

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2026-03

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING UNALASKA CODE TITLE 2
BY CLARIFYING REQUIREMENTS FOR REMOTE PARTICIPATION BY ELECTED OFFICIALS
AT A COUNCIL MEETING

WHEREAS, there is ambiguity in the physical attendance requirement of UCO § 2.20.075(A) because it does not specify if three Council members are required to be physically present or if two Council members and the Mayor also satisfy the physical attendance requirement; and

WHEREAS, this ordinance clarifies the ambiguity by requiring three Council members to physically attend the meeting, regardless if the Mayor is physically present; and

WHEREAS, if the Mayor is not physically present, then a Council member acting as Vice Mayor or Mayor pro-tem would still count as one of the three Council members that are required to be in physical attendance to constitute a quorum.

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

Section 1: Classification. This Ordinance is a Code ordinance.

Section 2: Amendment of Section. Section 2.20.075 of the Unalaska Municipal Code is amended to read as follows: [new language is underlined; and deleted language is ~~everstruck~~]

2.20.075 PARTICIPATION BY TELEPHONE OR OTHER ELECTRONIC MEANS.

(A) A Council member or the Mayor may participate by telephone or other electronic means, in any meeting or work session, including executive session, up to six (6) times annually. Additional meetings by telephone or other electronic means may be considered by the Mayor or Mayor pro-tem depending on the circumstances which prevent the person's physical attendance at the meeting.

(B) A City Council meeting or executive session must have at least three (3) Council members physically present. The Mayor does not count towards one of the three Council members. A Council member physically present counts towards one of the three Council members even if that Council member chairs the meeting because the Mayor is not physically present.

(C) Any member participating by telephone or other electronic means shall be considered present at the meeting or session for all purposes under this chapter. In order to participate by telephone or other electronic means, the member or the Mayor must declare in advance to the City Clerk that out of town travel or other circumstances prevent physical attendance at the meeting. If the Mayor chooses to participate via telephone or other electronic means, the Vice Mayor or an appointed Mayor pro tem shall preside in the Mayor's stead.

~~(D)(B)~~ Notice under this section is acceptable, if provided in writing or via electronic mail, and must include a short description of the circumstances which prevent the person's physical attendance at the meeting.

~~(E)(C)~~ Telephonic participation shall be refused by the Mayor if, at any time, it appears that technical capabilities or other interference does not allow all persons, whether physically present or not, to hear and engage in discussion. Where practicable, any written materials or other information presented during the meeting should be made available to persons participating via telephone or other electronic means.

(Ord. 2006-10, passed 5-23-06; Am. Ord. 2015-09, passed 5-12-15; Am. Ord. 2015-20, passed 11-10-15; Am. Ord. 2017-11, passed 12-12-17; Am. Ord. 2022-16, passed 10-11-22)

Section 3. Effective Date. This ordinance is effective upon adoption.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on January 27, 2026.


Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:


Estkaeren P. Magdaong, CMC
City Clerk



MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Estkarlen P. Magdaong, City Clerk
Through: Marjie Veeder, Acting City Manager
Date: January 13, 2026
Re: Ordinance 2026-03: Amending Unalaska Code Title 2 by clarifying requirements for remote participation by elected officials at a Council meeting

SUMMARY: This code change amendment before Council will clarify previous ambiguity regarding the physical attendance requirement of UCO 2.20.075(A). Staff recommends adoption.

PREVIOUS COUNCIL ACTION: There has been no previous Council action regarding this ordinance. Previous related Council action includes:

- On May 23, 2006, Council adopted **Ordinance 2006-10**: Amending Unalaska City Code Title 2, Chapter 2.20 City Council Procedures, to provide procedure for the development of the agenda and allow telephonic participation in executive sessions.
- On May 12, 2015, Council adopted **Ordinance 2015-09**: Amending Unalaska City Code Chapter 2.20 to permit physically absent City Council members and the Mayor to participate in meetings telephonically with prior notice. This ordinance required 3 council members to be physically present.
- On November 10, 2015, Council adopted **Ordinance 2015-20**: Amending Unalaska City Code Chapter 2.20 to permit physically absent City Council members and the Mayor to participate in meetings telephonically with prior notice. This ordinance added a restriction to telephonic participation to six times annually.
- On December 12, 2017, Council adopted **Ordinance 2017-11**: Amending Unalaska Municipal Code ... Chapter 2.20 to prohibit telephonic participation in executive sessions ...
- On October 11, 2022, Council adopted **Ordinance 2022-16**: Amending Section 2.20.075 of the Unalaska Code of Ordinances, removing the prohibition of Council members participating in executive session by telephone and adding participation in meetings by other electronic means. This ordinance allowed attendance at meetings via online platforms such as Zoom.

BACKGROUND: In order for Mayor and Council members to participate remotely, UCO 2.20.075(A) requires that a City Council meeting or executive session have at least three members physically present; however, the code does not specify whether the Mayor counts toward this requirement.

At the November 25, 2025 Council meeting, only two Council members were physically present along with the Mayor, while two additional Council members participated remotely.

Upon checking with City Attorney Sam Severin prior to the meeting, City Clerk was advised that there was definitely an ambiguity in that particular sentence in the Code. However, after looking at other sentences, Mr. Severin thought that the term "member" could include the Mayor because that particular sentence does not specify Mayor or Council member like the other sections of code. There is a doctrine that given any ambiguity, the Council has the ability to reasonably interpret it. Thus, if two Council members and the Mayor are present and no one objects, the meeting complies with 2.20.075. If someone objects and moves [i.e. "I move the Council to interpret 2.20.075(A) to only mean Council members and not the Mayor"], then the Council would vote and resolve the issue.

The Mayor and Council proceeded with the meeting that evening, and a Council directive was later adopted to clarify the quorum requirements in Title 2.

DISCUSSION: To provide clarity on the matter, these two major concepts are introduced:

- The Mayor does not count towards one of the three members, and
- A Council member physically present and chairing the meeting as Vice Mayor or Mayor Pro Tem counts towards one of the three members

ALTERNATIVES: Council may choose to adopt this ordinance or take no action.

FINANCIAL IMPLICATIONS: None.

LEGAL: The City Attorney has been consulted and has drafted the ordinance for Council's adoption.

STAFF RECOMMENDATION: Staff recommends adoption of the ordinance.

PROPOSED MOTION:

First reading: I move to introduce Ordinance 2026-03 and schedule it for public hearing and second reading on January 27, 2026.

Second reading: I move to adopt Ordinance 2026-03.

CITY MANAGER COMMENTS: I concur with staff's recommendation in order to remove ambiguity in city code.

ATTACHMENTS: None