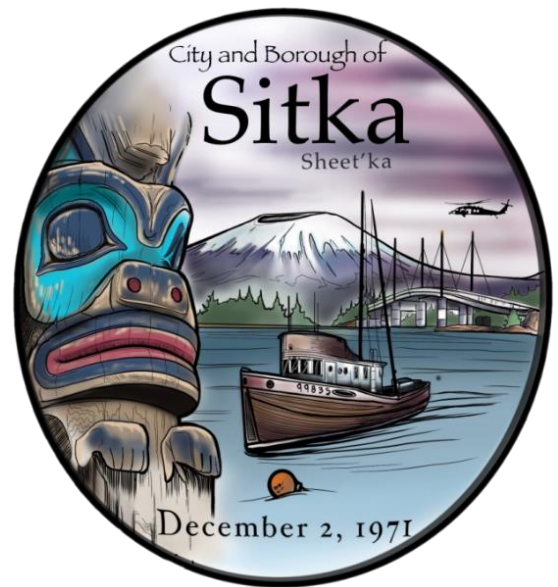

CITY AND BOROUGH OF SITKA

ASSEMBLY HANDBOOK

Public Official Roles and Responsibilities

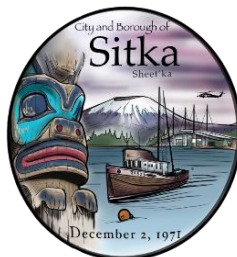


City and Borough of Sitka
Clerk's Office
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JUNE 2022

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Roles of Officials

Mayor

- Considered a member of the Assembly with all the powers and duties of that office, no administrative duties.
- Recognized as the ceremonial head of the Assembly and represents the Assembly at numerous functions.
- Presides at all meetings and work sessions.
- Makes rulings on conflict-of-interest questions at Assembly meetings.
- Reviews Assembly agenda with the Municipal Administrator and Municipal Clerk.
- Certifies the passage of all ordinances and resolutions of the Assembly.
- Signs approved Assembly meeting minutes.

Assembly

- Exercise legislative power for the Municipality. Set policy.
- Establish vision and direction for Sitka's future.
- Act collectively by majority vote.
- Assess the need and demand for public services.
- Adopt the annual operating and capital budgets.
- Adopt ordinances and resolutions.
- Hear and respond to constituent ideas and concerns.
- Serve as the Board of Equalization and Board of Adjustment.
- Supervise the Municipal Administrator and Municipal Attorney.



Municipal Administrator

- Chief administrative officer of Municipality.
- Responsible for executing policies set by the Assembly.
- Manages Municipal departments and employees - except for the Municipal Attorney.
- Signs all contracts involving the Municipality.
- Exercises supervision and control over all Municipal land and assets.
- Proposes and administers the Municipal budget.

Municipal Attorney

- Represents the Municipality in all court proceedings.
- Drafts legislation at the request of Assembly and staff.
- Prepares agreements and contracts.
- Provides legal advice to the Assembly, Municipal Administrator, and Municipal employees regarding the Municipality's business.

Municipal Clerk

- Provides parliamentary procedure advice.
- Provides notice of meetings as required by the Open Meetings Act.
- Compiles packets, attends meetings, and keeps minutes for the Assembly and its boards, commissions, and committees.
- Provides administrative support to the Assembly and its boards, commissions, and committees.
- Maintains official Municipal records and responds to requests for information.
- Manages Municipal elections.

Governing Rules that Apply to All Public Officials

Open Meetings Act requirements

The public has a right to know what you are deciding and to have meetings in public, subject to limited exceptions.

Conflicts of interest reporting and acknowledgment

The public is entitled to confidence that the decisions of its public servants are not improperly influenced by personal financial considerations.

Knowledge and retention of public records

The public has a right to access information and documents maintained by its government, subject to limited exceptions.

Assembly Member Conduct

Conduct with the Municipal Administrator and Employees

Communicate Through the Municipal Administrator

Questions of Municipal employees and/or requests for additional information shall be directed only to the Municipal Administrator or designee, including email and written requests. Materials supplied to an Assembly member in response to a request shall be made available to all members of the Assembly so that all have equal access to information, unless such action would be a violation of the Open Meetings Act.

