

Introduced By: Council Members Therrien
and Gibson
Date: November 22, 2021

ORDINANCE NO. 6188, as Amended
(PROPOSED SUBSTITUTE)

**AN ORDINANCE AMENDING FGC SECTIONS 2-87, 2-114, AND 2-115
REGARDING COUNCIL MEMBER ABSENCES AND REMOTE
PARTICIPATION**

WHEREAS, the emergency procedures adopted by the council during the COVID-19 pandemic are set to expire on December 31, 2021; and

WHEREAS, in 2019 when FGC Sec. 2-87 was last amended (Ordinance No. 6096), the Council noted in the whereas statements that “technological difficulties have become problematic”; and

WHEREAS, in the two plus years since the adoption of Ordinance No. 6096, upgrades to technology and improvements to the Council chambers have reduced the technological difficulties; and

WHEREAS, the City’s experience during the COVID-19 pandemic has shown that public participation at Council meetings via an online platform is possible.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. Fairbanks General Code Section 2-87, Vacancies, is hereby amended as follows [deleted text in ~~strike through~~ font; new text in **bold/underline** font]:

Sec. 2-87. Vacancies.

(a) A vacancy will be created by the removal of any councilmember from office by the court, a recall, a failure to attend at least two meetings within a 60-day period, **or** ~~and~~ for any other reason provided by the Charter. However, the council, by majority vote, can make exceptions to the “two meetings within a 60-day period” requirement in the case of illness or other extenuating circumstances.

(b) As provided in this section, no 60-day period shall commence except upon and including a regularly scheduled city council meeting.

SECTION 2. Fairbanks General Code Section 2-114, Open meetings, is hereby amended as follows [deleted text in ~~strike through~~ font; new text in **bold/underline** font]:

Sec. 2-114. Open meetings.

(a) All meetings of the city council shall be open to the public and may be continued to another time and location.

(b) The city council may, by resolution, establish procedures for remote public participation. Subject to the provisions of FGC Sec. 2-119, members of the public may testify via telephone or by videoconference. The City Clerk shall develop procedures for the public to provide written testimony to the council. Subject to the provisions of FGC Sec. 2-119, written testimony will be read into the record by the City Clerk.

SECTION 3. Fairbanks General Code Section 2-115, Absences; teleconferencing, is hereby amended as follows [deleted text in ~~striketrough~~ font; new text in **bold/underline** font]:

Sec. 2-115. Absences; remote participation teleconferencing.

(a) ~~Absence.~~ No member shall **fail to attend** ~~absent himself from any regular meeting of the city council except for good and sufficient cause as determined by the council.~~

(b) ~~Teleconferencing/videoconferencing.~~ A council member may only participate **remotely** telephonically or by videoconference at any regularly scheduled or special city council meeting ~~if their presence is required to establish a quorum~~ **or for good and sufficient cause as determined by the council.**

SECTION 4. That the effective date of this ordinance is the ____ day of December 2021.

Jim Matherly, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, MMC, City Clerk

Paul Ewers, City Attorney