



KENAI

The Best Place To ALASKA



Kenai City Council

Policies and Rules of Order

Contents

| | |
|---|----------|
| Chapter 1.15 Rules of Order | 1 |
| 1.15.010 Presiding officer..... | 1 |
| 1.15.030 Public meetings..... | 1 |
| 1.15.040 Agenda..... | 1 |
| 1.15.050 Order of business..... | 2 |
| 1.15.060 Motions..... | 3 |
| 1.15.070 Ordinances—Procedure in passing | 3 |
| 1.15.080 Resolutions..... | 4 |
| 1.15.090 Ordinances and resolutions..... | 4 |
| 1.15.100 Speaking..... | 4 |
| 1.15.110 Voting..... | 4 |
| 1.15.120 Rules of order..... | 5 |
| 1.15.130 Remote electronic participation..... | 5 |
| Council Adopted Policies | 7 |
| Administrative (Policies providing direction to staff related to public meetings.) | 7 |
| 20.000 - Agenda & Packet - Preparation, Distribution and Publication | 7 |
| 20.010 - Recording City Council Meetings and Work Sessions | 9 |
| 20.020 - Commissions, Committees and Council on Aging Procedures | 9 |
| Governmental Bodies (Polices applicable to Boards, Commissions, Committees and Councils.) | 12 |
| 20.100 - Student Representative | 12 |
| 20.110 - Use of Electronic Devices During Meetings | 14 |
| 20.120 - Mobile Device Use & Management..... | 14 |
| City Council (Policies applicable to the City Council)..... | 17 |
| 20.200 - Kenai Council Travel..... | 17 |
| 20.210 - Kenai Council Public Recognition..... | 18 |
| 20.220 - Filling Council Vacancies by Appointment | 18 |
| 20.230 - Supervisory Sub-Committee..... | 21 |

The following is only a portion of Kenai Municipal Code and has been provided within this document for quick reference for new Council Members. It is your responsibility as a member of the Kenai City Council to familiarize yourself with the Charter and Code of the City.

Chapter 1.15 Rules of Order

1.15.010 Presiding officer.

- (a) The Mayor shall preside at all meetings of the Council. He or she shall preserve order and decorum among the Council Members and is responsible for conduct of all meetings in compliance with these rules. He or she may, at any time, take such reasonable action as he or she deems proper to preserve order among the spectators in the Council Chamber during sessions of the Council. He or she may speak to points of order in preference to other members, and shall decide all points of order, subject to appeal to the Council by motion duly seconded as herein provided. He or she may participate in the debate on any matter. He or she may, at any time, call any member to the Chair during any meeting, such substitution to discontinue when he or she elects to resume the Chair, and in no event beyond adjournment of the meeting at which such substitution is made.
- (b) In the temporary absence or disability of the Mayor and Vice Mayor, any member of the City Council may call the Council to order at any regular or duly called special meeting to elect a president pro tempore from among its numbers; and the president pro tempore shall exercise all powers of Chair during temporary absence or disability of the Mayor and Vice Mayor, and may vote on questions before the Council.

1.15.030 Public meetings.

All meetings of the Council shall be open to the public, and all actions of the Council shall be taken in public meetings except as otherwise provided by another provision of law. (KC 1-10; Ord. 3338-2023)

1.15.040 Agenda.

- (a) The Mayor or other Council Member, City Clerk, City Attorney, or City Manager may sponsor an ordinance for introduction or a resolution for adoption, and such ordinance or resolution shall be placed on the agenda of the regular Council meeting requested by the sponsor.
- (b) The Mayor or other Council Member, City Clerk, City Attorney, or City Manager may request that a discussion item be placed on the agenda of a regular Council meeting, and such discussion item shall be placed on the agenda of the regular Council meeting requested by the sponsor.
- (c) A member of the public may request that a matter be placed on the agenda as a “scheduled public comment,” subject to policies and procedures adopted under subsection (j) of this section. Being placed on the “scheduled public comment” portion of the agenda does not limit or restrict the requester’s ability to speak on a different subject for which public comment is allowed.
- (d) A sponsor, all co-sponsors, proposer or requester may request that an item be removed from the agenda before the agenda is published under the policies and procedures adopted under subsection (j) of this section and such item shall be removed from the agenda, unless the item has been carried over or postponed from a previous agenda.
- (e) The City Clerk shall prepare the agenda for each Council meeting after consultation with the Mayor and City Manager, subject to subsections (a) through (d) of this section. A draft agenda shall be circulated to the Mayor and other Council Members and the City Manager.
- (f) Notice for each Council meeting shall be given to the public under policies and procedures adopted under subsection (j) of this section. Additional public notice of meetings may be given by other means as required by code or at the direction of Council.
- (g) A meeting packet containing the agenda, all legislative items, and supporting documentation for all agenda items shall be distributed to the Mayor, Council Members, and the City Manager.

- (h) The City Clerk shall cause a copy of the meeting packet to be posted on the City's website and to be provided to the Kenai Community Library, in order to be made available for public viewing under policies and procedures adopted under subsection (j) of this section. The City Clerk shall cause a paper copy or electronic copy of the meeting packet to be provided to any member of the public, or to any organization, upon request under policies and procedures adopted under subsection (j) of this section. At least one (1) paper copy of the meeting packet shall be made available to the public at the meeting.
- (i) The City Clerk shall provide paper copies of any late materials to the Mayor, each Council Member, City Manager, and City Attorney. The City Clerk shall also make paper copies of late materials available to the public at the meeting.
- (j) The administration shall develop policies and procedures to implement this section, subject to review and approval of Council by resolution or ordinance.
- (k) Failure to comply with the above policies and procedures or with any administrative policies will not invalidate any ordinance or Council action as long as there was a good faith effort at compliance by the City Clerk.

1.15.050 Order of business.

- (a) The order of business for every regular meeting of the City Council shall be outlined on an agenda.
- (b) The following shall be the order of business at the regular meetings of the City Council:
 - (1) Call to Order: pledge of allegiance, roll call, and approval of the agenda and consent agenda (public comment shall be permitted on items included on the consent agenda);
 - (2) Scheduled administrative reports;
 - (3) Scheduled public comment;
 - (4) Unscheduled public comment;
 - (5) Public hearings;
 - (6) Minutes of previous meetings;
 - (7) Unfinished business;
 - (8) New business;
 - (9) Commission and committee reports;
 - (10) Report of the mayor;
 - (11) Reports from administration;
 - (12) Additional public comment: citizen comments and council member comments;
 - (13) Executive session (when applicable);
 - (14) Pending legislation; and
 - (15) Adjournment.
- (c) Those items on the agenda that are considered routine by the City Manager and the City Clerk shall be identified by an asterisk (or similar notation) next to the item as listed on the agenda and thereby included under that portion of the agenda entitled "consent agenda."
 - (1) The consent agenda will be set at the time of the approval of the agenda and a single vote will approve both the agenda and consent agenda.
 - (2) At the time of consideration of the consent agenda, items may be added by the unanimous consent of the Council and any item may be removed by the objection of a single member of the Council.
 - (3) Items removed from the consent agenda will be addressed in their proper numerical order of the regular agenda, unless otherwise set by the Council.
 - (4) Adoption of the consent agenda will constitute approval of all items on the consent agenda by the Council.