Relationship with Employees

Per Sitka Home Rule Charter Section 2.11(b), the Assembly shall not recommend or direct the appointment or removal of any officer or employee. Except for purpose of inquiry, neither the Assembly nor an individual Assembly member may give, either publicly or privately, orders on administrative matters to a subordinate to the Municipal Administrator. "Purpose of inquiry" is defined as a brief conversation (in-person, phone, or email) in which an employee can address an inquiry immediately, without research.

Governance of the Municipality relies on the cooperative efforts of the Assembly members, who set policy, and the Municipal Administrator and employees, who implement and administer the Assembly's policies. With proper communication and administration of policies, the operations of the Municipality will benefit the community.

An Assembly member shall refrain from asking an employee for their opinion on a matter, however, asking for a recommendation based on fact is permitted.

Administrative Functions

Assembly members must not attempt to influence Municipal employees on the making of appointments, awarding of contracts, selecting of consultants, or other such administrative functions. Administrative decisions must be left to the Municipal Administrator's employees. Decisions for the Assembly to act upon will be brought to the Assembly through the public meeting process.

Assembly Correspondence

Official correspondence (e.g., letter of support) must come from the Municipal Administrator or the Assembly as a whole, not individual Assembly members. If a letter of support from the Assembly is desired, please contact the Municipal Administrator or Municipal Clerk so that an appropriate agenda item is scheduled.

*The Assembly oversees two (2) employees:
the Municipal Administrator and the Municipal Attorney*

Conduct with the Municipal Attorney's Office

The Municipal Attorney is hired by, serves at the will of, and is directed by, the Assembly.

The Municipal Attorney Represents the Municipality as an Entity

The Municipal Attorney represents the Municipality (as a whole) to carry out the policy direction of the Assembly. While the Municipal Attorney represents the Municipality in all court proceedings, they do not represent individual employees or elected officials.

The Municipal Attorney is the Legal Advisor to Assembly, Municipal Administrator, and Municipal Staff

Upon questions of law requested by the Assembly, Municipal Administrator, and Municipal staff, the Municipal Attorney will provide a legal opinion. An Assembly member may seek counsel from the Municipal Attorney in matters involving sponsored legislations, conflicts of interest, public meetings, ex parte communications, confidentiality of communications, and procedural matters. However, no Assembly member may instruct the Municipal Attorney or legal department staff.



Conduct with the Municipal Clerk's Office

The Clerk as Parliamentarian

The Assembly has adopted Robert's Rules of Order as its procedure for public meetings.¹ Upon request, the Clerk will provide assistance and advice on appropriate procedures to aide in the conduct of meetings.

The Clerk as Administrative Support

The Clerk's Office provides support services to the Assembly in many ways such as assisting with research, ceremonial functions, proclamations, resolutions, ordinances, and coordination of meetings. Materials supplied to an Assembly member in response to a request shall be made available to all members of the Assembly so that all have equal access to information, unless such action would be a violation of the Open Meetings Act. The Clerk's Office makes all travel arrangements and assists with scheduling events for the Assembly regarding Municipal business.

The Municipal Clerk and Deputy Municipal Clerk are non-partisan public servants who serve as a resource for the citizens as well as the elected officials. The Clerk's Office maintains the historical and current pertinent documents and correspondence of the Assembly.

The Clerk Notifies the Public of Assembly Gatherings

The Assembly is subject to the Open Meetings Act. By law, the Clerk must publish all notices of meetings where a majority of the Assembly will likely attend. Assembly members should communicate to the Clerk any anticipated event where a majority of Assembly members may congregate.

The Clerk Compiles Assembly Packets

The Clerk prepares the Assembly meeting agenda packets and releases them to the public as set forth in the Code.² An Assembly member may initiate an agenda item with the support of another Assembly member. Code specifically requires ordinances and resolutions to have the sponsorship of two Assembly members.³ For transparency, it is recommended a memo accompany all agenda items. Please contact the Clerk's Office for the memo template and to schedule the item for a future meeting. Agenda items and supporting documentation are due to the Clerk at noon Wednesday prior to the next regular meeting.⁴

¹ SGC 2.04.160

² SGC 2.04.010

³ SGC 2.04.035

⁴ SGC 2.04.010 (B)

