

By: Council Member Harvey
Introduced: April 9, 2018
Public Hearing: April 23, 2018
Failed: April 23, 2018
Yes: Graham, Harvey, Ledford
No: Burney, Dryden, O'Barr
Absent: None

**City of Wasilla
Ordinance Serial No. 18-15**

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code Section 2.04.070, Public Meetings, Related To Public Notice And Telephonic Participation In Council Meetings; And Amending Section 2.04.110, Agenda, To Discontinue Publishing Council Meeting Agendas In The Newspaper.

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

Section 2. Amendment of section. WMC 2.04.070 Public meetings, is hereby amended to read as follows:

A. All meetings ~~and work sessions~~ of the council, except for executive sessions, are open to the public and shall be electronically recorded. **A reasonable opportunity for the public to be heard at each meeting shall be provided consistent with AS 29.20.020.**

B. At least twenty-four (24) hour advance public notice, setting out the date, time, **and** place ~~and agenda or issue~~ of the meeting shall be given for all regular and special meetings ~~and work sessions~~ of the council, using print ~~or broadcast~~ media. **The notice shall be posted at City Hall in a place designated by the city clerk consistent with AS 44.62.310.**

C. **A council member who will be absent from a meeting of the council, including executive session,** Teleconferencing may ~~be used for all~~

~~Bold & Underline, added, Strikethrough, deleted~~

lawful activities of the city and, if all voting individuals have an opportunity to evaluate all testimony and evidence, to vote on actions. Teleconferencing may not be used as a regular form of participating for regular meetings of the council. participate in and vote at the meeting by telephone, cell phone, or other similar device under the following circumstances:

1. Reasonable technical capabilities are available at the meeting location to allow the council member to participate by teleconference, to include being able to hear and engage in discussion, and being audible to all persons participating in the meeting; and

2. Prior to the meeting, reasonable efforts are made to ensure that the council member participating by teleconference is provided the meeting agenda and documents to be discussed and/or acted upon; electronic access to the agenda and documents is considered sufficient access.

D. Council members may not use teleconferencing as a regular form of participation in meetings of the council.

E. All votes taken at the meeting in which a council member is participating telephonically shall be taken by roll call.

F. No person shall serve as presiding officer of the meeting when participating telephonically.

Section 3. Amendment of subsection. WMC 2.04.110(A), within Agenda, is hereby amended to read as follows:

A. The clerk shall prepare the agenda for each meeting after consultation with the mayor. The agenda shall include any proposed ordinance,

Bold & Underline, added. ~~Strikethrough, deleted~~

resolution, action memorandum or information memorandum in which the mayor or one council member wishes to bring forward. ~~A discussion item, to include an agency report, shall be placed on the agenda if requested in writing and signed by the mayor or two council members. Items not on the published agenda may not be discussed at the meeting unless approved by a majority vote of the council.~~ **The agenda shall be published online and posted at City Hall in a place designated by the city clerk.**

Section 4. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

FAILED, by the Wasilla City Council on April 23, 2018.

CITY OF

WASILLA

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CITY COUNCIL LEGISLATION STAFF REPORT

Ordinance Serial No. 18-15: An Ordinance Amending Wasilla Municipal Code Section 2.04.070, Public Meetings, Related To Public Notice and Telephonic Participation In Council Meetings; And Amending Section 2.04.110, Agenda, To Discontinue Publishing Council Meeting Agendas In The Newspaper.

Originator: City Clerk for Council Member Harvey

Date: 3/8/2018

Agenda of: 4/9/2018

Route to:	Department Head	Signature	Date
X	Finance Director		3/29/18
X	Deputy Administrator		3/30/18
X	City Attorney		4/3/18
X	City Clerk		3/27/18

Reviewed by Mayor Bert L. Cottle:  3/28/2018

Fiscal Impact: yes or no **Funds Available:** yes or no

Account name/number: Advertising 001.4110.411.50-40

Attachments: Ordinance Serial No. 18-15 (3 pages)

Summary Statement: At the February 5, 2018, Special Meeting, the Council discussed advertising costs; what notices does the Clerk’s Office publish and is the publication required by state statute or local code.

We estimate that the City will spend about 4,500 to publish regular council meeting agendas in the newspaper this fiscal year. The cost varies depending on the size of the agenda and how many agendas get published; one for each regular meeting. The agenda publishes once in the newspaper on Wednesday prior to the scheduled meeting with staff spending at least an hour proofing the copy before releasing it for print.

In addition to the newspaper, we post the agenda to the posting board at City Hall and publish it online with an e-notification going out to all subscribers. The e-notification contains a link to the agenda and packet. We also publish a news article on the City’s homepage with a link to the agenda and packet.

State statutes do not require us to publish the agenda in the newspaper; however, we are required to publish the Notice of Public Hearing (AS 29.25.020 and 29.71.800).

The Open Meetings Act (OMA) only requires us to give “reasonable public notice” for all meetings required to be open under the OMA (council/commission). The notice must include the date, time, and place of the meeting. The OMA also requires us to post the notice (date, time, and place of the meeting) at City Hall (principal office of the public entity), and that we provide notice in a consistent fashion.

This proposed ordinance will not change the publication of the Notice of Public Meetings (date, time, and place) or the Notice of Public Hearing in the newspaper. We will continue to publish these notices in the newspaper, online, and on the posting board at City Hall, consistent with state statute and current practice.

If this ordinance is adopted, we would no longer publish the agenda in the newspaper, but will continue to:

1. Post the agenda to the posting board at City Hall.
2. Publish the agenda online with an e-notification, containing a link to the agenda and packet, going out to all subscribers.
3. Publish a news article on the City’s homepage with a link to the agenda and packet.

Currently, Planning Commission meeting agendas are published in the newspaper; however the publication is not required by state statute or local code. If this ordinance passes, the planning office will discontinue publishing the agenda in the newspaper as a matter of policy but will publish certain items in the newspaper as required by code (elevated permits, conditional use, rezone, and variance applications).

I queried municipal clerks across Alaska and found that the following municipalities do not publish assembly or council meeting agendas in the newspaper:

- | | |
|------------------------------|-----------------------------------------|
| 1. Municipality of Anchorage | 10. City of Thorne Bay |
| 2. City of Bethel | 11. City of Unalaska |
| 3. City of Craig | 12. City of Utqiagvik (formerly Barrow) |
| 4. City of Fairbanks | 13. City of Valdez |
| 5. City of Gustavus | 14. City & Borough of Wrangell |
| 6. City of Homer | 15. Denali Borough |
| 7. City of Houston | 16. Kenai Peninsula Borough |
| 8. City of Sand Point | 17. Kodiak Island Borough |
| 9. City of Skagway | |

It appears the trend is to move away from agenda publication in the newspaper as a cost savings measure and the availability of the internet and social media.

This ordinance also seeks to enhance provisions related to telephonic participation in council meetings by members of the council.

Staff Recommendation: Introduce and set the ordinance for public hearing.