Center located at 361 Senior Court, Kenai, Alaska. Occasionally, meetings must be held at other locations for conflicts or scheduling needs. These meetings are generally held in another public building such as the library.

A meeting's location is always published on the agenda or in the newspaper as appropriate.

Agenda

The purpose of the agenda is to inform the public and the body regarding the matters to be discussed. Prior to each meeting, the staff liaison together with the Chair of the commission will develop an agenda and submit the agenda items and related documentation to the Office of the City Clerk to be compiled and distributed.



Notice Requirements

In order to protect the right of the public to know when meetings are held, adequate notice must be made. Regular meetings are held pursuant to Council Policy No. 20.020. Notice of meetings are posted on the Official City Bulletin Board in Kenai City Hall and on the city website at least five days prior to the meeting.

Meeting Types

Regular Meetings

A regular meeting is just that; it is held regularly pursuant to Council Policy No. 20.020. Only items that are described on the agenda may be discussed or acted upon.

Special Meetings

Special meetings are those not on the regular meeting schedule and may be called on an as-needed basis, for a special purpose, with the approval of the City Clerk. Only items that are described on the agenda may be discussed or acted upon. Commissioners may take action during special meetings and may provide direction to staff. Members of the public are allowed to comment during audience participation.

Work Sessions

A work session is not on the regular meeting schedule and is a meeting in which no action is taken and no direction is provided to staff. Work sessions may be held with the approval of the City Clerk. Work sessions are used for educational and non-voting purposes only and only items described on the agenda may be discussed. There are no meeting summaries taken since there are no actions taken. Members of the public are allowed to comment during audience participation.

Public Hearings

Public hearings are held for certain legislative and quasi-judicial items pursuant to Kenai Municipal Code.

Legislative

The City Council has broad executive powers to legislate but the commissions have a role in advising the City Council in these matters.

Legislative Actions can vary greatly and address a broad range of issues. Examples of legislative type actions include Ordinances, Resolutions, and Approval of the Capital Improvement Program.

Quasi-Judicial

In contrast to consideration of a legislative item, consideration of a quasi-judicial item is far more restrictive. A governing body acts in a quasi-judicial capacity when it applies rules and regulations to a particular group or individual or to a particular piece of land, property or interest. This duty most commonly arises for the Planning and Zoning Commission for requests for Conditional Use Permits and variances, however, there are also some quasi-judicial duties for the Harbor Commission.

In cases where a commission acts in a quasi-judicial capacity, the only information that should be considered when rendering a decision is that which is presented or acknowledged during the public hearing. Because commission members act as though he or she is a “judge” when considering a quasi-judicial item, the “judge” should consider only the “evidence” presented in the public forum. In this way, both the applicant and the public can be assured the decision made regarding the quasi-judicial item is based upon the facts and not upon undue or unknown influences. It is strongly recommended that there be no preparation by members acting in a quasi-judicial capacity prior to a scheduled public hearing other than reading the materials provided by City staff. While a member may wish to be better informed on a quasi-judicial matter, information considered should only be that which is brought forth within the public hearing process.

New Business (Administrative)

New business is where most advisory type actions take place; this can include items like recommending approval of a lease or an ordinance, approving a suggested concept such as a map, or suggesting priorities for the Capital Improvement Program.

Commission Packets

Packet items are due to the Office of the City Clerk at least seven (7) days prior to the scheduled meeting. The Office of the City Clerk makes every effort to have an electronic version of the packet available to the Commission and members of the public on the City website six (6) days prior to the scheduled meeting. Hard copies, where applicable, are also mailed as soon as possible after posting. Commissions can opt out of paper copies by a vote of the commission and if an individual commissioner wants to opt out of a paper packet, they may notify the Office of the City Clerk and every effort will be made to not send a paper packet. Whenever practicable, the meeting summary of the previous meeting and any background materials pertinent to the agenda will be included in the packet.

Meeting Summary

With the exception of the Planning Commission, taking notes is the responsibility of the department liaison to the specific commission. Action minutes are produced by the Office of the City Clerk from

the department liaison's notes and are then adopted by the commission as the official record of the meeting. Staff from the City Clerk's Office attends and takes minutes at the Planning and Zoning Commission meetings which are then adopted by the Commission as the official record of the meeting.

