



City of Homer

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MEMORANDUM 09-39

TO: HOMER CITY COUNCIL AND WALT WREDE, CITY MANAGER
FROM: PORT & HARBOR ADVISORY COMMISSION
DATE: FEBRUARY 10, 2009
RE: PUBLIC HEARINGS FOR TARIFF CHANGES

Background

At the January 28, 2009 Port and Harbor Advisory Commission meeting, Homer City Code Title 10 was discussed under New Business Item F. The following discussion and motion were recorded:

Commissioner Hogan asked for this to be placed on the agenda because over the last several years the Tariff has been amended and changed with no input from the Port and Harbor Advisory Commission. He cited the code that requires that a public hearing be held on changes to be made. He would like to return to following the law. Further discussion was held regarding what should be done to correct this problem. It was noted that a public hearing has not been held for the last several years.

Commissioner Velsko asked if what was needed was to pass a motion to recommend City Council follows City Code. Commissioner Hogan stated that he informed Council that they were in violation and he also brought up that City Councilpersons could be fined \$350.00 each day in violation. City Council did not respond or react to his notice.

Commissioner Wedin inquired how the resolution was generated. Commissioner Hogan explained the process and Public Hearings are normally held for Ordinances not Resolutions. The Commissioners agreed that they wanted to be part of the process.

The Commissioners agreed that the Budget Hearings did not cover the Tariff increases. Council must follow the rules.

VELSKO/ULMER – RECOMMEND A MEMORANDUM BE SENT TO THE CITY COUNCIL AND COPIED TO THE CITY MANAGER THAT PUBLIC HEARINGS BE HELD REGARDING AMENDMENTS TO THE PORT AND HARBOR TARIFF IN ACCORDANCE WITH HOMER CITY CODE 10.04.035 AND HOMER CITY CODE 10.04.055

Discussion on best practices to stop the City Council from non-compliance of established laws; topics included were how City Council gets the changes and that if they do not follow the rules someone could take the City to court to roll back all increases to the tariff that were passed and a Public Hearing was not held.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Recommendation

Please review the discussion and motion above and respond regarding public hearings for tariff changes.

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