Conduct in Public Meetings

Respect the Democratic Process

Before a matter can be discussed by the Assembly, a motion must be made and seconded.⁵ All members of the Assembly, and the Municipal Administrator, may participate in

debate. A member, and the Municipal Administrator, may speak more than once on a motion, however, priority is given to those who have not spoken on the motion.⁶ Alternatively, the Mayor, or Presiding Officer, may use discretion to limit the length and number of times a member may speak in debate.⁷

The City and Borough of Sitka Assembly is comprised of individuals with a wide variety of backgrounds, beliefs, and opinions; who represent the citizens of Sitka. The Assembly members may disagree on certain issues but will serve in the best interest of the citizens and take actions focusing on the common goals of the community.

Honor the Role of the Mayor

The Mayor serves as Presiding Officer of Assembly meetings.⁸ It is their responsibility to keep the Assembly discussion on track. Directions given by the Mayor must be received and adhered to with respect. Should a member of the Assembly disagree with the Mayor, they should address it by following the rules of parliamentary procedure and may appeal the decision.

Decorum in Debate

Assembly members must respect each other's right to bring diverse and dissenting views to the table. Opposing comments shall be given and received with respect and objectivity. Members of the Assembly may not address one another directly but must address all remarks through the chair.² Disparaging remarks or threatening statements or actions are never acceptable. Assembly members should never use profanity or outwardly show anger toward another member. If a member takes offense to another member's comment, they may call for a "point of order" and objectively state the point. The Mayor may then rule the comment out of order.

Demonstrate Effective Problem Solving

Assembly members each bring their individual opinion and point of view to the discussion table. Members should prepare themselves for the public meeting by researching all items on the agenda for discussion. Assembly members shall then exercise debate courteously at the meeting to reach a compromise for the benefit of the community.

⁵ SGC 2.04.070

⁶ SGC 2.04.050

⁷ SGC 2.04.160

⁸ SHRC 2.06

Conduct with the Public in Assembly Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Assembly members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Welcome Speakers

All meetings of the Assembly, and its boards, commissions, and committees, are open to the public. Citizens are often nervous when approaching the podium and may express personal concerns that are contrary to an Assembly member's personal opinion. It is important to welcome the speakers by listening with objectivity. The Assembly and its boards, commissions, and committees exist to aid in the conduct of the people's business.

Practice Active Listening

Using positive body language can help to relax the speaker and communicate that they are being heard. Sit up in your chair and look at the speaker. Do not fold your arms. Take notes. Read the agenda packet prior to the meeting, not during. Maintain positive or neutral facial expressions.

Ask Clarifying Questions

Keep questions positive and use questions only to bring out the speaker's intent. It is never appropriate to argue with a citizen at a public meeting. An Assembly member should wait until the appropriate action item portion of the agenda to verbalize personal opinions. The person testifying is not required to answer Assembly questions. The same rules of decorum apply to Assembly Members when engaging with the public as those which apply to the Assembly debate.⁹

Follow Parliamentary Procedure

If the speaker is off track, it is the responsibility of the Mayor to redirect them. Do not interrupt the speaker. An Assembly member may ask the Mayor for a "point of order" if the speaker exhibits inappropriate behavior or language.

Stay Positive

Remember, as elected officials, the Assembly members are role models for citizens. Keeping tone of voice, body language and words positive will set an example for the citizens to do likewise in the public meeting.



⁹ SGC 2.04.050, 2.04.060

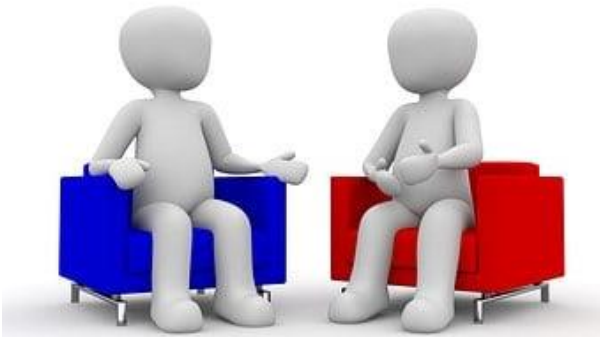
Conduct in Unofficial Meetings or Public Events

Do Not Make Promises

All Assembly decisions are acted upon at public meetings and adopted by a majority vote.¹⁰ It is inappropriate to make or imply a promise for Assembly action or for a Municipal service. The democratic process and the will of the majority vote of the Assembly must prevail.