Adjournment

After all of the business listed on the agenda is completed, the meeting is adjourned.

COMMISSION ORGANIZATION AND FUNCTION

Roles and Responsibilities

The authority and responsibilities for each commission vary and are defined by Kenai Municipal Code.

Commission Member Responsibilities

Commission Members represent the entire community and should use their knowledge of the community and their unique position to articulate local values.

Public meetings provide an opportunity for direct interaction between commissioners and community residents. Meetings give the local residents an opportunity to see the Commission in action and give commission members the chance to hear, first-hand, about the concerns of local residents.

In addition to understanding, educating, and guiding the community in its development, commissioners need to understand their role as advisory to the City Council.

Commission Chair Responsibilities

The Chair's responsibilities include presiding at the meetings and maintaining order, working with the staff liaison to develop agendas, conducting the meetings in a fair manner, keeping the commission discussion on track and germane to the subject, and rules on recusals. When the Chair is absent, the Vice-Chair carries out the duties of the Chair.

Staff Responsibilities

Staff liaisons are staff professionals with significant work responsibilities in addition to their board liaison activities. In general, the liaisons are individuals whose work responsibilities relate to that of the commission. Liaisons do not work for or at the direction of the commission; they are assigned by the City Manager and follow the direction of the City Manager. They are professionals who work with the commission to develop information and recommendations for the Council's consideration. Staff liaisons are responsible for ensuring timely meeting notifications, taking meeting notes that can be developed into a meeting summary, providing professional guidance, issue analysis, and recommendations, and ensuring the intent of the commission is relayed to administration and the City Council in a timely manner.

Subcommittees

Occasionally, subcommittees are created for fact finding / information gathering for the purpose of advising the full commission on issues that the commission will take into consideration when

advising the City Council. Only those members of the commission appointed to the subcommittee are considered subcommittee members and it is their numbers that determine whether or not a quorum is present. Members of the public and staff may be invited to the subcommittee meetings to provide reports and information but are not considered members for the purposes of voting or determining a quorum.

PLANNING AND ZONING COMMISSION ORGANIZATION AND FUNCTION

Appointments to the Planning and Zoning Commission

Much like appointments to other commissions, appointments to the Planning and Zoning Commission is governed by Kenai Municipal Code (KMC). KMC 14.05.015 provides the Clerk with specific advertising requirements. Applications are available in the Office of the City Clerk and may also be obtained through the City's website at <http://www.kenai.city/government/cityforms>. Completed applications should be returned to the Clerk's office.

The Mayor will make his/her determinations based on vacancies and inform the City Clerk of his/her nominations. The Office of the City Clerk then includes the application of the nominee(s) in a packet for Council confirmation. Once an applicant is confirmed by the City Council, the Office of the City Clerk will notify the applicants should they be appointed.

Working Knowledge of Controlling Authority

Controlling Authority for the Planning and Zoning Commission are those plans, ordinances, and standards that impact development activity. Commissioners should acquire a working knowledge of the controlling authority under which the Commission will make its decision. Periodic review and update training on the authority is an important component to the planning program.

Working Knowledge of Case Materials

Planning staff is charged with the responsibility of producing thorough and complete staff reports summarizing requests and the facts related to these requests. Each Commissioner is charged with the responsibility of reviewing these materials to a standard of "working knowledge." Caseloads vary with economic conditions, time of year, and other factors. A Commissioner could reasonably expect to spend several hours reviewing material for each meeting.

Site Visits

To prevent violations of due process or the Alaska Open Meetings Act, site visits by members of the Planning Commission are not recommended for quasi-judicial matters, except in very limited and special circumstances. If the Planning Commission determines a site visit is necessary, the site visit must be treated as a Planning Commission meeting and the appropriate notifications, agendas and procedures relating to such meetings should be followed.

Hearing from the Staff

Typically, the staff report immediately follows the Chair's reading of the resolution title into the record. The purpose of the staff report is to give a brief overview of the business item and to identify key facts, findings, and recommendations from staff.

Staff is available to the Commission for questions and comments throughout the meeting. The Commission may question staff, request further information, or give further direction.

Hearing from the Applicant (Quasi-Judicial)

The applicant, or their representative, will be given an opportunity to provide an overview of their application after the Chair has read the resolution title into the record and staff has provided a staff report, and prior to the opening of the public hearing. The applicant is under no obligation to provide an overview of their application.

