



Kenai City Council - Work Session

February 15, 2023 – 3:30 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

Work Session Agenda Review of Council Adopted Policies

A. CALL TO ORDER

B. INTRODUCTION

C. DISCUSSION ITEM

1. **Council Policy No. 2018-02** - Procedures for Including Contingency Funding in Contracts.
2. **Council Policy No. 2014-02** - Kenai City Council Travel Policy.
3. **Council Policy No. 2014-01** - Kenai City Council Public Recognition Policy.
4. **Council Policy No. 2019-01** - City Council Agenda and Packet - Preparation, Distribution and Publication Policy.
5. **Council Policy No. 2017-03** - Procedures for Recording City Council Meetings and Work Sessions Policy.
6. **Council Unnumbered Policy** - Electronic Devices During Meetings of the Council Policy.
7. **Council Policy No. 2017-01** - Mobile Device Use and Management Policy.
8. **Council Policy No. 2021-01** - Selecting and Appointing a Qualified Person or Persons to Fill Vacancies on the City Council Policy.
9. **Council Policy No. 2016-01** - Procedures for Commissions, Committees and Council on Aging Policy.
10. **Council Policy No. 2018-01** - Student Representative Policies.
11. **Council Policy No. 2017-02** - Supervisory Sub-Committee Policy.
12. **Policy Development** - City Council Ex-Officio Policy.

D. COUNCIL COMMENTS

E. PUBLIC COMMENTS

F. ADJOURNMENT

Join Zoom Meeting

<https://us02web.zoom.us/j/85487897501>

Meeting ID: 854 8789 7501 Passcode: 397933

OR

Dial In: (253) 215-8782 or (301) 715-8592

Meeting ID: 854 8789 7501 Passcode: 397933



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Terry Eubank, City Manager

DATE: February 3, 2023

SUBJECT: Repealing City Council Adopted Policy No. 2018-02 - Procedures for Including Contingency Funding in Contracts.

City Council Policy 2018-02 was adopted through Resolution No. 2018-05 on February 7, 2018 and is no longer needed.

With the enactment of Ordinance 3306-2022, procedures for including contingency funding in contracts are no longer necessary as proper controls over City contracts are currently provided for in KMC 7.15.020 - Purchases requiring Council approval.

Your consideration is appreciated.

POLICY NO. 2018-02: Procedures for Including Contingency Funding in Contracts.

Purpose

Inclusion of an appropriate Council approved contingency amount in contracts will provide for efficient management while maintaining proper controls over City contracts.

Scope

Contracts where identified uncertainties justify the inclusion of an appropriate and council approved contingency amount.

Policy

1. Including Contingency in Bids:

- a. The administration will identify uncertainties in projects and include a bid item to cover potential contingencies needed to complete the project.
- b. This is a contingent sum in the bid schedule that if changed will not affect the order of bidders from low to high.

2. Council Award of Contracts:

- a. The administration will identify possible uncertainties and the amount of recommended contingency in the memo accompanying the Council action.
- b. The Council may approve or change the amount of recommended contingency prior to approving the award of a contract.

3. Administration’s Management of Awarded Contracts:

- a. The administration will issue a Purchase Order and execute a contract for the amount awarded by Council.
- b. The administration may not authorize expenditures in excess of the contract amount without additional approval from the Council.
- c. If the administration seeks additional funding to complete the project, a report of how the original contingency was expended will be provided, and justification for the additional funding requested.
- d. At the end of the project the administration will provide a report of the amount of and how contingency funds were expended.

Effective Date: _____

Approved by Resolution 2018-05

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, City Clerk



MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Shellie Saner, City Clerk
DATE: February 8, 2023
SUBJECT: Renumbering Kenai City Council Travel Policy No. 2014-02 to Policy No 20.200, and Renumbering City Council Public Recognition Policy No. 2014-01 to Policy No. 20.210.

How a policy numbering system is developed is an important key to assist the City in managing policies. The proposed new system for numbering Policies adopted by the City Council is as follow:

20 - City Council Adopted Policies

20.000 - Administrative (Policies providing direction to staff related to public meetings)

- 20.000 - Agenda Packet Preparation, Distribution & Publication
- 20.010 - Procedures for Recording Council Meetings and Work Session
- 20.020 - Procedures for Commissions, Committees and Council on Aging

20.100 - Governmental Bodies (Policies applicable to boards, commissions, committees and councils)

- 20.100 - Student Representative Policies
- 20.110 - Electronic Devices at the Dais
- 20.120 - Mobile Device Policy

20.200 - City Council (Policies applicable to the City Council)

- 20.200 - Travel Policy
- 20.210 - Public Recognition Policy
- 20.220 - Filling Council Vacancies
- 20.230 - Supervisory Sub Committee

Approval of this resolutions would renumber the two existing policies into the new policy numbering system.

Your consideration is appreciated.

**CITY COUNCIL – 20.200 [2014-02]
KENAI COUNCIL TRAVEL POLICY**

Effective Date: May 20, 2014

Last Approved Date:

February 15, 2023

See Also: PRO-20.200; TSK-20.200

Approved by:

City Council

POLICY – 20.200 Kenai Council Travel Policy**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

1. 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:
 - (a) The Mayor approves his/her own and Council Member travel within the state;
 - (b) 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.
2. 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.