Reporting the Assembly Actions

When citizens ask about current issues, Assembly members should be as objective as possible and report the action taken by the Assembly. Stating the actions objectively helps the Assembly to be viewed by the public as an effective body.



Personal Opinion vs. Assembly Position

If making a public statement regarding a personal opinion, the Assembly member should state clearly that they are speaking as an individual citizen. Members of the public and other entities view the official in their elected capacity and therefore may interpret their comments as an official statement of the municipality. However, once the Assembly has taken action on a matter, the outcome of that action is now the position of the City.

Speak with Respect

Remember the Golden Rule and speak with respect regarding other elected officials to members of the public. Assembly members have differing opinions on issues, which are discussed through public debate at the Assembly meeting. It is appropriate to state personal opinion, but the opinion of the other members and the action of the Assembly must be respected.

¹⁰ SHRC Section 2.02, 2.10, SGC 2.04.100

Conduct in Private Encounters

Maintain High Moral and Ethical Standards

Maintaining courtesy and objectivity, as well as high moral and ethical standards, is equally important for elected officials in private as it is in the public meeting. The Assembly member is a public servant setting an example for all citizens.

All Communications May be Public

Forethought should be given to all correspondence, whether written, verbal, or electronic. As a public official, all communications regarding Municipal business, or conducted on any computer/iPad where Municipal business is conducted, are subject to public disclosure laws.¹¹

All Conversations May be Public

Assembly members are public officials and will be watched and listened to as such. Citizens take note of Assembly interactions with each other, whether in the parking lot, restaurant, school or sporting event.

Open Meetings Act

It only takes a quorum (majority) of Assembly members to constitute a public meeting and all public meetings must be advertised.¹² The public has a right to be notified of the meeting, the general topics to be discussed, and to be present at the meeting.



¹¹ SGC 1.25

¹² SGC 2.36

SITKA GENERAL CODE: Excerpts for Assembly and Public Participation

2.04.050 Conduct of debate and discussion.

- A. When desiring to speak, assembly members and staff shall respectfully address the presiding officer, and shall refrain from speaking until recognized by the presiding officer.
- B. Members of the assembly will be recognized by the presiding officer by name. The presiding officer shall determine who shall speak first when two or more members request recognition at the same time.
- C. The presiding officer shall preserve order and decorum at all times and shall make such rulings as deemed necessary to preserve order and decorum.
- D. Any assembly member may challenge a ruling of the presiding officer by motion, and, if duly seconded will proceed to a vote. The presiding officer's ruling shall stand unless overridden by a majority vote of the assembly.
- E. During assembly debate on a motion, an assembly member may speak more than once with priority of access to the floor given to members who have not spoken on the motion. Members shall speak to the subject under debate, endeavor to provide the body with relevant facts and arguments, and shall strive to avoid redundancy.
- F. After obtaining recognition from the presiding officer, an assembly member may ask direct questions of another member, municipal staff and/or members of boards, commissions, and committees or to a person appearing before the assembly.
- G. Assembly members and staff shall speak and refer to each other in a respectful manner and shall not attack the motives of others.
- H. The administrator may participate in the same manner as an assembly member.
- I. The municipal clerk may comment on parliamentary procedure. The municipal attorney may comment on procedural and legal issues.
- J. Parties to an appeal may testify in a quasi-judicial administrative or adjudicatory proceeding, except as provided otherwise in the code.
- K. Consideration of an ordinance by paragraph shall not be required unless demanded. A demand that consideration by paragraph take place may be overridden by a majority vote of the assembly.

2.04.130 Public participation.

- A. Rules for public participation. There shall be an opportunity for public participation on agenda items and "Persons to be heard" at each regular meeting, special meeting, and emergency

meeting of the assembly. Agenda items are those appearing on the consent agenda; board, commission, and committee appointments; unfinished business; and, new business. Public participation on “discussion/direction/decision” items, under new business, is allowed when authorized by the presiding officer or a majority vote of the assembly.