- (d) If the Council desires to transact business out of its regular order, it may do so upon approval of a motion to suspend the rules, which motion must be approved by a two-thirds (2/3) vote of the Council Members in attendance.
- (e) The City Clerk shall maintain a list of tabled and pending items.
- (f) The administration may develop policies and procedures to implement this section, subject to review and approval of Council.
- (g) Failure to comply with the above policies and procedures or with any administrative policies will not invalidate any ordinance, resolution or other Council action as long as there was a good faith effort at compliance by the City Clerk.

1.15.060 Motions.

- (a) No appeal from any decision of the Chair 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 is not debatable and shall be put as follows: "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 given are to the contrary.
- (b) Any member may make a point of order without a second at any time. The Chair 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; and no other business shall be in order until the question on appeal has been decided.
- (c) When a vote has been taken, any member who voted on the prevailing side may move a reconsideration thereof at the same meeting or at the next succeeding meeting whenever motions are in order; provided, that the subject matter has not passed out of the control of the Council and adequate public notice is provided before the matter is reconsidered.
- (d) A motion to reconsider requires four (4) votes; if such motion thus prevails, the subject shall be open to debate and amendment in the same manner as the original question. Debate on motions to reconsider shall be limited to twenty-five (25) minutes, and no member shall speak more than five (5) minutes. No motion shall be reconsidered more than once.
- (e) A motion must be reduced to writing if the presiding officer so requires or any member so demands, and no other motion shall be entertained until reasonable time (not over ten (10) minutes) if afforded for compliance with this rule.
- (f) All motions shall require a second, unless otherwise provided.
- (g) After a motion is stated or read by the presiding officer, it shall be deemed to be in the possession of the Council, and shall be disposed of by vote, but the mover may withdraw it at any time before decision or amendment, by consent of the second.
- (h) The motion "to postpone to a certain time" is the motion by which action on a pending question or agenda item can be deferred beyond the next meeting to a definite day, meeting or hour, or until after a certain event.

1.15.070 Ordinances—Procedure in passing.

- (a) Every ordinance shall be introduced in writing and the title shall be orally read before any vote for passage thereof is taken. After passage on first reading, the ordinance shall be published by posting a copy thereof on the Council bulletin board, together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall be at least five (5) days prior to the time advertised for public hearing.
- (b) At the time and place so advertised by posting, or at any time and place to which such hearing shall from time to time be adjourned, all persons interested who appear shall be given an opportunity to be heard. Before the hearing begins, the ordinance shall be read a second time by title or in full.

- (c) After such hearing, the Council may finally pass such ordinance with or without amendments. The vote on final passage shall be by roll call, and the vote shall be entered in the journal.
- (d) No ordinance, except an emergency ordinance or an ordinance making, repealing, transferring, or otherwise changing appropriations, may be finally passed on the same day that it is introduced. By unanimous consent of all Council Members present, such ordinances may be read a second time and then, by the required vote, be passed, on the same day on which they are introduced. All persons present shall be given an opportunity to be heard before the vote on final passage.
- (e) After final passage, every ordinance shall be published by posting the title on the Council bulletin board.
- (f) Emergency ordinances and ordinance making, repealing, transferring, or otherwise changing appropriations shall go into effect immediately upon passage unless they specify a later time. All other ordinances shall go into effect one (1) month after passage and publication unless they specify a later time, or unless they are referred to the voters by the referendum.
- (g) Within a reasonable time after final passage of an ordinance, the City Clerk shall cause it to be recorded and indexed with the other ordinances of the City.

1.15.080 Resolutions.

- (a) Every resolution shall be introduced in writing and the title shall be orally read before any vote for passage hereof is taken.
- (b) On any vote for passage of a resolution, all persons interested who appear shall be given an opportunity to be heard. After such hearing, the Council may finally pass such resolution with or without amendments. First reading of any resolution shall be final and no further passage shall be required. After final passage, every resolution shall be published by posting the title on the Council bulletin board. Every resolution, unless it shall specify a later date, shall become effective upon final passage.

1.15.090 Ordinances and resolutions.

Oral reading in full of an ordinance or resolution may be requested by any member of the Council present.

1.15.100 Speaking.

- (a) A member about to speak shall respectfully address the Chair, and shall not commence to speak until recognized by the Chair. When two (2) or more members request to speak at the same time, the Chair shall determine which one (1) is recognized.
- (b) Every member while speaking shall confine himself or herself to the subject under debate, shall refrain from personalities, and shall not refer to any other member of the Council except in a respectful manner.
- (c) Unless a member who has the floor yields for that purpose, no member shall interrupt another while speaking, except to propound a parliamentary inquiry or make a point of order.
- (d) No member shall speak more than twice or for more than ten (10) minutes continuously to any one (1) question, except that one (1) or more additional periods of ten (10) minutes may be granted by unanimous consent. The reading of papers desired by any member shall be read by himself or herself or by the City Clerk within the member's time limitation unless permission for the Clerk to read such paper outside the time limitation is unanimously granted.

1.15.110 Voting.

- (a) The Chair shall declare all votes; but, if any member doubts a vote, the Chair, without further debate upon the question, shall request the members voting in the affirmative and negative respectively to indicate by show of hands, and he or she shall declare the result.
- (b) In all meetings of the City Council, the vote shall be taken by yeas and nays on the passage of all ordinances, resolutions, and authorizations for the payment of money, and on the passage of any motion, order, or resolution when called for by any member of the Council, and such yea and nay vote of each

member shall be permanently entered on the record of the proceedings of the Council by the City Clerk. Other voters may be by voice or show of hands.

- (c) No member shall vote on any question in which he or she has a pecuniary interest directly or indirectly and in which his or her vote may be decisive, except as herein set forth. Should any member desire to intend to have business dealings with the City whereby he or she may derive income and benefits other than those provided as remuneration for his or her official duties, he or she shall file with the City Clerk, in such form as the Clerk may prescribe, a statement under oath which shall include the nature of the proposed transaction and the extent of the interest, direct or indirect, which said officer or employee has in said transaction. The City Clerk shall publish a copy of such statement in a newspaper of the City qualified by law to publish legal notices if one (1) is published in the City and shall, in addition, post a copy of said statement on the Council bulletin board. The cost of said publication shall be borne by the member who desires to enter into the transaction, and the City Clerk may require a deposit to insure payment thereof. The Council shall take no action with regard thereto until at least ten (10) days shall have elapsed after the filing of the statement by the member and until at least seven (7) days shall have elapsed after the publishing and posting of said statement as required herein. (See also KMC Chapter 1.85.)
- (d) Every member who shall be present when a question is put, when he or she is not disqualified by personal interest, shall vote, unless the Council for special reason excuses him or her. Applications to so excuse must be made before the vote, and shall be decided without debate.
- (e) Anything to the contrary in these rules notwithstanding, in all cases where an extraordinary majority is not required, and when no motion is before the Council, the Chair may, in lieu of calling for or waiting for a motion to be made, put the question in the following form: "Without objection, it will be so ordered." If no objection is heard, he or she shall announce: "It is so ordered," which will have the same effect as if a motion to that effect has been made and voted upon favorably. If a single objection is reasonably expressed when the question is put, the Chair shall not proceed further under this rule, but instead shall call for a motion, which motion shall be handled in the regular manner.