Brian Gabriel Sr., Mayor

ATTEST:

Shellie Saner, MMC, City Clerk

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

CITY COUNCIL – 20.210 [2014-01]
KENAI COUNCIL PUBLIC RECOGNITION POLICY

Effective Date: April 16, 2014

Last Approved Date:

February 15, 2023

See Also: PRO-20.210; TSK-20.210

Approved by:

City Council

POLICY – 20.210 Kenai Council Public Recognition Policy

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

1. 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 \$150 per event on gifts and other appropriate items such as flowers. Council must approve by motion the expenditure of any greater amount.
2. Events intended to be recognized, under this policy include, but are not limited to, retirements, special achievements, serious injuries or illnesses, and deaths.
3. 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.

Brian Gabriel Sr., Mayor

ATTEST:

Shellie Saner, MMC, City Clerk



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Shellie Saner, City Clerk

DATE: January 31, 2023

SUBJECT: Amending the City Council Agenda and Packet - Preparation, Distribution and Publication Policy No. 2019-01 and Renumbering to Policy No. 20.000.

Policy No. 2019-01 was adopted for the purpose of establishing written procedures and requirements for noticing City Council meetings, ensuring the agenda and packet were available to the public prior to the meeting and providing and process for public comments during a meeting.

Periodic reviews of existing policies are recommended to ensure that all portions of that policy are still applicable and align with current practices. Recommended amendments to the Agenda and Packet - Preparation, Distribution and Publication Policy are as follows:

- Expanding the Purpose and Scope of the Policy.
- Removing the requirement that speakers must provide their address for the record. Requiring individuals to state their address for the record has become a less common and the intent is to protect the speaker from possible retaliation at their home from individuals who do not agree with their statement. The policy will now request the speaker to identify if they are a resident of the City or a non-resident.
- Changing “Citizen Discussion” to “Citizen Comments” reflects how it is currently displayed on our agenda.



CITY COUNCIL – 20.000 [POLICY No. 2019-01]

AGENDA & PACKET - PREPARATION, DISTRIBUTION AND PUBLICATION POLICY

Effective Date: August 1, 2009

Last Approved Date:

February 15, 2023

See Also: PRO-20.000; TSK-20.000

Approved by:

City Council

POLICY – 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.

Commented [SS1]: Purpose and scope were added to the policy to reflect the format of other Council adopted policies.

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 CITY OF RESIDENCY, AND ADDRESS FOR THE RECORD** and stating if they are a resident or non-resident of the **City of Kenai**. **[OMISSION OF AN ADDRESS WILL NOT BAR A PERSON FROM SPEAKING.]** 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 **[DURING THE SCHEDULE ON THE AGENDA] 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 CITY OF RESIDENCY, AND ADDRESS FOR THE RECORD.** **and stating if they are a resident or non-resident of the City of Kenai.** **[OMISSION OF AN ADDRESS WILL NOT BAR A PERSON FROM SPEAKING].** 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;

Commented [SS2]: The practice of asking a member of the public to provide their address has been on the decline for over the last 10-years. Removing the requirement to state their address, and instead state if they are a resident or not, protects the member of the public.

Commented [SS3]: This does not change the intent of the policy, only aligns it with the current layout of the 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 CITY OF RESIDENCY, AND ADDRESS FOR THE RECORD.] and stating if they are a resident or non-resident of the City of Kenai. [OMISSION OF AN ADDRESS WILL NOT BAR A PERSON FROM SPEAKING]. 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 [DISCUSSION] Comments. The agenda shall include time for citizen [DISCUSSION ("DISCUSSION") comments. Any member of the public may be heard under an agenda section for "Citizens Comment" under agenda item "[DISCUSSION] 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 [IN WRITING,] by providing their name [AND CITY OF RESIDENCY, AND ADDRESS FOR THE RECORD.] and stating if they are a resident or non-resident of the City of Kenai. [OMISSION OF AN ADDRESS WILL NOT BAR A PERSON FROM SPEAKING]. 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.

Commented [SS4]: This does not change the intent of the policy, only aligns it with the current layout of the agenda.

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 [DISCUSSION (CITIZEN)] [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.

Brian Gabriel Sr., Mayor

ATTEST:

Shellie Saner, MMC, City Clerk

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



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Shellie Saner, City Clerk

DATE: February 8, 2023

SUBJECT: Amending the City Council Procedures for Recording City Council Meetings and Work Sessions Policy No. 2017-03 and Renumbering to Policy No. 20.010.

Policy No. 2017-03 was established for the purpose of adopting written policy regarding recording City Council meetings and ensuring an open transparent governmental process.

The following proposed amendments to the policy will clarify rules when work sessions are held in alternate locations, and align with the rules of procedure adopted by City Council “Robert Rules of Order” regarding work session minutes.

Recommended amendments to the Procedures for Recording City Council Meetings and Work Session Policy are as follows:

- Removal of the list of groups the Council may schedule joint work sessions with and replacing it with work sessions hosted by the Kenai City Council, will establish that all work sessions when the City Council is a participant will be recorded regardless of who the other group is. *(Exceptions to this are listed within the policy)*
- Current policy allows an exception for recording when work sessions are held outdoors, the proposed amendment expands that exception to include other locations when recording is not practicable.
- Current policy requires summary minutes be produced for Work Sessions and Joint Work Sessions, the proposed amendment would remove the requirement for summary minutes to be produced for work sessions based on the following:
 - Roberts Rules of Order as adopted by City Council provides that the purpose of minutes is to capture what was done, not what was said; and,
 - No actions may be made during a work session, the purpose of a work session is to gather information and have a less formal discussion with Council, staff and other groups as needed; and,
 - Since no official action may be taken during a work session there is no official record to be captured other than the work session agenda; and,
 - Any discussion from a work session indicating future actions are needed by the City Council will be taken up at a regular meeting where the work session can be referenced.
 - The policy as currently written requires that the work session audio is archived for six years. This audio can be provided to anyone who wishes to hear the discussion which took place during the work session.