1. The presiding officer shall instruct members of the public that the testimony time available is not to exceed three minutes per individual on each item, unless the presiding officer imposes other time constraints at the beginning of the agenda item. Such time limits may be overridden by a majority vote of the assembly.
2. No person shall speak during a meeting until that person is recognized by the presiding officer. Upon recognition that person shall state their full name for the record.
3. All persons shall speak to the assembly as a whole and not to individual assembly members, or to members of the public.
4. Assembly members shall refrain from engaging in discussion with the person testifying or answering questions directed by the person testifying.
5. All persons testifying shall immediately cease speaking when notified by the presiding officer that the allotted time has expired.
6. An inquiry made by a member of the public regarding municipal business may be referred to the administrator. An answer shall not be provided at the meeting by the assembly or staff. By majority vote of the assembly, the assembly may direct the administrator or municipal attorney to report back to the assembly regarding the inquiry made by a member of the public at a meeting.

B. Rules of order and decorum.

1. The presiding officer shall preserve order and decorum at all times and shall make such rulings as deemed necessary to preserve order and decorum.
2. A member of the public shall not engage in the assembly debate or deliberations.
3. A person addressing the assembly shall not make personal, impertinent, unduly repetitive, slanderous, or profane remarks to the assembly, staff, or general public, nor use loud, threatening, personal or abusive language, nor engage in any other disorderly conduct that disrupts or otherwise impedes the orderly conduct and decorum of any meeting.
4. All persons attending any meeting must observe the assembly’s rules of procedure and adhere to the same standards of order and decorum as members of the assembly. Persons in the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, clapping of hands, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct and decorum of any meeting.

C. Enforcement of order and decorum. At the discretion of the presiding officer or upon majority vote of the assembly, the presiding officer may order the removal of any person committing any of

the following acts of disruptive conduct with respect to a regular meeting, special meeting, emergency meeting, adjourned meeting, or work session of the assembly:

1. Disorderly, contemptuous or insolent behavior toward the assembly or any member thereof, which interrupts the due and orderly course of the meeting;
2. A breach of the peace, boisterous conduct or violent disturbance, which interrupts the due and orderly course of the meeting;
3. Disobedience of any lawful order of the presiding officer, which shall include an order to be seated or to refrain from addressing the assembly; and,
4. Any other interference which interrupts the due and orderly course of the meeting.

Any person so removed shall be excluded from further attendance at the meeting from which they have been removed, unless permission to attend is granted upon motion made and adopted by a majority vote of the assembly before the next agenda item.

2.04.185 Remote participation by the mayor and assembly members.

- A. The mayor or any assembly member may participate in and vote at a regular meeting, special meeting, emergency meeting, or work session of the assembly by remote participation (videoconferencing or similar technology) provided the following circumstances are met:
 1. The meeting or work session is held with a quorum of members physically present, except as provided in subsection H of this section;
 2. Reasonable technical capabilities are available at the meeting location to allow the member(s) to participate, to include being able to hear and engage in discussion, and being audible to all persons participating in the meeting;
 3. The member(s) participating remotely has/have the ability to obtain the meeting agenda and other pertinent documents to be discussed and/or acted upon;
 4. The member(s) participating remotely shall make every effort to participate in the entire meeting and must have their video turned on except during breaks.
 5. For executive session, the member(s) shall participate by telephone, not videoconference. The member(s) participating shall acknowledge that there is no other person(s) with the member(s) or in close enough proximity to hear the executive session discussion. Member(s) participating remotely are prohibited from electronically recording or taking notes in the executive session.
- B. The mayor, or the presiding officer in the absence of the mayor, shall not preside over a meeting in which they are participating remotely, except as provided in subsection H of this section.
- C. No more than the first three members to contact the municipal clerk requesting remote participation at a particular meeting may participate remotely, except as provided in subsection H of this section.