1.15.120 Rules of order.

- (a) A proposed amendment to, or repeal of, any rule in this chapter shall be submitted in writing as a nonemergency ordinance, and may be passed in the same manner as other nonemergency ordinances.
- (b) The most current edition of Robert's Rules of Order Newly Revised shall govern in all cases to which they are applicable and in which they are not inconsistent with City Charter or ordinance and any special rules of order the Council may adopt.
- (c) The Council rules shall be observed in all cases unless suspended temporarily for a special purpose of an emergency nature by a vote of five (5) members present. Any member may move, at any time, for the suspension of any rule, and such motion must be seconded to entitle it to consideration.
- (d) If any member, in speaking or otherwise, transgresses the rules of the Council, the Chair shall, or any member may, call the member to order; in which case the member so called to order shall immediately cease discussion unless permitted by the Chair to explain; and the Council, if appealed to, shall decide the question without debate. If the decision be in favor of the member so called to order, the member shall be at liberty to proceed; if otherwise, the member shall not proceed without leave of the Council to proceed in order.

1.15.130 Remote electronic participation.

- (a) A member of the Council may participate via electronic means in a Council meeting, if the member declares that circumstances prevent physical attendance at the meeting. If the Mayor chooses to participate via electronic means, the Vice-Mayor or president pro tempore shall preside.
- (b) No more than the first three (3) members to contact the Clerk regarding remote electronic participation in a particular meeting may participate via electronic means at any one (1) meeting unless it is a special

meeting called to consider an emergency action, in which case all members may participate via remote electronic participation.

- (c) The member shall notify the Clerk's office as soon as reasonably practical, but not less than two (2) hours prior to the start of the Council meeting that the member proposes to attend by remote electronic means. Such notification shall state the reason for remote electronic participation and, if needed, shall provide the telephone number, and any available facsimile, email, or other document transmission service. Failure to provide the notification within the period of time provided herein shall result in the member's exclusion from attendance of a Council meeting through remote electronic participation. The Clerk shall notify all Council Members of the request.
- (d) At the meeting, the Clerk shall establish the appropriate connection when the call to order is imminent.
- (e) A member participating by remote electronic means shall be counted as present for purposes of discussion, voting, constituting a quorum and attendance.
- (f) The member participating by remote electronic means shall make every effort to participate in the entire meeting. From time to time during the meeting, the presiding officer shall confirm the connection, if necessary.
- (g) The member participating by remote electronic means may ask to be recognized by the Chair to the same extent as any other member.
- (h) To the extent reasonably practicable, the Clerk shall provide backup materials to members participating by remote electronic means at the member's expense.
- (i) If the remote electronic connection cannot be made or is made and then lost, the meeting shall commence or continue as scheduled and the Clerk shall attempt to establish or restore the connection.
- (j) Meeting times shall be expressed in Alaska Time regardless of the time at the location of any member participating by remote electronic means.
- (k) Participation by remote electronic means shall be allowed for regular, special and work session meetings of the Council.
- (l) Remarks by members participating by remote electronic means shall be transmitted so as to be audible by all members and the public in attendance at the meeting; provided, that in executive session the remarks shall be audible only to those included in the executive session.
- (m) As used in these rules, "electronic means" means any system for synchronous two (2) or more way voice and/or virtual communication. "Mayor" includes the Vice-Mayor or any other member serving as president pro tempore.
- (n) Each Council member may attend a maximum of four (4) regular meetings by remote electronic means during the twelve (12) month period starting November 1st of each year unless an exception provided below applies and any number of special meetings or work sessions.
- (o) A Council member may attend an additional two (2) meetings by remote electronic means during a twelve (12) month period starting November 1st of each year if the member declares that he or she is physically unable to attend the meeting due to the need for extended medical care and treatment of the member or extended medical care and treatment or death of the member's immediate family.
- (p) A Council member may attend an additional two (2) meetings by remote electronic means during a twelve (12) month period starting November 1st of each year when the member is traveling on Council approved City business.
- (q) In this section, "immediate family" means the spouse of the person, another person cohabitating with the person in a conjugal relationship that is not a legal marriage, a child (including a stepchild or foster child) of the person, a parent, sibling, grandparent, aunt or uncle of the person, or a parent or sibling of the person's spouse.

- (r) In this section “City business” means anytime a member is traveling or in a location outside the City on behalf of the City or attending training, as approved by Council and in compliance with the Council travel policy.
- (s) In this section “emergency action” means any action which in the judgment of Council is necessary for the immediate preservation of public peace, health or safety.

Council Adopted Policies

Administrative (Policies providing direction to staff related to public meetings.)

20.000 - Agenda & Packet - Preparation, Distribution and Publication

Purpose

The purpose of this policy is to ensure a consistent process in preparing, distributing and publish the City Council Agenda’s and Packets.

Scope

This policy identifies the roles of the Administration when preparing the agenda and packet items, the appropriate times for public participation during meetings and the role of the City Clerk when preparing, distributing and publishing the agenda and packet for City Council meetings.

Policy

A. Agenda Preparation and Format; Public Testimony

1. The City Clerk shall prepare the agenda for each Council meeting after consultation with the Mayor and the City Manager, subject to paragraphs (a) through (d) of KMC 1.15.040. The City Clerk shall circulate a draft agenda to the Mayor, to other Council Members, and to the City Manager.
2. Scheduled Public Comment. The agenda shall include time for “Scheduled Public Comment.” Any member of the public may request that an item be placed on the agenda for a regular Council meeting under “Scheduled Public Comment”. A person who desires to address the Council under Scheduled Public Comment shall make that request in writing on a form provided by the City Clerk a minimum of eight (8) days in advance of the Council meeting. The speaker will be permitted 10 minutes to address the Council after which the speaker may elect whether to address any questions from the Council. The time limitation should be reflected on the agenda. The speaker shall identify themselves, providing their name and stating if they are a resident or non-resident of the City of Kenai. The person may speak on any topic except:
 - a. items scheduled for consideration on that consent agenda;
 - b. items scheduled for public hearing on that agenda;
 - c. personnel matters; and,
 - d. items upon which litigation involving the person or his/her representative and the City is currently pending.
3. Unscheduled Public Comment. The agenda shall include time for “Unscheduled Public Comment.” Any member of the public may address the Council at the time designated on the agenda for “Unscheduled Public Comment”. The speaker will be permitted three (3) minutes to address the Council after which the speaker may elect whether to address any questions from the Council. The time limitation should be reflected on the agenda. The speaker shall identify themselves, providing their name and stating if they are a resident or non-resident of the City of Kenai. The person may speak on any topic except:
 - a. items scheduled for consideration on that consent agenda;
 - b. items scheduled for public hearing on that agenda;