CITY COUNCIL – 20.010 [2017-03]

RECORDING CITY COUNCIL MEETINGS AND WORK SESSIONS

Effective Date: October 19, 2017
See Also: PRO-20.010; TSK-20.010

Last Approved Date: February 15, 2023
Approved by: City Council

Page 1 of 1

POLICY – 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, [THAT MAY HAVE A JOINT WORK SESSION WITH CITY COUNCIL] when meeting jointly with the City Council. [ALL COMMITTEES, COMMISSIONS, AND THE COUNCIL ON AGING ARE REGULATED BY KMC 1.90 AND POLICY NO. 2016-01 (AMENDED) ALSO ESTABLISHES PROCEDURES FOR ALL COMMITTEES, COMMISSIONS, AND THE COUNCIL ON AGING. ADDITIONALLY, THE PLANNING AND ZONING COMMISSION IS ALSO REGULATED BY KMC 14.05.]

Policy

1. Meeting Minutes, Summaries and Recordings

- a. All City Council meetings and [CITY COUNCIL] work sessions, including joint work sessions hosted by the Kenai City Council. [BETWEEN CITY COUNCIL AND ANY COMMITTEE, COMMISSION, OR THE COUNCIL ON AGING, SHALL] will be electronically recorded and retained for 6 (six) years.
- b. Exceptions:
 - i. 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.
 - ii. Work Sessions or any portions thereof held outdoors or any other location when recording is not practicable may not be recorded [IF NOT PRACTICABLE].
- c. Meeting minutes shall be produced by the Office of the City Clerk for all City Council regular and special meetings [AND MEETING SUMMARIES SHALL BE PRODUCED FOR ALL CITY COUNCIL WORK SESSIONS AND JOINT WORK SESSIONS BETWEEN CITY COUNCIL AND ANY COMMITTEE, COMMISSION, OR THE COUNCIL ON AGING]. Minutes [AND SUMMARIES] approved by City Council are the official records of the meetings [AND WORK SESSIONS].

Brian Gabriel Sr., Mayor

ATTEST:

Shellie Saner, MMC, City Clerk

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

Commented [SS1]: Identifying in the policy that meetings hosted by the Council will be recorded, address situations where the meeting may be hosted by another group and recording may not be possible.

Commented [SS2]: This was moved up from the Scope section.

Commented [SS3]: The intent was not changed, just re-phrased.

Commented [SS4]: The changes in this paragraph establishes that not only meetings with the appointed bodies of the City of Kenai will be recorded, but joint meetings hosted by the City Council with other groups will also be recorded.

Commented [SS5]: There may be other areas, not just the outdoors where recording work sessions may not be practicable, this change address that possibility.

Commented [SS6]: This recommended change would remove the requirement that minutes be produced for Work Sessions. No official action can be taken during a work session, so there is not official record to be kept or captured. If the intent is to ensure a record exists that a work session was held, the agenda is archived permanently.



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Council Members

FROM: Mayor Gabriel, Vice Mayor Baisden and Council Member Knackstedt

DATE: February 3, 2023

SUBJECT: Repealing the Unnumbered City Council Electronic Devices During Meeting of the City Council Policy and Adopting City Council Policy No. 20.110 Use of Electronic Devices During Meetings.

The Electronic Devices During Meetings Policy was originally adopted in 2008 and since its adoption the use of technology for public meetings has increased substantially.

Repealing the original policy and adopting a new policy to more accurately reflect how electronic devices are used in a meeting is recommended.

Your consideration is appreciated.

[ELECTRONIC DEVICES DURING MEETINGS OF THE COUNCIL. NOT NUMBERED

DURING MEETINGS OF THE KENAI CITY COUNCIL, PAGERS, PERSONAL DATA ASSISTANTS (PDAs), CELLULAR AND MOBILE TELEPHONES AND SIMILAR ELECTRONIC DEVICES MUST BE TURNED OFF IN THE ROOM WHERE THE MEETING IS BEING HELD OR SET TO SILENT OR VIBRATE MODE. CELLULAR TELEPHONES OR OTHER SIMILAR ELECTRONIC DEVICES SET ON SILENT OR VIBRATE MAY NOT BE PLACED ON THE COUNCIL DAIS. NO INCOMING OR OUTGOING CALLS SHOULD BE TAKEN OR MADE IN THE MEETING ROOM WHILE THE MEETING IS IN PROGRESS. COUNCIL MEMBERS AND CITY STAFF MAY NOT TEXT MESSAGE (SEND OR READ) DURING THE MEETING.

RESOLUTION No. 2008-03]



CITY COUNCIL – 20.110

USE OF ELECTRONIC DEVICES DURING MEETINGS

Effective Date: February 15, 2023

Last Approved Date:

February 15, 2023

See Also: PRO-20.110; TSK-20.110

Approved by:

City Council

POLICY – 20.110 Use of Electronic Devices During Meetings

Purpose

The purpose of this policy is intended to preserve transparency in communications during City Council Meetings and Work Sessions and to avoid the appearance of impropriety during a public meeting.

Scope

The information Council Members 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 and the public are receiving the same information as the City Council.

Policy

1. During meetings of the Kenai City Council devices intended for communications must be turned off or set to silent.
2. Personal devices should not be placed on the Dais, the only devices that should be placed on the Dais is the City issued device for accessing meeting materials.
3. No texts or email should be read or sent during the meeting, and no telephone calls should be taken during the meeting with the following exception:
 - a. Staff members may receive texts or other communications when the communication is related to technical difficulties from remote/electronic participants.

