

KETCHIKAN CHARTER COMMISSION

AGENDA STATEMENT

NO. H-2

MEETING OF **February 25, 2005**

ITEM TITLE

Amend Charter Section 3.02(b): Legislation,
Ordinances – General, Readings

SUBMITTED BY Debby Otte

SUMMARY STATEMENT

In the Charter Section 3.02(b) calls for an additional reading if there is a substantive amendment made to an ordinance in first reading. It does not address what occurs if a substantive amendment is made in second reading. The standard, as discussed in *Griswold v. Homer*, 34 P.3d 1280 (Alaska 2001) does not require an additional hearing unless there is a material change in the subject of the ordinance. Resubmission after the second reading is only required if the amendment is so substantial is to change the basic character of the ordinance. The choice of whether to require an additional hearing or not is a policy choice. The Charter is more restrictive than would be required by the current status of state law. We are free to be more restrictive, so long as we comply with the minimums in state law.

SUGGESTED CHANGE:

(b) **Readings.** A proposed non-emergency ordinance shall be read in full or by title only, and an affirmative vote of a majority of the Assembly shall be required for advancing to public hearing and second reading. A non-emergency ordinance in which ~~{SUBSTANTIVE}~~ amendments are made in first reading which materially change the subject of the ordinance shall require an additional reading before passing to second reading. Notice of the public hearing containing a summary of the ordinance and the time and place for the hearing shall be published not less than five (5) days prior to the date of the public hearing. Before a vote on final passage, a proposed non-emergency ordinance shall be read by title or in full and an affirmative vote of a majority of the Assembly shall be required for its final passage;

RECOMMENDED ACTION:

"I move to amend Article III, Section 3.02(b) as suggested above by deleting the word "substantive" and adding the words "which materially change the subject of the ordinance"."