The applicant, or their representative, will be given 15 minutes to present an overview of their application, but are not required to do so. Commissioners may question the applicant but there will be no Commissioner discussion at this time. The applicant, or their representative will be given an additional 15 minutes to rebut questions and comments made by members of the public after the closure of the public hearing. The applicant is under no obligation to provide rebuttal. Additional time may be given to the applicant, or their representative, upon determination by the Commission that the complexity of the matter warrants the additional time.

Hearing from the Public

Public testimony will commence after the Chair has read the resolution title into the record, staff has provided a staff report, and the applicant (if any) has been given the opportunity to provide an overview of their application.

Members of the public will be given three minutes to provide testimony.

Impartiality and Standards of "Fair Play"

Each Commissioner should be aware of the need to maintain basic standards and fair play and impartiality. This awareness must also speak to the need to avoid the appearance of bias. The Chair has the primary responsibility to ensure that the varying points of view are heard, that the hearing or work session proceeds in a timely manner, and that the options for future action by the Commission are clearly stated.

Continuing a Public Hearing

On occasion, the Commission may elect to continue a public hearing until a meeting at a later date due to length of a meeting or new and potentially substantive information that was submitted later and was not reviewed by staff, the applicant, and/or the public.

Procedure:

- Chair opens the public hearing
- Members of the public are invited to speak
- Chair entertains a motion to continue the public hearing until a time certain
- The motion is made and seconded
- Four or more commissioners vote in favor of continuing the public hearing until time certain
- Does not require re-noticing; some applications require mailings and additional outreach to the community prior to the public hearing. Since the public hearing is continued and not cancelled,

the requirement has been met. The continued public hearing will be noticed on the next published agenda

- Members of the public that have already testified will not be allowed to testify at the next meeting unless the Chair or the Commission determines that there is a reason to allow duplicate testimony.

Re-opening a Public Hearing

On occasion, the Commission may elect to re-open a public hearing at a meeting at a later date if there is new and potentially substantive information that was submitted later and was not reviewed by staff, the applicant, and/or the public, and the Commission is requesting additional information.

Procedure:

- Commissioner moves to re-open a public hearing and continue until a time certain
- The motion is seconded
- Four or more commissioners vote in favor of re-opening the public hearing on a specified date
- Re-noticing is required; the re-noticing standards are derived from application requirements
- The Chair or the Commission will determine if members of the public that have already testified will be allowed to testify again due to new and potentially substantive information.

Applicant Responsibilities

Applicants for permits have significant responsibilities. The applicant bears the burden of proof. The applicant is responsible for demonstrating that they have met the criteria needed for approval, and that the land use is consistent with the comprehensive plan.

Property owners who are unfamiliar with the land use process may be daunted by the requirement that they prove their case. Generally, staff works hard to help the applicant understand the criteria on which a decision will be based and offer advice on the type of information to present. It is not the responsibility of staff, the Planning Commission, or the Assembly to justify an application or provide proof.

Ongoing Education and Training

While there is no formal requirement in Alaska for a Planning Commissioner to receive ongoing training, it is fundamentally important for a Planning Commissioner to engage in continuing education and training. The field of planning is rapidly changing and dynamic and the Planning Department will periodically offer opportunities for Commissioner training through organizations such as the Alaska APA.

Council Adopted Policies

You will also be provided with a copy of the Kenai City Council Policies and Rules of Order, which contains policies that are applicable to the City of Kenai Boards, Commissions and Committees.

Kenai Municipal Code

Chapter 1.85 Financial Disclosure and Conflict of Interest

1.85.010 Report of financial and business interests.

- (a) A candidate for elective municipal office shall file a statement under oath with the City Clerk, at the time of filing a nominating petition and declaration of candidacy, specifying his or her business interests and income sources.
- (b) Each municipal officer shall file a statement under oath with the City Clerk, within thirty (30) days after appointment to office specifying his or her business interests and income sources.
- (c) Each municipal officer shall file a similar statement of income sources and business interests or shall certify a previously filed statement remains true, correct, and complete with the City Clerk not later than April 15th of each year that he or she holds office. (*Ords. 359, 3157-2020*)