Commented [SS1]: This information is established in most informational items available under "basic meeting etiquette. Having a policy adopting meeting etiquette will be of great assistance when the Clerk's Office is providing training regarding meeting etiquette.

Brian Gabriel Sr., Mayor

ATTEST:

Shellie Saner, MMC, City Clerk

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



MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Shellie Saner, City Clerk

DATE: February 6, 2023

SUBJECT: Amending the City Council Mobile Device Use and Management Policy No. 2017-01 and Renumbering to Policy No. 20.120.

Policy No. 2017-01 was adopted to establish rules for users of City issued mobile devices or personal devices when utilized to access City information.

The recommended amendments would provide that it is the user's responsibility to manage a lost or stolen device shut down if the user removed the City issued iTunes account from the device and would also provide that in addition to Council Members, the Planning and Zoning Commissioners will get to retain their City issued device after completion of a full term.

Your consideration is appreciated.



Page 1 of 4

**CITY COUNCIL – 20.120 [2017-01]
MOBILE DEVICE USE & MANAGEMENT**

Effective Date: January 4, 2017
See Also: PRO-20.120; TSK-20.120

Last Approved Date:
Approved by:

February 15, 2023
City Council

POLICY – 20.120 Mobile Device Use & Management

Purpose

[A.] 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.](#)

Commented [S1]: Scope was added to reflect the layout of other Council adopted policies.

Policy

[B.] 1. 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.

[C.] 2. 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.

[D.] 3. 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.

[E.] 4. 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.

[F.] 5. 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.

[G.] 6. 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.

[H.] 7. 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.

[I.] 8. 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.

[J.] 9. 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.

[K.] 10. 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.

[L.] 11. 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.

[M.] 12. 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.

[N.] 13. 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.](#)

[O.] 14. Return of the Mobile Device

[1. CITY COUNCIL MEMBERS]

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 **[CITY COUNCIL MEMBER]** 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 **[COUNCIL**

Commented [SS2]: Each time an iPad is issued to a new member, an iTunes Account is established for that user as a public official for the City.

If the user removes the Tunes account established by the City, the Clerk's Office no longer has the ability to shut the device down if it is stolen or lost.

This change makes it clear that the user is responsible for shutting down the device if they change the iTunes account associated with the device.

Commented [SS3]: The changes in this next session would allow Planning Commissioners to keep their devices after serving one full term, which is the same as City Council Members.

MEMBER'S] 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 [CITY COUNCIL MEMBER] 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 [CITY COUNCIL MEMBER] user does not serve a full term, the mobile device will be returned to the City Clerk's Office. It will be the [CITY COUNCIL MEMBER'S] 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.

[2. PLANNING AND ZONING COMMISSION MEMBERS AND SUPPORT STAFF

WHEN THE INDIVIDUAL'S TERM AND/OR SERVICE AS A PLANNING AND ZONING COMMISSIONER OR EMPLOYEE HAS ENDED, THE USER SHALL RETURN THEIR MOBILE DEVICE 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. UPON RETURN OF THE MOBILE DEVICE TO THE CITY, RECORDS AND DOCUMENTS WILL BE SAVED AND STORED ACCORDING TO THE CITY'S RECORD RETENTION SCHEDULE. BEFORE ISSUING TO ANOTHER USER, THE MOBILE DEVICE WILL BE WIPED CLEAN OF ANY AND ALL INFORMATION.]

[P.] 15. Indemnification

The City bears no responsibility whatsoever for any legal action threatened or commenced due to conduct and activities of [CITY COUNCIL MEMBERS] user in accessing or using these resources. All [CITY COUNCIL MEMBERS] 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.

[Q.] 16. 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.]

[R.] 17. 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.

Brian Gabriel Sr., Mayor

ATTEST:

Shellie Saner, MMC, City Clerk

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



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Mayor Gabriel and City Council Members

FROM: Shellie Saner, City Clerk

DATE: February 6, 2023

SUBJECT: Amending the City Council Selecting and Appointing a Qualified Person or Persons to Fill Vacancies on the City Council Policy No. 2021-01 and Renumbering and Renaming to City Council Policy No. 20.220 - Filling Council Vacancies by Appointment.

Policy No. 2021-01 was adopted in April of 2021 with the intent of capturing the procedures that were recently used to fill a Council Vacancy.

The recommended amendments would establish procedure guidelines that may vary depending on the number of applicants for appointment, as well as reordered some of the steps so that they flowed with the possible order of events.

Your consideration is appreciated.



CITY COUNCIL – 20.220 [2021-01]

Page 1 of 3

[SELECTING AND APPOINTING QUALIFIED PERSON OR PERSONS TO FILL VACANCIES ON THE CITY COUNCIL]

FILLING COUNCIL VACANCIES BY APPOINTMENT

Effective Date: April 7, 2021

Last Approved Date:

February 15, 2023

See Also: PRO-20.220; TSK-20.220

Approved by:

City Council

POLICY – 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 related to declaring a vacancy, advertising a vacancy, conducting interviews and appointment procedures.](#)

Commented [SS1]: Purpose and Scope were added to reflect the layout of other Council adopted policy.

Scope

[This policy is intended to insure 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 Charter or Municipal Code.](#)

Policy

A. Declaring the Seat(s) Vacant

1. The City Council, due to a resignation or for reasons prescribed by Kenai Charter or Kenai Municipal Code, must declare a City Council seat vacant, set a timeframe for advertising the vacancy or vacancies, set a deadline for applications to be submitted, and direct the City Clerk to administer the procedure.

