

KETCHIKAN CHARTER COMMISSION

AGENDA STATEMENT

NO _____ H-2 (d) _____

MEETING OF June 18, 2004

ITEM TITLE Article III, Section 3.02 – Ordinances – General Article III, Section 3.02 (b) – Readings SUBMITTED BY Harriett Edwards, Borough Clerk

SUMMARY STATEMENT

Borough Clerk, Harriett Edwards, has made suggestions to amend the Draft Charter in a number of different areas.

Article III, Section 3.02 (b) reads as follows:

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 second reading. A non-emergency ordinance in which substantive amendments are made in first reading shall require an additional reading before passing to final reading. 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;

Ms. Edwards suggests the following: The paragraph should be amended to read: “**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 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.**” Ms. Edwards indicated that this change allows for a public hearing and that adequate notice is provided the public prior to final passage.

RECOMMENDED ACTION:

I move to amend Article III, Section 3.02 (b) to read as indicated in bold above.”

City Clerk, Katy Suiter responded with: Requiring a public hearing on each and every ordinance (except emergency ordinances) can be a cumbersome process. Home rule muni's have the opportunity to make the public process more streamlined with regard to ordinances (the Borough, by state law, currently has to follow the procedure as set out in Harriett's memo). Under current City practice, by not requiring a public hearing prior to consideration of each ordinance, the public is allowed to speak on any subject at the beginning of each Council meeting under Persons to be Heard. Many people would rather not hang around at the meeting until their ordinance comes up to be able to express their opinion (as is current Borough practice). The notice requirement as suggested by Harriett on issues that affect the public to a greater degree, such as budget amendments and rate changes, can be addressed in the Code that is adopted.

Clerk Edwards then responded: As much as I hate to disagree with my colleague, I have to do so regarding her comments regarding public hearings on ordinances. Ordinances affect all citizens of the community in many ways; some very narrowly and others with broad-reaching effects. Providing for a public hearing time immediately prior to consideration of each ordinance in second reading allows the Assembly the opportunity to listen to one or more parties who want to comment specifically about the ordinance. During public participation time the comments are on a wide range of subjects and items tend to get lost in the stream of words being directed at the Assembly. Also, setting them out specifically under an item "Public Hearings" in the agenda serves to draw attention to them.

Ms. Edwards continued that a quick review of agendas for other communities show some that call for public hearings immediately prior to final adoption of an ordinance (Juneau, Kenai, Fairbanks, Anchorage, Aleutians East Borough). Others, Valdez and Sitka, put them under Unfinished Business. These communities contain a mix of general law municipalities and home rule municipalities. If there is concern about people waiting to speak at public hearings prior to public comments, the order of business (agenda) could be structured to provide for public hearings prior to public comments or the Assembly could change the order of business to accommodate them.

Ms. Edwards further stated that there is no right or wrong way to deal with this issue.