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- D. The member shall notify the municipal clerk and the presiding officer at least 24 hours in advance of their intent to participate remotely in a meeting or work session.
 - E. If the remote connection cannot be made or is made and then lost, the meeting shall commence or continue as scheduled and the municipal clerk shall attempt to establish or restore the connection, provided that if the member(s) participating remotely is/are necessary to achieve a quorum, the meeting shall recess or adjourn as necessary until the remote connection is established or restored.
 - F. All voting at the meeting when a member(s) is/are participating remotely shall be by roll call vote.
 - G. For the mayor and other assembly members, remote participation is limited to four regular meetings during the twelve-month period. This twelve-month period begins at the first regular meeting of the assembly after the regular election in October. Remote participation by the mayor or a member will not be allowed consecutively for more than two regular meetings. Remote participation in a meeting while out of town on municipal business does not count toward the four times for which remote participation is limited or toward the two consecutive regular meetings limit on remote participation.
 - H. When the administrator, assembly, governor, or federal government has declared an emergency, a quorum of assembly members may be established with the combined total of members participating physically, partially remote, or entirely remote. In this instance the mayor, or presiding officer, may preside over the meeting remotely. When an emergency has been declared, limits established in subsection G don't apply.
 - I. The mayor or any assembly member(s) who participate(s) remotely shall not be charged for any costs associated with remote participation.

2.04.186 Telephonic participation by the public.

- A. Any member(s) of the public may request to provide comment by telephone on any agenda item or "Persons to be heard" which allows for public participation under Section 2.04.130(A). To participate by telephone, the person shall provide the municipal clerk with a telephone contact number and indicate which agenda item(s) they wish to provide comment on by 5:00 p.m. on the Monday before the Tuesday regular meeting, and at least 24 hours before any special or emergency assembly meeting, when such notice is reasonably practicable. The municipal clerk will call that phone number during the public participation section on the agenda item or during "Persons to be heard". If the person is not available at the time of public comment for the item, the presiding officer will move to the next person. A person participating by telephone must be able to hear and engage in discussion and be audible to all persons participating in the meeting.
- B. Any member(s) of the public who participates by telephone shall not be charged for any costs associated with telephonic participation.
- C. Public participation rules and enforcement in Section 2.04.130 apply to members of the public participating by telephone.

Helpful Hints for Running Effective Public Meetings

The Mayor serves as presiding officer of Assembly meetings. In the Mayor's absence, the Deputy Mayor serves as presiding officer.

The presiding officer can set the tone of a meeting by showing fairness and respect to the public, the Assembly, and staff.

Be Neutral

The presiding officer of the public meeting maintains neutrality in order to facilitate the discussion. The Mayor may become involved in the debate process, but should allow the other members to speak first.

Be Fair and Tactful

The presiding officer should be consistent with all members during the discussion. Impartiality can be demonstrated by maintaining a calm tone of voice and positive body language with the members speaking on the majority and the minority side of the debate. Fairness, tact, and good judgment must always be exercised by the presiding officer.

State, Restate, and State the Result

The presiding officer can keep the discussion organized by clearly stating the motion on the floor prior to debate. When the discussion has subsided or an amendment has been made, the presiding officer should restate the main or amended motion. After the roll has been called by the Clerk, the presiding officer should state the outcome of the vote and the result of the motion.

Keep it Rolling

It is the presiding officer's role to keep the discussion on track. To reduce unnecessary debate the presiding officer may remind the Assembly to limit discussion to the specific motion. To put an end to side-conversations by Assembly members, a tactful reminder should be given to seek permission of the chair before speaking.

Assembly Annual Events

The following is a general event calendar for the City and Borough of Sitka Assembly. There will be additional items that arise, but this provides a general overview of what an elected official can expect in a year.

EVENT	TIME FRAME	PARTIES INVOLVED
Regular Municipal Election	1st Tuesday in October	Citizens
Deputy Mayor & Vice Deputy Mayor Appointments, Liaison Assignments	1st regular meeting in October	Assembly Members
AML NEO/Annual Conference	1st Week December	Newly Elected Officials Mayor Municipal Administrator Public & Govt Relations Dir.
Budget Preparation and Special Meetings	January - April	Finance Director Municipal Administrator Assembly Members
Legislative Fly-In	February	Mayor Municipal Administrator Public & Govt Relations Dir.
Federal Lobby Trip	April	Mayor Municipal Administrator Public & Govt Relations Dir.
Board of Equalization	1st Monday in May	Assessing Staff Assembly Members
Filing for Office Begins	Mid July	Candidates for Election
Deadline for Ballot Items	Second regular meeting in July	Municipal Administrator Assembly Members
SE Conference Annual Meeting	September	Mayor Municipal Administrator Public & Govt Relations Dir.