B. Advertising and Application Procedures

1. The City Clerk shall advertise the vacancy or vacancies, together with the deadline, at least two (2) times by publication in a newspaper of general circulation, by posting on the official bulletin board of the City at City Hall, and by posting on the City's website.
2. For consideration, each interested person will be required to submit a letter of interest and their resume by the deadline set by Council.
3. Each applicant's residency and eligibility to serve on the Council will be confirmed by the City Clerk and the resumes and letters of interest will be included in the Council packets for the work session or meeting set for conducting interviews.
4. The Mayor and the City Clerk will work together to schedule necessary meetings and/or work sessions depending on the number of applications received.
5. Each applicant, in addition to the City Council, will be provided with the packets of the meeting(s) in which the interviews and appointment(s) will take place.

C. Conducting Interviews

1. When conducting interviews, each candidate will have five minutes to make a statement and then additional time to answer questions from the Council.

D. Appointment Procedures

1. At the Regular or Special Meeting after the interviews are conducted, Appointment of a City Council Member or Members shall appear on the agenda. In the event of the appointment(s) taking place at a Regular Meeting the matter will appear after Unscheduled Public comments and before Public Hearings.

- 2. In the event multiple appointments are being made at the same meeting, one appointment will be made at a time. The Mayor will announce which seat is being considered which can be identified by the term expiration of that seat. Any candidates eliminated during the first appointment process may be considered for subsequent appointments in the same application process / meeting. Steps D.2. through D.5. will be completed for each seat.
- 3. At the Regular or Special Meeting, at the appropriate time on the agenda, the Council will make and pass a motion to begin the voting process by secret ballot.
 - a. In the event there is only one candidate for an open seat, Council may skip all secret ballot voting and make a motion to appoint the candidate.
- 4. Voting procedures for appointments to City Council when there are more than two (2) candidates are as follows:
 - a. Council Members will be given a ballot and asked to vote for two candidates. The votes will be read out loud and tallied by the Clerk.
 - i. The candidates that receive one or fewer votes will be eliminated and Council Members will again be given a ballot and asked to vote for two of the remaining candidates.
 - 1. In the event the number of Council Members remaining pursuant to Kenai Charter 2-9(a) is such that candidates receiving one vote need to be retained, the elimination of candidates receiving one vote may be disregarded.
 - ii. In order to provide for a fair and transparent process, Council Members will not vote for the same candidate twice on one ballot. Council Members may vote for an individual candidate once, on multiple ballots, until the candidate is eliminated or appointed. This process will take place until there are two candidates remaining.
 - iii. Once two candidates remain for the identified seat, Council Members will be given a ballot and asked to vote for one candidate. The votes will be read aloud and tallied.
 - iv. The outcome will be determined by a simple majority of the remaining Council. If at any time during the voting process there is a tie, and the tie isn't broken after two votes, the tie shall be broken by lot, as provided in Kenai Municipal Code in the case of a tie in an election. If more than a two-way tie, straws may be drawn to eliminate an appropriate number of candidates and in a two-way tie, a coin may be tossed.
- 5[A]. In the event there are only two (2) candidates for the open seat, step 4 may be skipped and the voting process can begin with Council Members voting for one candidate in step 6[5].
- [B]. ~~THE COUNCIL, BY MOTION, COULD DECIDE TO NOT APPOINT ANY CANDIDATES AND START A NEW RECRUITMENT PERIOD OR EXTEND THE EXISTING RECRUITMENT PERIOD.~~
- [C]. ~~IN THE EVENT THE NUMBER OF COUNCIL MEMBERS REMAINING PURSUANT TO KENAI CHARTER 2-9(A) IS SUCH THAT CANDIDATES RECEIVING ONE VOTE NEED TO BE RETAINED, THE ELIMINATION OF CANDIDATES RECEIVING ONE VOTE MAY BE DISREGARDED.]~~
- 6[5]. Once one of the candidates receives a simple majority of votes, or the outcome is decided by lot, Council will make and pass a motion to appoint that person to fill the vacant seat.
- 7. The Council, by a 2/3 majority vote of the remaining members, may decide to not appoint any candidates and start a new recruitment period or extend the existing recruitment period.

Commented [SS2]: Paragraph 4 was previously one large paragraph it was reformatted into sub-paragraph to identify multiple steps were needed and to allow for better reading of this section.

Commented [SS3]: This was moved up (previously paragraph C) as this information is pertinent to the voting procedures early on in the process.

Commented [SS4]: Previously sub paragraph "a" of paragraph "4". It should stand out as a paragraph of its own.

Commented [SS5]: Moved to the last paragraph, with the additional requirement that a 2/3 majority vote of the remaining members is required when the decision is to not appoint any of the candidates.

Commented [SS6]: Moved up as paragraph 4.a.i.1.

E. Oath and Term

1. After the motion(s) to appoint the candidate(s) has passed, the winner(s) will be sworn in and take their seat(s) on the Council immediately.
2. The person(s) appointed serves until the next regular election pursuant to Kenai Charter 2-9.

Brian Gabriel Sr., Mayor

ATTEST:

Shellie Saner, MMC, City Clerk

Policy History: Resolution No. 2021-20; 2023-XX



MEMORANDUM

TO: Council Members

FROM: Mayor Gabriel, Vice Mayor Baisden and Council Member Knackstedt

DATE: February 8, 2023

SUBJECT: Amending the City Council Procedures for Commissions, Committees and Council on Aging Policy No. 2016-01 and Renumbering and Renaming to City Council Policy No. 20.020 Commissions, Committees and Council on Aging Procedures.