- c. personnel matters; and,
 - d. items upon which litigation involving the person or his/her representative and the City is currently pending.
- 4. Public Hearings; Consent Agenda Testimony.
 - a. Any member of the public present may be heard at public hearings on resolutions and ordinances at the time designated on that agenda for the public hearing or as that time may be extended at the discretion of the Council. Any member of the public present may be heard at a time designated on that agenda to accept public comment on matters appearing on the consent agenda. The agenda shall state that the speaker will be permitted three (3) minutes to address the Council. The time limitation should be reflected on the agenda. The speaker shall identify themselves, providing their name and stating if they are a resident or non-resident of the City of Kenai. The person shall speak to the issue that is the subject of the public hearing or item on the consent agenda. The speaker may elect whether to address any questions from the Council.
 - b. With respect to public testimony in public hearings and relating to items on the consent agenda, persons present at a meeting may give their time over to another speaker present at the meeting; provided, however, that no single speaker present may speak for more than 30 minutes combined on their own and on others' behalf.
- 5. Citizen Comments. The agenda shall include time for citizen comments. Any member of the public may be heard under an agenda section for "Citizens Comment" under agenda item "Additional Public Comments." The speaker will be permitted five (5) minutes to address the Council after which the speaker may elect whether to address any questions from the Council. The time limitation should be reflected on the agenda. The speaker shall identify themselves by providing their name and stating if they are a resident or non-resident of the City of Kenai. The person may speak on any topic except:
 - a. personnel matters; and,
 - b. items upon which litigation involving the person or his/her representative and the City is currently pending.
- B. Council Packet Preparation
 - 1. All reports, ordinances, resolutions, contracts, documents, or other matters to be submitted to the Council for a regular meeting shall be submitted to the City Clerk not later than four p.m. on the Thursday preceding the Wednesday meeting. The City Clerk shall prepare the agenda for all of these matters according to the order of business, numbering each item consecutively.
 - 2. Council Members and Administration are each encouraged to submit explanatory memoranda for any action item requiring Council action that person requests be placed on the agenda.
- C. Agenda and Council Packet Publication and Distribution
 - 1. Notice of the date, time and place, and public hearing agenda items for each regular Council meeting shall be published in a newspaper of general circulation no later than three (3) days prior to each regular Council meeting.
 - 2. Notice of the date, time, and place, and the agenda for each regular Council meeting shall be posted on the City's official bulletin board at City Hall no later than six (6) days prior to each regular Council meeting.
 - 3. The City Clerk shall post a copy of the meeting packet to the City's web site, and shall also provide a copy of the packet to the Kenai Municipal Library, no later than six (6) days prior to each regular Council meeting.
 - 4. Any person and any organization may request a copy of the meeting packet, either by paper or electronic copy. The City Clerk will provide the copy as soon as practical.

5. "Day" is a calendar day. The day of posting and/or publication and the day of the Council meeting each shall be counted for the purpose of computing compliance with the posting and publication deadlines.
6. "Non-routine agenda items" means scheduled public comments, public hearings, unfinished business items, ordinances for introduction, action items not appearing on the consent agenda, and executive session items.

D. Special Meetings

The agenda format, preparation, posting, publication, and public participation policies set forth in sections A, B, and C, above, do not apply to special meetings of the Council. Notice of special meetings shall be made under KMC 1.10.060 and the agenda shall be circulated to each member of the Council and to the City Manager at least 24 hours prior to the special meeting where practicable. The City Clerk will prepare the agenda for a special meeting after consultation with the Mayor and the City Manager, subject to paragraphs (a) through (d) of KMC 1.15.040. The agenda for a special meeting will not include time for Scheduled Public Comment, Unscheduled Public Comment, or Additional Public Comment unless requested by a Council member, the City Manager, or the City Attorney. The agenda shall include time for a public hearing where otherwise required by law for adoption of ordinances and resolutions.

Policy History: Ordinance No. 2347-2008; Resolution No. 2010-07; Ordinance No. 3089-2019; Resolution 2023-11

20.010 - Recording City Council Meetings and Work Sessions

Purpose

The purpose of this policy is to establish procedures, other than those provided in KMC Title 1, for recording City Council meetings, work sessions, and joint work sessions hosted by City Council.

Note: Committees, Commissions and the Council on Aging are regulated by KMC 1.90 and City Council Policy No. 20.020 - Commission, Committee and Council on Aging Procedures. Additionally, the Planning and Zoning Commission is also regulated by KMC 14.05.

Scope

This policy applies to City Council and to all advisory bodies appointed by the City Council when meeting jointly with the City Council.

Policy

A. Meeting Minutes, Summaries and Recordings

1. All City Council meetings and work sessions, including joint work sessions hosted by the Kenai City Council, will be electronically recorded and retained for 6 (six) years.
2. Exceptions:
 - a. Meetings held solely for the purpose of interviewing candidates for positions for employment by the City Council and the part of meetings held in executive session may not be recorded.
 - b. Work Sessions or any portions thereof held outdoors or any other location when recording is not practicable may not be recorded.
3. Meeting minutes shall be produced by the Office of the City Clerk for all City Council regular and special meetings. Minutes approved by City Council are the official records of the meetings.

Policy History: Resolution No.'s 2017-64; 2023-12

20.020 - Commissions, Committees and Council on Aging Procedures

Purpose

The purpose of this policy is to establish procedures, other than those provided in KMC 1.90, for Commissions, Committees and Council on Aging.

Scope

This policy applies to all advisory bodies appointed by the City Council. In addition to this policy the following Kenai Municipal Code (KMC) provisions are applicable:

Airport Commission is also regulated by KMC 21.20

Harbor Commission is also regulated by KMC 11.10

Parks and Recreation Commission is also regulated by KMC 19.05

Planning and Zoning Commission is also regulated by KMC 14.05.

Policy

A. Appointment and Reappointments

1. An application for consideration of appointment or reappointment to a Commission, Committee or Council on Aging must be submitted to the City Clerk.
2. The Mayor nominates an applicant for appointment or reappointment and by motion, the City Council confirms.

B. Establishing Subcommittees

1. A subcommittee of a commission or committee may be established for a specific function upon approval of Council.

C. Meeting Schedules

1. Commission, Committee and Council on Aging meeting schedule is as follows:

| Commission / Committee / Council on Aging | Meeting Schedule | Scheduled Meeting Days |
|---|---|---|
| Airport Commission | Monthly | Second Thursday of the month |
| Beautification | Meetings held January, April, May, September and October | Second Tuesday of the month |
| Council on Aging | Monthly | Second Thursday of the month |
| Harbor Commission | Meetings held February, March, April, May, June, August, September and November | First Monday after first Council meeting of the month |
| Library Commission (<i>Suspended as of 2015, Ordinance No. 2815-2015</i>) | | |
| Parks & Recreation Commission | Monthly, except for July | First Thursday of the month |
| Planning & Zoning Commission | Twice monthly | Second & fourth Wednesday |

2. All regular meetings will be held in the Kenai City Hall Council Chambers with the exception of the Council on Aging who shall meet at the Senior Center and the Airport Commission who shall meet in the Conference Room of the Kenai Municipal Airport terminal building, unless offsite arrangements are approved by the Clerk. Exceptions for subcommittee meetings may be made with the advance notice of the City Clerk.
3. Regularly scheduled meeting times will be approved by Council.

4. Commissions, Committees and Council on Aging may, with the City Clerk's approval and notification to Council and the City Manager, hold special meetings (for a specific purpose) on an as-needed basis.
5. Commissions, Committees and Council on Aging meetings may be cancelled or rescheduled by the City Clerk, with notification to Council and the City Manager, if cancellation or rescheduling is warranted, i.e. lack of agenda items, pre-knowledge of lack of a quorum, etc.
6. Any additional commissions or committees established will be set and incorporated into the meeting schedule by the City Council.