1.85.020 Contents of statement.

- (a) The statement filed by a municipal officer or candidate under this chapter shall be an accurate representation of the financial affairs of the municipal officer or candidate and shall also reflect the business interests and sources of income for the officer's or candidate's spouse, domestic partner, dependent children, and non-dependent children residing with the officer or candidate (covered individual), to the extent those sources of income or business interests are ascertainable by the officer or candidate. Household goods and personal effects need not be identified.
- (b) The statement filed shall include the following information relating to the covered individual.
 - (1) The source of all income over five thousand dollars (\$5,000.00) during the preceding calendar year, received by the covered individual, including taxable and nontaxable capital gains, except that a source of income that is a gift must be included if the value of the gift exceeds two hundred fifty dollars (\$250.00);
 - (2) The identity, by name and address, of each business in which the covered individual has an interest or was a stockholder, owner, officer, director, partner, proprietor, or employee during the preceding calendar year, except that an interest of less than five thousand dollars (\$5,000.00) in the stock of a publicly traded corporation need not be included;
 - (3) The identity and nature of each interest in real property, including leases, rentals and options to buy, which is owned, held, or possessed at any time during the preceding calendar year by the covered individual;
 - (4) The identity of each trust or other fiduciary relation in which the covered individual held a beneficial interest exceeding five thousand dollars (\$5,000.00) during the preceding calendar year, a description and identification of the property contained in each trust or relation, and the nature and extent of the beneficial interest in it;
 - (5) Any loan or loan guarantee of more than five thousand dollars (\$5,000.00) made to the covered individual, and promissory note signed or debt obligation incurred by the covered individual of more than five thousand dollars (\$5,000.00), and the identity of each lender, guaranteed party, payee, or other creditor to whom the covered individual owed more than five thousand dollars (\$5,000.00); this subsection requires disclosure of a loan, loan guarantee, note or indebtedness only if the loan, guarantee, or note was made, or the indebtedness incurred, during the preceding calendar year, or if the amount still owing on the loan, loan guarantee, note or indebtedness was more than five thousand dollars (\$5,000.00) at any time during the preceding calendar year. Credit cards accounts,

revolving charge accounts, health care bills and obligations, and Internal Revenue Service, child support, and alimony claims and obligations are exempt from this paragraph and are not required to be reported;

- (6) A list of all contracts and offers to contract with a municipality, the state or a political subdivision or instrumentality of the state during the preceding calendar year held, bid, or offered by the covered individual;
- (7) A list of all mineral, timber, oil, or any other natural resource lease held, or lease offer made, during the preceding calendar year by the covered individual;
- (8) A list of all contracts, bids, or offers to contract with the City of Kenai during the preceding year which are made, offered or agreed to by the covered individual;
- (9) A description of each business or financial dealing, transaction, or arrangement over five thousand dollars (\$5,000.00) by a covered individual entered into with any municipal officer of the City of Kenai;
- (10) If a covered individual as defined in KMC 1.85.070(b) is a sole proprietor or a member of a partnership or limited liability company, or a shareholder in a corporation or a professional corporation in which the covered individual holds a controlling interest, or the owner of a controlling interest in another business entity, then the disclosures required by KMC 1.85.020 apply to the covered individual's sole proprietorship, partnership, limited liability company, corporation, professional corporation, or other business entity.

- (c) The statement shall be filed on a form prescribed by the City Clerk and approved by a resolution of the Kenai City Council. (*Ords. 359, 1701-96, 2323-2008, 2366-2008*)

1.85.030 Modified requirements for professionals.

Notwithstanding other provisions of this chapter, health care providers, certified public accountants, stock brokers or financial advisors and attorneys are not required to disclose, as sources of income, the names of individual patients or clients who receive professional services. Covered individuals who are the spouses or domestic partners of health care providers, certified public accountants, stock brokers or financial advisors and attorneys are not required to disclose the names of their professional spouse's or domestic partner's individual patients or clients who receive professional service. This exemption shall not apply to the identity of any corporation or other business entity having a contract with the professional producing income of five thousand dollars (\$5,000.00) or more for services to its members or a defined group, nor to the identity of clients receiving services that do not fall within the covered individual's field of professional expertise. (*Ords. 359, 2323-2008*)

1.85.040 Records public.

All statements required to be filed by this chapter are public records. (Ord. 359)

1.85.050 Refusal or failure to disclose.

- (a) If a candidate fails or refuses to file the statement required by KMC 1.85.010, his or her filing shall be refused or, if previously accepted, shall be returned and his or her name shall be withheld or removed from the filing records of candidates.