The Procedures for Commissions, Committees and Council on Aging were originally adopted by Council action on August 4, 2004, since the adoption the policy has been amended on many occasions.

Periodic reviews of existing policies are recommended to ensure that all portions of the policy are still applicable and align with current practices. The recommended amendments to the Procedures for Commissions, Committees and Council on Aging Policy are as follows:

- Including within the scope of the policy reference to sections of Kenai Municipal Code which applies to the advisory body.
- At the request of the Airport Manager, Eland Conway relocating the Airport Commission Meeting from Kenai City Hall Council Chambers, to the conference room at the Kenai Municipal Airport terminal building.
- Removing the actual start time of meetings, and replacing with the times will be scheduled by Council action.
- Adding provisions that meetings may be rescheduled by the Clerk, with notification to the Council and Manager.
- Advisory minutes will be action minutes and quasi-judicial items will have summary minutes.
- Including provisions that agenda items are relevant to the authority of the advisory body.
- Adding further clarification regarding the Council Members participation during meetings of the advisory body.



CITY COUNCIL – 20.020 [2016-01]

COMMISSIONS, COMMITTEES AND COUNCIL ON AGING PROCEDURES

Effective Date: March 5, 2014

Last Approved Date:

April 19, 2023

See Also: PRO-20.020 TSK-20.020

Approved by:

City Council

POLICY – 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](#)

[THE] Planning and Zoning Commission is also regulated by KMC 14.05.

Commented [S1]: The scope was expanded to reference the code sections that exist and are applicable to certain commissions.

There are no code provisions for the Beautification Committee.

Policy

1. Appointment and Reappointments

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

2. Establishing Subcommittees

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

3. Meeting Schedules

- a. 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

- b. 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.
- c. **[REGULARLY SCHEDULED MEETINGS SHALL BEGIN AT 7:00 P.M. UNLESS OTHERWISE APPROVED BY COUNCIL VIA MOTION, WITH THE EXCEPTION OF THE COUNCIL ON AGING, WHICH BEGINS AT 4:30 P.M.] Regularly scheduled meeting times will be approved by Council.**
- d. 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.
- e. 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.
- f. Any additional commissions or committees established will be set and incorporated into the meeting schedule by the City Council.

Commented [SS2]: This proposed amendment was requested by the Airport Manager.

Commented [SS3]: The information in the current policy is incorrect. Removing the specific times from the policy; however, establishing that changes in the times are approved by Council will eliminate the possibility of this policy having incorrect information in it.

Commented [SS4]: There are occasions when meetings are not cancelled, just rescheduled. Including "or rescheduled" would include steps already being taken.

4. Minutes & Meeting Recordings

- a. 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.
- b. **[SUMMARY] 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.
- c. Regularly scheduled meetings shall be electronically recorded and with the exception of Planning & Zoning Commission, shall be kept for two years.
- d. Planning & Zoning Commission meeting recordings shall be kept for 6 years.

Commented [SS5]: Roberts Rules of Order establishes that minutes capture what was done, not what was said.

When acting as an advisory body, the opinions and recommendations that were acted on and approved by the majority or disapproved by the majority, are the recommendations that should be considered by the Council.

It is my recommendation when acting in an advisory capacity the minutes kept be "Action Minutes", not summary minutes.

When acting in a quasi-judicial role, summary minutes will be taken; however, it would be in the best interest in quasi-judicial hearings to also clearly adopt findings that support their decisions.

5. Work Sessions

- a. 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.
- b. During work sessions, only items on the work session agenda may be discussed and no formal actions may be taken.
- c. 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.

6. Basic Meeting Information

- a. All meetings shall be open to the public.
- b. 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.
- c. 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.
- d. 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.
- e. 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).
- f. 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).
- g. Motion: Pursuant to KMC 1.15.060(k), all motions require a second. A majority of votes is required to pass a motion.
- h. Speaking: In a meeting, members should be recognized by the Chair before speaking.
- i. When is it a Meeting: If any public business is discussed collectively by four or a majority of members of one body.
- j. 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 motion as approved.

Commented [SS6]: It is important to keep the City of Kenai bodies and staff on task, including this in the policy ensures that body is acting on matters that the City Council has given them authority to act on.

7. Council Participation

- a. 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.
- b. Only the Council Liaison to the respective, Commission, Committee or Council on Aging may speak on behalf of the Council if approved to do so by a majority vote of the City Council. **[PARTICIPATION BY COUNCIL MEMBERS AT COMMISSION, COMMITTEE OR COUNCIL ON AGING MEETINGS SHOULD BE LIMITED TO INTRODUCTION OF LEGISLATION BY ONE COUNCIL LEGISLATIVE SPONSOR. PARTICIPATION BY ANY OTHER COUNCIL MEMBERS, WRITTEN OR ORAL, IS DISCOURAGED.]** 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 does not participate in the debate of an advisory body.
- c. Participation by Council Members 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

Commented [SS7]: This addition is important in establishing each members role to the body they have been appointed to; if speaking on behalf of the body, a member must receive direction from a majority of the body to do so.

This would not prevent a member from providing comments on a subject to the council as an individual, they would just need to make it clear they are speaking as an individual and do not represent the opinions of the body they serve on.

Commented [SS8]: More than three would be a quorum, and a violation of the State of Alaska Open meetings act.

Commented [SS9]: Neither Council Liaison or a Council Member who sponsored a legislative item should influence the direction in which an advisory body is going to advise. The Council members (Liaison or legislative sponsor) will have the opportunity to debate the issue when it is before the City Council.

sponsors participation should be limited to three-minute testimony and answering questions from the body, the sponsor of the legislation will not participate in debate of the advisory body. When speaking to the advisory body as the legislate sponsor the following additional rules apply:

- i. The legislative sponsor will not testify from the Dais, testimony from the sponsor shall be made from the area designated for public comment.
 - ii. 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.
- b. 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.