D. Minutes & Meeting Recordings

1. With exception of the Planning & Zoning Commission, taking notes and electronically recording meetings shall be the responsibility of department liaison to the specific meeting body. The Clerk's Office shall take notes and record the meeting for the Planning and Zoning Commission.
2. Action minutes will be produced by the Clerk's Office from the department liaisons notes and provided to the City Council as official records of the meetings. Summary minutes will be produced by the Clerk's Office for Planning and Zoning Commission items when the item is quasi-judicial.
3. Regularly scheduled meetings shall be electronically recorded and with the exception of Planning & Zoning Commission, shall be kept for two years.
4. Planning & Zoning Commission meeting recordings shall be kept for 6 years.

E. Work Sessions

1. Work sessions may not be held without the approval of the City Clerk unless they occur on the night of and at the time of a regularly scheduled advertised meeting. Notification of scheduled work session shall be provided to City Council and the City Manager. Work session may be requested by Council, the liaison or Chair of the body.
2. During work sessions, only items on the work session agenda may be discussed and no formal actions may be taken.
3. At a minimum, work sessions shall be posted on the Official City Bulletin Board in Kenai City Hall and on the city website at least five days prior to the meeting.

F. Basic Meeting Information

1. All meetings shall be open to the public.
2. At a minimum, meeting notices shall be posted on the Official City Bulletin Board in Kenai City Hall and on the city website at least five days prior to the meeting.
3. Meeting agendas shall be established by the Chair and the department liaison and shall be relevant to the authority of the board, commission or committee as designated within the bylaws or Kenai Municipal Code. Items requiring Committee, Commission or Council on Aging action under applicable municipal code prior to final action by the Council, as distinguished from advisory recommendations, will be referred to the respective body prior to any final Council action. The City Council, by motion, may refer any other item to be placed on an agenda seeking a recommendation from the respective Committee, Commission, or Council on Aging.
4. The department liaison shall submit items for the agenda and supporting documentation to the Clerk's Office one week prior to a meeting, no later than 2:00 p.m. The Clerk's Office will compile meeting material and distribute. The Planning & Zoning Commission is exempt from this requirement as the Planning Department advertises, compiles meeting material and distributes for its commission.
5. Rules of Order: Pursuant to KMC 1.15.120(b) and KMC 1.90.050(c), in all matters of parliamentary procedure, Robert's Rules of Order, as revised shall be applicable and govern all meetings, except as specified in KMC 1.15.060 (Motions), KMC 1.15.100 (Speaking), and KMC 1.15.110 (Voting).

6. Quorum: No meeting may proceed in the absence of a quorum, i.e. a quorum is more than one-half of the board/commission (quorum of the whole).
7. Motion: Pursuant to KMC 1.15.060(k), all motions require a second. A majority of votes is required to pass a motion.
8. Speaking: In a meeting, members should be recognized by the Chair before speaking.
9. When is it a Meeting: If any public business is discussed collectively by four or a majority of members of one body.
10. Representation of the body: Members of a City of Kenai Board, Commission, Committee or Council on Aging may only speak on behalf of the body when approved to do so by a majority vote of the body; at which time their basic responsibility is to carry out the body's directives identified within the approved motion.

G. Council Participation

1. Any Council Member may attend a meeting or work session of any Commission, Committee or the Council on Aging; however, no more than three Council Members may attend any one meeting without additional public notice.
2. Only the Council Liaison to the respective, Commission, Committee or Council on Aging may speak on behalf of the Council to the relevant body if approved to do so by a majority vote of the City Council. Participation of the Liaison at Commission, Committee and Council on Aging meetings is limited to updating the body on the actions of the Council and reporting back to the Council the actions of the Commission, Committee or Council on Aging. The Liaison is a non-voting member and may not participate in the debate of an advisory body.
3. Participation by Council Members (acting as a Council Member) other than the Liaison should be limited to ONE Council Member who is a sponsor of a legislative item to be considered for recommendation from the advisory body. The sponsors participation should be limited to three-minute testimony and answering questions from the body. The sponsor of the legislation may not participate in debate of the advisory body. When speaking to the advisory body as the legislative sponsor the following additional rules apply:
 - a. The legislative sponsor will not testify from the Dais, testimony from the sponsor shall be made from the area designated for public comment.
 - b. If the legislative sponsor is the Liaison to the advisory body, the legislative sponsor will remove themselves from the dais and seat themselves in the public area of the chambers. The legislative sponsor will remain in the public seating area during the discussion, debate and voting on the legislative item in which they sponsored.
4. Exception: Council Members may fully participate in any joint work session or other meeting with a Commission, Committee, or the Council on Aging when it has been noticed that the City Council will be in attendance, or there has been a specific delegation of authority by the Council for a member(s) to represent the Council.

Policy History: Action Approval on 08-04-2004; R2017-24; R2018-19; 2019-03; 2023-26

Note: Between 2004 and 2017 other amendments to the policy were made through the action approval process.

Governmental Bodies (Policies applicable to Boards, Commissions, Committees and Councils.)

20.100 - Student Representative

Purpose

The purpose of this policy is to provide an opportunity for student representation to the various governmental body of the City of Kenai. The policy provides an opportunity for students to develop and strengthen leadership skills by connecting with the various governmental bodies of the City of Kenai and assisting fellow students with having their voices heard.

Scope

The Student Representative is a vital channel of communication between the students and the governmental bodies of the City of Kenai and has a variety of important roles and responsibilities, including representing the views of students on matters of concern to students; as time allows, participation in other events attended by the governmental body; and increased student involvement in matters affecting students. The appointed student acts as a representative leader of the student body.

Policy

It is important to seek out and consider student ideas, viewpoints and reaction to City decisions and policies affecting students. In order to provide student input and involvement, the Kenai City Council may appoint a Student Representative and an Alternate Student Representative to the various governmental bodies of the City as it deems necessary.

Qualifications of Student Representatives

- A. Must be a Junior or Senior in good standing at a school within the Kenai City Limits.
- B. Residency Requirements are as follows:
 - 1. City Council Student Representatives must reside within the Kenai City limits.
 - 2. Student Representatives to the Council on Aging, Airport Commission, Harbor Commission, Parks and Recreation Commission, Planning and Zoning Commission or Beautification Committee may but are not required to reside within Kenai City limits.
- C. Preference will be given to students who are active members of a School Leadership Group or the Student Council.
- E. Must obtain approval from the school administration and their parent or legal guardian.
- F. If multiple applications are received for the same governmental body, the Mayor may select one applicant for appointment.

Requirements of Student Representatives

- A. Attend and participate in all meetings and work sessions of the governmental body in which the student is appointed to while school is in session, unless excused by the Mayor or Mayors designee.
- B. Act as a communication liaison between the governmental body and students by reporting to the students the activities of the governing body; and, providing information and feed back to the governing body on policies and issues affecting the students.
- C. Conduct themselves in proper business etiquette when acting as a Student Representative.
- D. Should have an interest in public service and utilize this appointment as a way to develop leadership skills.