- (b) A newly appointed or elected municipal officer failing or refusing to comply with the requirements of this chapter shall forfeit his or her elected or appointed position and shall not be seated or sworn to the office for which he or she was elected or appointed.
- (c) A seated municipal officer who refuses or fails to submit a required statement, or to make a required disclosure of information in that statement as required in that statement, as provided in this chapter, by April 15th of each year that the office is held, shall be subject to a civil penalty of ten dollars (\$10.00) per day for each day the delinquency continues up to a maximum penalty of one thousand dollars (\$1000.00); subject to appeal to the Superior Court. Within five (5) business days of notification of any omission, an affidavit stating mitigating facts may be submitted to the City Council by the affected municipal officer for consideration by Council of a partial or complete reduction of civil penalties. Council may request further information from the affected officer if needed to make a fair determination. A City Council Member subject to the penalties may not participate in any decision regarding reduction or removal of such penalties. Notification of an omission must be provided as soon as reasonably possible and in no case later than May 15th.
- (d) Any candidate or municipal officer who files a statement containing false or misleading information knowing it to be false or misleading, shall be guilty of a violation and upon conviction is punishable by a fine as provided for violations in KMC 13.05.010.
- (e) The City Clerk or Attorney shall notify the Council and candidate or municipal officer in writing of any known violation of this chapter. The Council shall direct the City Attorney or Clerk to proceed with enforcement as provided by this chapter.

(Ords. 359, 1240, 2781-2014)

1.85.060 Conflicts of interest prohibited.

- (a) A municipal officer, appointed commission member, or employee of the City of Kenai may not solicit or receive money for advice or assistance given in the course of their official duties for the City of Kenai.
- (b) A municipal officer, appointed commission member, or employee of the City of Kenai may not represent a client before the City Council for a fee. However, a commission member may represent a client before a commission or the City Council for a fee if it does not involve a matter that is/was before the member's commission.
- (c) A municipal officer, appointed commission member, or employee of the City of Kenai may not accept a gift, loan, gratuity, or other valuable consideration, or a promise of any of them, with the understanding or agreement, expressed or implied, that he or she will cast a vote or given an opinion, decision, or judgment in a particular manner, in a matter, question, cause, or proceeding which then is or may by law come or be brought before him or her, or with the understanding or agreement that the officer or employee will, in his or her official capacity, act in a particular manner to produce or prevent a particular result.
- (d) No Council or commission member may vote on any question in which he or she has a substantial direct or indirect financial interest. Direct or indirect financial interests shall be disclosed to the presiding officer prior to a vote on the question and the presiding officer shall determine whether the financial interest exists and whether the prohibition from voting is

applicable. A decision by the presiding officer may be overridden by a unanimous vote of the members present, exclusive, of the member presenting the possible conflict.

- (1) Whether the direct or indirect financial interest is substantial shall be determined by the presiding officer on a case-by-case basis, with evaluation of these factors:
 - (i) Whether the financial interest is a substantial part of the consideration;
 - (ii) Whether the financial interest directly and substantially varies with the outcome of the official action;
 - (iii) Whether the financial interest is immediate and known or conjectural and dependent on factors beyond the official action;
 - (iv) Whether the financial or private interest is significant monetarily;
 - (v) Other factors deemed appropriate by the presiding officer under the specifics of the disclosure and the nature of the action taken before the council or commission.
- (e) A municipal officer, commission member or employee of the City of Kenai may not use, or permit others to use, any property owned by the City for profit or personal use or benefit, except:
 - (1) When available to the public generally, or to a class of residents, on the same terms and conditions;
 - (2) When permitted by written personnel policies approved by the City of Kenai;
 - (3) When, in the conduct of official business, used in a relatively minor way for personal convenience.
- (f) A municipal officer, commissioner or employee of the City of Kenai shall not take or participate in official action on matters, other than minor or routine issues, affecting a former employer for a period one (1) year from the date of termination of the prior employment.
- (g) A City employee may not participate in an official action in which he or she, or a member of his or her household, has a substantial financial interest.
- (h) A municipal officer, commissioner or employee of the City of Kenai who leaves municipal service may not for one (1) year after leaving municipal service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the City if the person participated personally and substantially in the matter through the exercise of official action. This restriction on employment after leaving municipal service does not prohibit the City from contracting with a former City employee, commissioner or municipal officer on a matter on behalf of the City. The City Council may waive application of this restriction by motion upon determination that a proposed action is not adverse to the public interest.
- (i) A municipal officer or employee of the City of Kenai is prohibited from bidding upon or otherwise obtaining any property which is unneeded or surplus by the City.
- (j) A current or former municipal officer, commissioner or employee may not disclose or use information gained in the course of, or by reason of, the person's official duties that could reasonably result in the receipt of any substantial personal or substantial financial benefit for the person or his or her immediate family member unless the information has also been disseminated to the public.