Brian Gabriel Sr., Mayor

ATTEST:

Shellie Saner, MMC, City Clerk

*Policy History: Action Approval on 08-04-2004; R2017-24; R2018-19; 2019-03; 2023-XX
Note: Between 2004 and 2017 other amendments to the policy were made through the action approval process.*



MEMORANDUM

TO: Council Members

FROM: Mayor Gabriel, Vice Mayor Baisden, Council Member Knackstedt

DATE: April 19, 2023

SUBJECT: Repealing the City Council Unnumbered Student Representative Policy, Repealing the Parks and Recreation Commission Student Representative Policy No. 2018-01, and Enacting City of Kenai Student Representative Policy No. 20.100.

The City of Kenai currently has two student representative policies, one for the representatives to the City Council and one for representatives to the Parks and Recreation Commission.

Adoption of one policy that would be applicable to all City of Kenai boards, commissions, committees or councils would ensure a consistent application process for all persons interested in serving as a student representative as well as providing the students an opportunity to serve on one of the many boards, commissions, committees or councils of the City.

The following identifies the more substantive changes in the new policy regarding City Council Student Representatives:

- The purpose and scope of the policy is expanded to provide clarity regarding the purpose of the Student Representative.
- Previously the policy required students attend Kenai Central High School. The new policy would remove that limitation and allow Junior and Senior applicants from all schools within the Kenai City Limits.
- Preference is given for students who are members of Leadership Groups or the Student Council. This ensures the ability for a student to report back to the school the actions or issues that are affecting students.
- The term of the student representative is reduced to 1-Year Terms, to ensure an opportunity for more students to participate as well as consider their academic and athletic schedule when committing to service.
- The student representative will no longer be in rotation of the roll call and will now be called last, to take into consideration that sometimes the issues before the Council are very controversial and the students vote is advisory only.

The following identifies the more substantive changes in the new policy regarding the Parks and Recreation Student Representatives:

- The purpose and scope of the policy were expanded to provide clarity regarding the purpose of the Student Representative.
- Previously the Parks and Recreation Commission Student Representative was required to reside within the Kenai City Limits, the new policy will allow non-residents attending a school within the city limits to participate as student representative to boards, commissions, committees and the Council on Aging. There are provisions within Kenai Municipal Code that allow a certain number of non-residents as members of various boards and commissions.

Note: Student Representatives to City Council will still be required to be residents of the City, which is the same requirement that applies to the Mayor and City Council Members.

Thank you for your consideration.



[CITY COUNCIL STUDENT REPRESENTATIVE POLICY. NOT NUMBERED.]

IT IS IMPORTANT TO SEEK OUT AND CONSIDER STUDENTS' IDEAS, VIEWPOINTS AND REACTIONS 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 AS IT DEEMS NECESSARY.

LIMITATIONS, QUALIFICATIONS AND REQUIREMENTS:

1. THE STUDENT MAY CAST ADVISORY VOTES ON ALL MATTERS EXCEPT THOSE SUBJECT TO EXECUTIVE SESSION DISCUSSION. ADVISORY VOTES SHALL BE CAST IN ROTATION WITH THE OFFICIAL COUNCIL VOTE AND SHALL NOT AFFECT THE OUTCOME OF THE VOTE. ADVISORY VOTES SHALL BE RECORDED IN THE MINUTES. STUDENT REPRESENTATIVES MAY NOT MOVE OR SECOND ITEMS DURING A COUNCIL MEETING.
2. THE STUDENT(S) SHALL BE RESIDENTS OF THE CITY OF KENAI.
3. THE STUDENT(S) SHALL BE A JUNIOR OR SENIOR IN GOOD STANDING AT KENAI CENTRAL HIGH SCHOOL.
4. THE STUDENT(S) SHALL BE ELECTED BY THE STUDENT COUNCIL OF KENAI CENTRAL HIGH SCHOOL AND SUBJECT OF APPROVAL OF THE KCHS ADMINISTRATION.
5. THE STUDENT(S) SHALL ATTEND ALL CITY COUNCIL MEETINGS AND WORK SESSIONS, UNLESS EXCUSED BY THE MAYOR. THE ALTERNATE SHALL ATTEND MEETINGS IN THE ABSENCE OF THE STUDENT REPRESENTATIVE.
6. THE STUDENT(S) SHOULD HAVE A LONG-TERM INTEREST IN PUBLIC SERVICE/
7. THE STUDENT(S) SHOULD GIVE FEEDBACK TO COUNCIL MEMBERS ABOUT POLICIES IMPACTING YOUNG PEOPLE.
8. THE STUDENT(S) SHOULD USE THIS OPPORTUNITY AS A WAY TO DEVELOP LEADERSHIP SKILLS.
9. THE STUDENT(S) WILL COMMUNICATE WITH STUDENT COUNCIL MEMBERS AT KENAI CENTRAL HIGH SCHOOL TO PROVIDE INFORMATION AND SEEK FEEDBACK FROM OTHER STUDENTS ON CITY ISSUES AFFECTING YOUNG PEOPLE AND COPIES OF ALL WRITTEN REPORTS REGARDING THEIR SERVICE BE PROVIDED TO THE KENAI CITY COUNCIL THROUGH THE CITY CLERK'S OFFICE.]

