

CITY OF HOMER  
HOMER, ALASKA

Filed  
10/12/92

ORDINANCE 92-43(A)

AN ORDINANCE OF THE CITY OF HOMER, ALASKA  
CREATING A NEW CHAPTER 1.78 ADVISORY PUBLIC  
WORKS COMMISSION AND AMENDING PORTIONS OF  
CHAPTER 1.76 ADVISORY PLANNING COMMISSION.

WHEREAS, there currently exists a vacuum in the advisory relationship to the Council in terms of public works functions, both planning and operational, and;

WHEREAS, this advisory role has been periodically provided by numerous ad-hoc committees, like the Sewer Committee, the Airport Committee, the Road Standards Committee, and so forth, and;

WHEREAS, this advisory role has partially been delegated to the current Advisory Planning Commission, who have not always performed that advisory role for plan reviews, and;

WHEREAS, public works is an integral function of this city and is deserving of having review on an advisory commission basis, and;

WHEREAS, the City Council is deserving of having an advisory commission to perform the function of review of this important municipal service, given that Councils' scope and focus is necessarily broader than just this particular function and that their volunteer time is necessarily limited, and;

WHEREAS, the current duties of the Parks and Recreation Commission could be assumed by this new Public Works Commission, particularly since the Parks Maintenance/Operations is a division of the Public Works Department, and;

WHEREAS, some of the current duties of the Advisory Planning and Zoning Commission could be assumed by this new Public Works Commission, thereby streamlining certain administrative processes, and providing for a review process for facility plans and specifications, and yet still complying with the statutory requirements of an Advisory Planning Commission;

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1: A New Chapter 1.78 of the Homer City Code is hereby created to read in its entirety as follows:

## Chapter 1.78

### ADVISORY PUBLIC WORKS COMMISSION

#### Sections:

- 1.78.010 Commission -- creation and membership.
- 1.78.020 Terms of Commission member.
- 1.78.030 Proceedings of the Commission.
- 1.78.040 Duties and responsibilities of the Commission.

1.78.010. Commission --Creation and Membership. a. There is created the City of Homer Public Works Advisory Commission, referred to in this chapter as the Commission. Such Commission will be made up of seven members, who shall be nominated by the Mayor and confirmed by the City Council. Not more than one member(s) may be from outside the City limits.

b. A Chairman and Vice-Chairman of the Commission shall be selected annually and shall be appointed from and by the appointive members.

c. The Mayor, the City Manager, the Public Works Director, and the Public Works Engineer shall serve as consulting members of the Commission in addition to the seven appointive members, and may attend all meetings as consultants, but shall have no vote.

1.78.020 Terms of Commission members. a. Members of the First Commission shall be appointed for the following terms:

1. Three members shall be appointed for three-year terms;
2. Two members shall be appointed for two-year terms;
3. Two members shall be appointed for one-year terms.

b. At the end of the initial terms set forth in this section, members shall be appointed for full three-year terms.

c. Any Commissioner who shall have two successive unexcused absences shall be subject to removal by the Commission by a majority vote of the members present.

1.78.030 Proceedings of the Commission. The Commission shall meet regularly once a month, and at the call of the Chairman. Permanent records or minutes shall be kept of Commission proceedings and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the City Clerk, and shall be a public record open to inspection by any person. Every decision or finding shall be directed to the City Council at the earliest possible date.

1.78.040 Duties and responsibilities of the Commission. a. It shall be the duty of the Commission to act in an advisory capacity to the City Manager and the City Council on the problems and development of the City's Public Works programs and projects. Consideration may include the physical facilities of the City, including plan and specification review.

b. The daily operations and maintenance of the Public Works are the direct responsibility of the Public Works Director, under the direction of the City Manager. Any recommendation the Commission or a Commission member may have regarding the operation and maintenance of the facilities is to be directed to the City Manager, not a Public Works employee. The City Manager will study the recommendation and refer it to the Council, or the recommendations of the Commission concerning policy issues shall be sent directly to the Council upon the request of the Commission.