- (k) A current or former municipal officer, commissioner or employee may not use or disclose without appropriate authorization, information acquired in the course of official duties that is confidential.
- (l) If any section or provision of this ordinance is held to be contrary to law by a court of competent jurisdiction, that section or provision shall be deemed invalid. All other sections and provisions of this chapter shall continue in full force and effect.
- (m) The City Clerk shall cause a copy of this section to be distributed to every municipal officer, commissioner and employee of the City of Kenai within thirty (30) days after its enactment. Each municipal officer, commissioner and employee elected, appointed or engaged thereafter shall be furnished a copy before entering into the duties of his or her office or employment. (Ords. 359, 2319-2008)

1.85.070 Definitions as used in this chapter.

- (a) "Municipal officer" means the Mayor, City Manager, members of the Council, members of the Planning and Zoning Commission, City Attorney and City Clerk.
- (b) "Covered individual" means a municipal officer or candidate and the municipal officer's or candidate's spouse, domestic partner, dependent children and non-dependent children residing with the officer or candidate.
- (c) "Domestic partner" means a person who is cohabitating with another person in a relationship like a marriage but that is not a legal marriage.
- (d) "Health care provider" means an acupuncturist licensed under AS 08.06, an audiologist or speech language pathologist licensed under AS 08.11, a chiropractor licensed under AS 08.20, a dental hygienist licensed under AS 08.32, a dentist licensed under AS 08.36, a nurse licensed under AS 08.68, a dispensing optician licensed under AS 08.71, a naturopath licensed under AS 08.45, an optometrist licensed under AS 08.72, a pharmacist licensed under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a physician or physician assistant licensed under AS 08.64, a podiatrist licensed under AS 08.64, a psychologist or psychologist associate licensed under AS 08.86.
- (e) "Source of income" means an employer, other person, or entity paying compensation, dividends, or interest, directly or indirectly, for services, products, or investments. If the income being reported is derived from employment by a sole proprietorship, partnership, limited liability company, corporation, professional corporation or other business entity in which the reporting person, spouse, domestic partner, dependent children or nondependent children residing with the reporting person, or a combination of them, hold a controlling interest, that proprietorship, partnership, limited liability company, corporation, professional corporation or other business entity may be designated as the source of income without specifying clients or customers if the business is one that is normally conducted on a cash basis and typically does not keep records of individual customers, or if KMC 1.85.030 applies. In all other cases, the clients or customers of the proprietorship, partnership, limited liability company, corporation, professional corporation or other business entity shall be listed as sources of income of the covered individual.
- (f) "Financial interest" means the receipt of financial benefit or the expectation of receiving financial benefit. A financial interest includes a financial interest of any member of the

person's household. A person has a financial interest in an organization if he or she has an ownership interest in the organization, is a director, officer or employee of the organization. A financial interest also includes appearance as an attorney or a party plaintiff or defendant, or as a real party in interest, in any lawsuit, master's hearing or other legal proceeding in which the City is a party plaintiff or defendant or otherwise has a direct interest. A financial interest does not include: (1) an affiliation with an organization solely as a volunteer, club member, or the like; or (2) a personal or financial interest of a type which is generally shared in common with the public or a large class of citizens.