Limitations of Student Representatives

- A. Appointments are for 1-Year terms, beginning in early September of each year and ending in August of the following year.
- B. May not move or second items during a meeting.
- C. May cast advisory votes on all matters except those subject to executive session discussions; however, the advisory vote will not affect the outcome, the advisory vote will be recorded in the meeting minutes, and the student vote will be last in the roll call order.

Student Representative Policy History: Action Approval 03/16/2005; Action Approval 09/01/2010; Resolutions 2018-03; 2020-61; and, 2023-27

20.110 - Use of Electronic Devices During Meetings

Purpose

The purpose of this policy is intended to preserve transparency in communications during meetings of the City Council, City Commissions, Committees and the Council on Aging (appointed bodies) to avoid the appearance of impropriety during a public meeting.

Scope

The information Council Members and members of appointed bodies receive once they are assembled in a public meeting should be limited to what is shared with everyone in attendance at that meeting. This policy will ensure that other Council Members, members of appointed bodies and the public are receiving the same information related to City business up for consideration.

Policy

- A. During meetings of the Kenai City Council and appointed bodies, devices intended for communications must be set to silent.
- B. No texts, emails, or other forms of electronic communication related to City business may be read or sent during the meeting (unless previously published to the whole body) except for the purpose of resolving technical issues and disclosed to the body.
- C. During City Meetings Council Members and members of appointed bodies should limit personal use of electronic communications to the extent possible.

Policy History: Action/Approval 02/06/2008; Resolution No. 2023-13

20.120 - Mobile Device Use & Management

Purpose

The City of Kenai recognizes the benefits of utilizing digital communication and information, and supports the utilization of the mobile devices by the Mayor, City Council Members, Planning and Zoning Commissioners, and certain support staff. Users of City issued mobile devices acknowledge, understand and agree to the underlying mobile device and internet usage philosophy that form the basis of this policy.

Scope

To establish rules for how City issued mobile devices and personal mobile devices are used and secured within the City of Kenai.

Policy

A. Receipt of Mobile Device

The City Clerk's Office will issue and administer the use of City owned mobile devices that include appropriate applications for use relating to City business. The City owned mobile device will serve as [A] the source of meeting packets for City Council Members and Planning and Zoning Commissioners.

B. Care of Mobile Device

Users are responsible for the general care of the City owned mobile device that they have been issued by the City. City owned mobile devices must remain free of any writing, drawing, stickers, or labels that are not the property of the City. Only a clean soft cloth should be used to clean the screen.

C. Security of the Mobile Device

Users shall maintain a secure PIN or other password protection to avoid access by unauthorized users. The PIN must be provided to the City Clerk and through the City Clerk's Office made accessible to the Information Technology (IT) Manager. The PIN may not be shared with any unauthorized users.

D. Personally Owned Devices

Personal mobile devices are not managed by the Kenai City Clerk's Office. For this reason, any support need or issue related to a personal owned device is the responsibility of the device owner. Specifically, the user is responsible for:

1. Settling any service or billing disputes with the carrier:
2. Purchasing any required software not provided by the manufacturer or wireless carrier:
3. Device registration with vendor and/or service provider:
4. Maintaining necessary warranty information:
5. Battery replacement due to failure or loss of ability to hold a charge;
6. Backing up all data, settings, media, and applications:
7. Installation of operating system and software application updates.

E. Software on Mobile Device

The software and applications installed by the City, or by request of the City, must remain on the mobile device in usable conditions and be readily accessible at all times. The user may not remove any software or applications installed by the City. From time to time, the City may add or upgrade software applications such that users may be required to check in their mobile devices with the City Clerk for periodic installs, updates, and syncing. In the event it becomes necessary to restore a mobile device to its original condition, the City will not be held responsible for the loss of any software or documents or pictures deleted due to a re-format and re-imaging.

Files from sources that a user may have any reason to believe may be untrustworthy shall not be downloaded, nor shall files attached to email transmissions be opened and read unless the user has knowledge that they originate from a trustworthy source. Downloaded files and attachments may contain viruses or hostile applications that could damage the City's information systems. Users will be held accountable for any damage caused by files obtained for non-City business purposes.

F. Life of the Mobile Device

City issued mobile devices will be assessed annually and, if necessary, the City will purchase upgraded devices through the budgeting process.

G. WARNING - NO PRIVACY

Communications made via City issued devices may be subject to disclosure under the Kenai Municipal Code Chapter 10.40, Release of Public Records, the Alaska Public Records Act or for litigation purposes unless a privilege or exception exists that justifies withholding the information.

H. Audits

All City issued mobile devices are subject to audit by the City. Excessive data usage may be investigated, and any additional costs that cannot be justified for official City purposes may be passed on to the user of the device. If contacted, users have three business days to provide their mobile device to the City Clerk. They will be provided a "loaner" to use in the interim. Typically, the mobile device will be returned to the user within five business days.

I. Representations

While operating a City issued mobile device a user advocating, advancing or expressing any individual religious, political or personal views or opinions must clearly indicate that their views are personal and not those of the City. Users may not represent their statements as official City policy unless authorized to do so.

J. Email Usage for City Business

For the purposes of activity related to City business, the user shall conduct all email communication through their assigned City email account, if applicable. All emails on the City email account are archived and retained by the City. This account shall be synced to the mobile device as well, but all City related business must be conducted through the City email address or copied to the City email address if the user's personal email box is used. Where possible, the user's assigned City email account must be configured as the primary or default account on the mobile device.

K. Acceptable Use

The mobile device, Internet and email access provided are tools for conducting City business. Thus, City use of such tools will be primarily for City business related purposes; i.e., to review City agenda materials and obtain useful information for City related business communications as appropriate. All of the City's computer systems, including the mobile device, are considered City property. Mobile device, Internet and email activities will be traceable to the City and will impact the reputation of the City. City issued mobile devices shall not be used to send or knowingly download any vulgar, discriminatory or pornographic content. Users shall refrain from making any false or defamatory statements, or from disclosing private facts without written authorization by the affected parties, in any Internet forum or from committing any other acts that could expose the City to liability.

City issued mobile devices are not to be used for operating a business for personal gain, sending chain letters or any other purpose that interferes with the normal City business activities. Users shall not use City issued mobile devices for any illegal activity.

Users will not store any protected City data (SSNs, Credit Card Numbers, Health information, etc.) on the mobile device.

Users shall not use the mobile device during or outside of a city council meeting in any way that violate the Open Meetings Act requirements of the State of Alaska and the City of Kenai.

Mobile device users are allowed to have music, photos, videos and install apps on their mobile device; however, the items downloaded and synced to the mobile device must be in compliance with Federal copyright laws and shall be acquired at the expense of the user. Any apps downloaded by the user must originate from official sources. Users are encouraged to limit photos and videos, as the amount of digital storage available on the mobile device is limited. If at any time user purchased content or application interfere with the proper operation of the mobile device, at the City's sole discretion, user purchased content and applications may be removed to ensure proper operation of the mobile device.

L. User Responsibility

It is the responsibility of the user to ensure the City provided mobile device is kept reasonably safe, protected from damage or theft. Mobile devices must remain free of any writing, drawing stickers or labels that are not the property of the City. Should a mobile device be accidentally lost, damaged or stolen, responsibility shall be as follows:

1. First time: City shall repair or replace at no cost to the user.
2. Second time: The City shall pay half the cost of repair or replacement and the user shall pay half the cost.
3. Third time: The user shall be entirely responsible for repair or replacement costs and shall replace the unit within two weeks of the equipment loss.