Action Approval Dates: 03/16/05; 09/01/2010

[PARKS AND RECREATION COMMISSION STUDENT REPRESENTATIVE POLICY. POLICY No. 2018-01

PURPOSE

THE PURPOSE OF THIS POLICY IS TO PROVIDE FOR A STUDENT REPRESENTATIVE FOR THE PARKS AND RECREATION COMMISSION.

SCOPE

THIS POLICY APPLIES TO THE PARKS AND RECREATION COMMISSION AND ALL STUDENT REPRESENTATIVES APPOINTED TO THE PARKS AND RECREATION COMMISSION.

POLICY

IT IS IMPORTANT TO SEEK OUT AND CONSIDER STUDENTS' IDEAS, VIEWPOINTS AND REACTIONS TO PARKS AND RECREATION DECISIONS. IN ORDER TO PROVIDE STUDENT INPUT AND INVOLVEMENT, THE MAYOR OF THE CITY OF KENAI, MAY APPOINT A STUDENT REPRESENTATIVE TO THE PARKS AND RECREATION COMMISSION AND THE STUDENT REPRESENTATIVE MAY PARTICIPATE IN THE PARKS AND RECREATION COMMISSION MEETINGS PURSUANT TO THE FOLLOWING:

1. LIMITATIONS, QUALIFICATIONS, AND REQUIREMENTS:

- A. THE STUDENT MAY CAST ADVISORY VOTES ON ALL MATTERS EXCEPT THOSE SUBJECT TO EXECUTIVE SESSION DISCUSSION. ADVISORY VOTES SHALL BE CAST IN ROTATION WITH THE OFFICIAL COMMISSION VOTE AND SHALL NOT AFFECT THE OUTCOME OF A VOTE. ADVISORY VOTES SHALL BE RECORDED IN THE MEETING SUMMARIES. STUDENT REPRESENTATIVES MAY NOT MOVE OR SECOND ITEMS DURING A COMMISSION MEETING.
- B. THE STUDENT SHALL BE A KENAI RESIDENT AND A JUNIOR OR SENIOR IN GOOD STANDING WITH THE SCHOOL ADMINISTRATION.
- C. THE STUDENT SHALL BE APPROVED BY SCHOOL ADMINISTRATION; IF MULTIPLE APPLICATIONS ARE RECEIVED, THE MAYOR MAY SELECT AN APPLICANT FOR APPOINTMENT.
- D. THE STUDENT SHALL ATTEND ALL PARKS AND RECREATION COMMISSION MEETINGS AND WORK SESSIONS, UNLESS EXCUSED BY THE PARKS AND RECREATION DIRECTOR.
- E. THE STUDENT SHOULD HAVE AN INTEREST IN PUBLIC SERVICE.
- F. THE STUDENT SHOULD USE THIS OPPORTUNITY AS A WAY TO DEVELOP LEADERSHIP SKILLS.
- G. THE STUDENT WILL COMMUNICATE WITH OTHER STUDENTS TO PROVIDE INFORMATION AND SEEK FEEDBACK FROM OTHER STUDENTS ON PARKS AND RECREATION ISSUES AFFECTING YOUNG PEOPLE.]

Policy History: Resolution No.'s 2018-03; 2020-61



CITY COUNCIL – 20.100 STUDENT REPRESENTATIVE

Effective Date: February 15, 2023
See Also: PRO-20.100; TSK-20.100

Last Approved Date:
Approved by:

April 19, 2023
City Council

POLICY – 20.100 Student Representative Policy

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.

Commented [SS1]: Purpose and Scope have been expanded to provide a broader idea of why Student Representation is important.

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.

Commented [SS2]: Previously the Council Policy required students attend KCHS. In 2020 the Parks and Recreation Commission did a very thorough review of their policy and amended it to allow students from other schools within the City.

Qualifications of Student Representatives

1. Must be a Junior or Senior in good standing at a school within the Kenai City Limits.
2. Residency Requirements are as follows:
 - a. City Council Student Representatives must reside within the Kenai City limits.
 - b. 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.
3. Preference will be given to students who are active members of a School Leadership Group or the Student Council.
4. Must obtain approval from the school administration and their parent or legal guardian.
5. If multiple applications are received for the same governmental body, the Mayor may select one applicant for appointment.

Commented [SS3]: Qualifications for Student Reps to Council requires City residency (same as required for Council Members) Qualifications for Student Reps to other bodies does not require City residency (same as required for those bodies)

Commented [SS4]: One of the primary purposes of a Student Rep is to be a communication liaison between the City Council and the students. Students who are part of the leadership groups from their schools will have a better ability to report to the students.

Requirements of Student Representatives

1. 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.
2. 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.
3. Conduct themselves in proper business etiquette when acting as a Student Representative.
4. Should have an interest in public service and utilize this appointment as a way to develop leadership skills.

Limitations of Student Representatives

1. Appointments are for 1-Year terms, beginning in early September of each year and ending in August of the following year.
2. May not move or second items during a meeting.
3. 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.

Commented [SS5]: Limiting the term to 1-year, will allow the students who apply to review the meeting schedule and any potential conflicts with their academic, athletic or personal schedules. It will also provide more students with the opportunity serve as students reps.

Commented [SS6]: This is a change, Council may be voting on very controversial items and allowing the student to vote last will reduce the pressure on the student, as well as provide a more clear role to observers that the vote is in fact advisory only and does not impact the outcome.

 Brian Gabriel Sr., Mayor

ATTEST:

 Shellie Saner, MMC, City Clerk

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

Supervisory Sub-Committee. Policy No. 2017-02

A. 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.

B. 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.

C. 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.

D. 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.