- (g) "Household" includes anyone whose primary residence is in the employee's, commissioner's or municipal officer's home, including non-relatives.
- (h) "Official action" means a recommendation, decision, approval, disapproval, vote or other similar action, including inaction by an employee whether such action is administrative, legislative, quasi-judicial, advisory or otherwise. (*Ords. 359, 1700-96, 2319-2008, 2323-2008*)

Chapter 1.90 Standard Procedures for Boards, Commissions and Committees

1.90.010 Creation.

All boards, commissions and committees created by the Council of the City of Kenai, shall consist of seven (7) members who shall be nominated by the Mayor and confirmed by the City Council from applications submitted to the City Clerk. A chair and vice-chair shall be selected annually and shall be elected from and by the appointed members. At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, shall nominate Council Members as a council liaison to any board, commission or committee. After confirmation by Council, the council liaison may attend all meetings of the board, commission or committee. A council liaison is not a member of, and shall have no voting power or any other rights of membership on, the board, commission or committee. The Mayor and other Council Members may attend meetings of boards, commissions or committees when serving as an alternate for the Council liaison, or in their capacity as elected officials. City administrative staff shall attend and supply staff support to all meetings of boards, commissions and committees. (*Ords. 2735-2014, 2741-2014*)

1.90.020 Duties.

- (a) Members of boards, commissions and committees shall be required to establish policies relating to their respective organization. They shall act in an advisory capacity to City Council unless otherwise specified in the City Code.
- (b) If the board, commission or committee has income stated within the City of Kenai annual budget, said board, commission or committee shall work with the City Manager to establish expenses projected for the year for approval by the City Council. (*Ord. 2748-2014*)

1.90.030 Qualifications.

- (a) A member of a board, commission or committee must be a resident of the City of Kenai, unless the board, commission or committee is specifically exempted by Council from this requirement. The member cannot be an officer or employee of the City of Kenai. If any member should move his or her residence from the corporate limits of the City of Kenai (if applicable), is an officer or employee of the City of Kenai, or shall be elected or appointed as an officer or employee of the City of Kenai, the service of such member shall terminate immediately. He or

she should be aware that he or she will serve without salary, but will be reimbursed for all reasonable expenses incurred in connection with this service, only after approval by Council.

- (b) The Beautification Committee, and Harbor, Library, and Parks and Recreation Commissions may at the discretion of the Council have up to two (2) non-resident members each.
- (c) The Planning and Zoning Commission may have up to one member that is not a resident of the City if they have a controlling ownership interest in a business physically located in the City. This provision specifically does not create a designated seat for a non-resident. (*Ords. 1948-2002, 2320-2008, 2829-2015*)

1.90.040 Terms.

- (a) A member of a board, commission or committee shall serve for a term of three (3) years, unless the board, commission or committee is specifically exempted by Council from this requirement. At renewal date, the Mayor, with consent of the Council, can reappoint the member or recommend a replacement.
- (b) The terms of the initial board, commission or committee member shall be staggered so that three (3) members will be appointed for one (1) year; two (2) members will be appointed for two (2) years; and two (2) members will be appointed for three (3) years. Terms shall commence on January 1st of each year.

1.90.050 Proceedings.

- (a) All boards, commissions and committees will have regularly scheduled meetings which shall be open to the public. Exceptions to the meeting requirements shall be established by Council. Permanent records or minutes shall be kept of all proceedings and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the City Clerk and shall be a public record open to inspection by any person. All acts of boards, commissions and committees are subject to the paramount authority of the City Council.
- (b) If the commission, committee or board member shall be absent, without the body excusing the absence for good cause, from more than one-half of all the meetings of his or her committee, commission or board, regular and special, held within any period of three (3) consecutive calendar months, he or she shall thereupon cease to hold the seat. A commission, committee or board member may not have more than three (3) excused absences during a twelve (12) month calendar year.
- (c) In all matters of parliamentary procedure, the most current edition of Robert's Rules of Order Newly Revised shall be applicable and govern all meetings, unless as specified in KMC 1.15.060, motions; KMC 1.15.100, speaking; and KMC 1.15.110, voting.
- (d) The responsibility of insuring that all members of boards, commissions and committees receive a copy of the Standard Procedures of Boards, Commissions and Committees lies with the City Clerk. (*Ords. 1610-94, 2017-2003, 2050-2004, 2140-2006, 2614-2012, 3202-2021*)

1.90.060 Specific requirements of boards, commissions and committees.

Requirements of boards, commissions and committees as set forth in KMC 1.90 are general requirements and shall be followed to the extent that they do not conflict with specific

requirements found in code sections specifically pertaining to individual boards, commissions and committees. (Ords. 1223, 1239)