Mobile devices that are damaged or destroyed through intentional misuse must be repaired or replaced at the user's expense. Exceptions for situations that are due to extenuating circumstances may be authorized by the Mayor.

M. Loss or Theft of the Mobile Device

The user of the device must notify the Clerk's Office immediately or as soon as practicable upon loss, theft or suspected loss/theft of the device.

If the user has modified the iTunes account on the device to their personal iTunes account, the user is responsible for disabling the device through their iTunes account. If the City issued iTunes account is still the account assigned to the device the City Clerk will disable the device.

N. Return of the Mobile Device

Upon completion of at least one full term of service, the City Council Member or Planning and Zoning Commission Member may retain their City issued mobile device for their personal use following the purge of all information and City software. The user shall therefore return their mobile device to the Clerk's Office when the individual member's term of service has ended. Upon completion of the user's term(s) of service,

which must include one full term, the mobile device will be wiped clean of any and all information at the end of the term of service. After it is wiped clean, the user will be given the option to retain the mobile device for personal use as a token of appreciation for their services.

In the event the user does not serve a full term, the mobile device will be returned to the City Clerk's Office. It will be the user's responsibility to remove any personal data from the device prior to returning the device to the City Clerk's Office where it will be purged of all information.

O. Indemnification

The City bears no responsibility whatsoever for any legal action threatened or commenced due to conduct and activities of user in accessing or using these resources. All users agree to indemnify and hold harmless the City against any and all claims of any kind or nature whatsoever for damages, including tangible and intangible damages, costs and expenses suffered by the City arising out of any unlawful or improper conduct and activity, and in respect of any action, settlement or compromise, or any statutory infringement.

Legal prosecution following a breach of these conditions may result independently from any action by the City.

P. Student Representative

The City Clerk's Office will issue and administer the use of a mobile device for the Student Representative to the City Council, which will include appropriate applications for use relating to City business conducted by the Student Representative. In addition to the policies listed herein, the student's device will be maintained in the Office of the City Clerk and provided to the Student Representative, loaded with any necessary meeting material, for all regular and special City Council meetings and all work sessions. The device will be returned to the City Clerk or the City Clerk's representative after each meeting or work session.

Q. Compliance with Policy

The City reserves the right to inspect any and all files stored on mobile devices that are the property of the City in order to ensure compliance with this policy. Users do not have any personal privacy right in any matter created, received, store in or sent from any City issued mobile device, and the City Clerk is hereby authorized to institute appropriate practices and procedure to ensure compliance with the policy. Any violation of this policy may result in discipline pursuant to Council direction.

Policy History: Resolution No.'s: 2017-02; 2018-67; 2019-38; 2023-14

City Council (Policies applicable to the City Council)

20.200 - Kenai Council Travel

Purpose

The purpose of this Policy is to establish rules for authorization and reporting of Council Member travel on City business.

Scope

This policy applies to travel by the Mayor and other Council Members traveling on City business.

Policy

- A. Any Council member who intends to travel outside the City, on behalf of the City, must apply for and obtain, in advance of such travel if such travel was not previously included in the adopted budget, approval as follows:
 1. The Mayor approves his/her own and Council Member travel within the state;
 2. The Council, by motion, approves all travel outside the state, except the Mayor may approve travel outside the state if time does not allow for Council approval. In such cases where the Mayor approves travel outside the state, the Mayor shall provide written justification for the travel authorization to the Council at the next regularly scheduled Council Meeting following the travel approval.

- B. Any Mayor or Council Member, who travels at the City's expense, will be required to submit a report of their activities verbally or in writing, at the next meeting attended following said travel.

Policy History: Resolutions No.'s 2014-24; 2017-63; 2023-09

20.210 - Kenai Council Public Recognition

Purpose

The purpose of this policy is to establish procedures and limits for the expenditure of Council funds in recognition of certain events affecting the community, City officials, and employees.

Scope

This policy applies to funds expended by the Council for recognition of certain events affecting the community, City officials, and employees.

Policy

- A. The Council recognizes a public benefit in the recognition, on behalf of the Council and City, of certain events affecting the community, City officials, and employees. Pursuant to this policy, the Mayor is authorized to expend City funds within budgeted amounts not to exceed \$200 per event on gifts and other appropriate items such as flowers. Council must approve by motion the expenditure of any greater amount.
- B. Events intended to be recognized, under this policy include, but are not limited to, retirements, special achievements, serious injuries or illnesses, and deaths.
- C. Members of City Commissions, Committees and the Council on Aging shall receive a letter of recognition for years of service, signed by the Mayor or designee after five years of service, and a plaque, or other honorarium, from the City upon leaving the Commission, Committee or Council on Aging if more than ten years of service have been provided.

Policy History: Resolution No.'s 2014-25; 2016-13; 2023-10

20.220 - Filling Council Vacancies by Appointment

Purpose

The purpose of this policy is to provide clear procedures when there is a vacancy on the City Council.

Scope

The policy is intended to ensure a fair and transparent process when appointing a person to fill a vacancy on the City Council due to a resignation or for other reasons prescribed by the City of Kenai Municipal Charter or Code. Selecting an applicant to fill a vacancy on the Council is an action that is subject to the Alaska Open Meetings Act.

Policy

Declaring a City Council Seat Vacant

The City Council, due to a resignation or for reasons prescribed by Kenai Municipal Charter or Code, will declare a City Council seat vacant.

Advertising a City Council Seat for Appointment

The Clerk will post to the City website, publish in a newspaper of general circulation and post to other media formats currently utilized for public notice by the City Clerk's Office.

- A. Notice of Vacancy: The Clerk will publish at least twice in a newspaper of general circulation a Notice of Vacancy in Office. The posting and first publication will occur at least seven (7) calendar days before the application period opens. The notice will include the procedures for applying, qualification requirements of applicants and the dates of the application period.

- B. Publishing Notice of Vacancy: Within the limitation of publication deadlines established by a newspaper of general circulation, the Clerk will endeavor to post and publish the Notice of Vacancy within seven (7) calendar days of the City Council declaring the seat vacant.

Application Period

The application period will be determined by the Clerk and established with the objective of providing applicants for consideration by the City Council and meet the following requirements:

- A. The application period must be open a minimum of seven (7) calendar days.
- B. The application period may not be opened any sooner than seven (7) calendar days from the first publication of the Notice of Vacancy in Office.

Applicants

Interested persons may file an application for appointment with the Office of the City Clerk.

- A. Applicants must meet the qualification of office requirements as established in Kenai Municipal Code and Charter. Applicants must provide proof of qualifications for office as required by the Clerk.
- B. Each interested person must file an application for appointment under oath on a form provided by the Clerk and a completed City of Kenai Financial Disclosure form must be submitted at the time of filing the application for appointment. Applicants are also encouraged to include a letter of interest and/or resume.
- C. The Clerk will determine an applicant's qualifications in accordance with Kenai Municipal Charter and Code. Applicants will be notified by the Clerk stating that their application is complete and in proper form, or return it to the applicant with a statement explaining how the application is deficient. If the application period remains open, the applicant may correct deficiencies.
- D. Applications submitted with the following deficiencies will not be given to the Council:
 - 1. The applicant does not meet the required qualifications as established in Kenai Municipal Charter and Code; or,
 - 2. The application is incomplete and the applicant did not correct any deficiencies prior to the closing of the application period; or,
 - 3. A completed City of Kenai Financial Disclosure form was not submitted with the application for appointment; or,
 - 4. The application was received after the application period closed.
- E. The application, and if submitted letter of interest and resume from qualified applicants, will be included in the Council's packet for a work session or meeting set for conducting interviews.

Scheduling Interview

Applicant interviews will be conducted during a work session, special or regular meeting of the City Council and will be open to the public.

- A. The Mayor and Clerk will work together to schedule a tentative interview schedule, such schedule is subject to final approval of the Council.
- B. Each applicant, will be provided with the notice of meeting for scheduled interviews and with a packet containing the application and any supporting materials from all qualified applicants.
- C. All Work Session, special or regular meetings will be noticed in accordance with Kenai Municipal Charter and Code.

Interviews

Interviews of qualified applicant(s) will be conducted prior to appointments to vacant City Council seat(s). To ensure a fair process each applicant will be provided an equal amount of time for statements and asked similar interview questions, follow up questions from Council will be allowed based on the answers or

statements provided by the applicant(s). Unless otherwise requested by the Council and supported by a majority vote, no public testimony other than the applicants will be heard during the interviews.

- A. The City Council or a Sub-Committee appointed by the Council may meet in Executive Session to develop interview questions.
- B. Before interviews commence, applicants will be asked to report to a conference room during interviews of other applicants and until it is their turn to interview. In accordance with the State of Alaska Open Meetings Act, City Council meetings are open to the public and any applicant who objects may remain in the Council Chambers during the interview process.
- C. Applicants will generally be interviewed in the order in which their application was received, exceptions may be made based on the availability and schedule of the applicant(s). The order of interviews may be changed by a majority vote of the remaining Council members.
- D. During the interviews each applicant will have five minutes to introduce themselves and make a statement. Additional time will be provided to answer questions from the Council.

Appointment Procedures

When there is more than one vacancy and multiple appointments are being made during the same meeting, only one appointment will be made at a time. The Mayor will announce which vacancy is being considered prior to commencement of the voting process. Any applicant eliminated during the voting process for the first appointment may be considered for voting on subsequent appointments during the same application/appointment process.

- A. During the same regular or special meeting when applicant interviews are completed or at a regular or special meeting scheduled for a later date, the Council may make and pass a motion to begin the voting process by secret ballot. If the appointment takes place during a regular meeting the matter will appear on the agenda after Unscheduled Public Comments and prior to Public Hearings. (Appointments may not be made during a Work Session.)
- B. The Council, by majority vote of the remaining members will select an applicant for appointment. If at any time during the voting process there is a tie vote, and the tie isn't broken after two votes, the tie shall be broken by lot as provided in Kenai Municipal Code for a tie in an election. Voting procedures will be established based on the number of applicants for consideration and as follows:
 - 1. One Applicant: In the event that there is only one (1) applicant for an open seat, the City Council may skip all secret ballot voting and make a motion to appoint the applicant. This step may also be used when the number of applicants is equal to the number of vacant seats.
 - 2. Two Applicants: In the event that there are only two (2) applicants for one open seat, proceed to subparagraph 3 of this section.
 - 3. Three or More Applicants: The Council will take an initial vote through a ballot provided by the Clerk to narrow the field utilizing the following procedures.
 - a. The initial votes will be counted on a point system: the first choice would receive two (2) points, the second choice would receive one (1) point.
 - b. During the initial vote, Council members may choose only one or two applicants; however, Council members may not select that same applicant more than once on the same ballot.
 - c. The Clerk and Attorney will tally the results of the initial vote and announce the point results.
 - d. The applicant(s) with the lowest number of points will be eliminated, until only two applicants remain. When only two applicants remain, proceed to subparagraph 3 of this section.
 - e. If two applicants cannot be differentiated based on the highest number of votes, two applicants will be selected by lot. Once two applicants have been selected by lot, proceed to subparagraph 3 of this section.

- C. Council members will be given a ballot with the names of the applicants or remaining applicants. The Clerk will gather the voted ballots, tally the vote and read out loud the outcome of the voted ballots.
- D. After the outcome of the vote from Appointment Procedures has been read out loud the Council may make and pass a motion to appoint the person who received the greatest number of votes to fill the vacant seat.
- E. The Council, by a majority vote of the remaining members may decide at any time not to appoint any applicants and start a new recruitment period or extend the existing recruitment period.

Term, Oath and Requirements of Appointed Council Members

Persons appointed to a vacant City Council seat serve until the next regular election at which time that seat will be placed on the ballot for the remainder of that seats regular term.

- A. After the motion to appoint has passed, the person appointed will be given their oath of office and immediately take their seat at the dais as a member of the City Council.
- B. In accordance with Kenai Municipal Charter Section 2-9, the appointed person serves until the next regular election.

Policy History: Resolution No's 2021-01; 2023-15 Sub

20.230 - Supervisory Sub-Committee

Purpose

The purpose of this Policy is to establish procedures and duties of the Supervisory Sub-Committee of the City Council for the purpose of facilitating communication and efficiency between the City Council and the City Attorney, City Manager and City Clerk regarding performance and other work matters.

Appointment

The Supervisory Sub-Committee will consist of three Councilmembers, including the Mayor, Vice-Mayor and a third Councilmember appointed by the Mayor and confirmed by Council. The appointment of the third member shall occur at the same Council Meeting that committee and commission liaisons are appointed and confirmed, or as soon thereafter as practicable.

Procedures

The Supervisory Sub-Committee will meet privately with the City Attorney, City Manager and City Clerk as needed to review performance related matters and/or other work-related matters. Meetings may be with one or more council employees. In the quarter in which the Council completes an annual review of the employees' performance, the Supervisory Sub-Committee shall meet with each employee after the annual performance review.

Duties

The Supervisory Sub-Committee shall discuss performance related matters and/or other work-related matters with the City Attorney, City Manager and City Clerk. After each meeting, the Supervisory Sub-Committee shall provide a written report available to the City Council and employee. This report shall be considered a confidential working record for the sole purpose of accumulating data for evaluation reports. Such reports shall be kept outside the employee's personnel file and destroyed after each annual evaluation performed by the City Council. The reports shall be considered unofficial and have no standing other than as a temporary record of items discussed. Such reports are confidential, and shall be sealed and maintained by the City Clerk and are accessible only to the City Council and Council employee.

The Supervisory Sub-Committee may take no action, but shall act as an informal liaison between Council and its employee's. The Supervisory Sub-Committee may make reports to Council regarding performance, monitor performance expectations and goals, provide recommendations to employees regarding performance and work place matters and convey direction determined by Council.

The City Attorney, City Manager, and City Clerk may contact any Councilmember or the Council as a whole regarding any work-related matter, and also may request meetings on a more frequent basis with the Supervisory Sub-Committee. This Policy does not preclude Councilmembers or the Council as a whole from addressing its employees on performance or other work-related matters by other means.

Policy History: Resolution No.'s 2017-03; 2019-71 Sub; 2023-18