c. The Commission shall consider any specific proposal, problem or project as directed by the City Council and any report or recommendations thereon shall be made directly to the Council, unless otherwise directed by the Council.

d. Generally, examples of the types of facilities, programs and projects within the purview of the Commission include, sewer treatment plant facilities, water treatment plant and dam facilities, water and sewer rate studies, street construction standards, policies and implementation of the Accelerated Roads Program, and parks and recreation functions.

e. In particular, the commission shall advise the city manager and the city council concerning:

1. Development of the type, location and sequence of all public improvements,

2. The relocation, removal, extension or change of use of existing or future public ways, grounds, spaces, buildings, properties and utilities,

3. The general extent and location of rehabilitation areas.

4. The making of surveys, maps and plans relating to the location and design of any public building, dock, beach ski ground, statue, memorial, park, parkway, boulevard, street, alley or playground. For the purpose of implementing this subsection, all departments of the City considering any such action or improvement are required, and all public agencies not a part of the City are requested, to inform the Commission of the proposed action or improvement, and submit such pertinent information to the Commission and within such time as will enable the Commission to recommend to City Council whether the proposed action or improvement is advisable and consistent with the city's facilities plan. No such action or improvement shall be authorized by City Council until the recommendation of the Commission shall have been received, but the City Council shall not be bound by that recommendation.

e. The City Council may at a future date expand or withdraw duties and responsibilities of the Commission.

Section 2: Chapter 1.76, of the Homer City Code, is amended by amending 1.76.030 to read as follows:

1.76.030 Duties and Powers. The Commission shall be required to do the following:

a. Develop, adopt, alter or revise, subject to approval by the City Council and Kenai Peninsula Borough Assembly, a master

comprehensive plan for the physical development of the City. Such master comprehensive plan with accompanying maps, plats, charts, descriptive and explanatory matter, shall show the Commission's recommendations for the development of the City territory. ~~and may include, among other things:~~

~~1. Development of the type, location and sequence of all public improvements,~~

~~2. The relocation, removal, extension or change of use of existing or future public ways, grounds, spaces, buildings, properties and utilities,~~

~~3. The general extent and location of rehabilitation areas.~~

When a master comprehensive plan for the City has been approved by the Council and Kenai Peninsula Borough Assembly, amendments, revisions and extensions thereof may be adopted by the Council after consideration and report by the Commission. Such amendments, revisions and extensions shall be submitted to the Kenai Peninsula Borough Assembly for approval.

b. Exercise control over platting and subdivision of lots, blocks or lands within the City limits. All proposed plans, plats or replats of lots, blocks or lands within the City limits, and all streets, alleys and other portions of the same intended to be dedicated to public or private use, or vacated within the corporate limits, shall first be submitted to the Commission for its approval or rejection before such plans, plats or replats shall be submitted to the Borough Planning and Zoning Commission for final approval and recordation. Unless the City Council shall disapprove the action of the Commission within twenty days, its decision shall be final. If the Commission has approved any plan, plat or replat, and the City Council has not, within twenty days, disapproved this action, the Commission, through its chairman, shall endorse its approval on the plan, plat or replat, and the owner thereof may then offer it to the Borough Planning and Zoning Commission for final approval;

c. Draft an official map of the City and recommend or disapprove proposed changes in such map;

d. Promote public interest in and understanding of the master comprehensive plan and of general regulations with regard to planning and zoning;

e. Make investigations regarding any matter related to City planning;

f. Make and prepare reports, prints, plats and plans for approval by the City Council;

~~g. Make or cause to be made surveys, maps and plans relating to the location and design of any public building, deck, beach ski ground, statue, memorial, park, parkway, boulevard, street, alley or playground. For the purpose of implementing this subsection, all departments of the City considering any such improvement are required, and all public agencies not a part of the City are requested, to inform the Commission of the proposed improvement, and submit such pertinent information to the Commission and within such time as will enable the Commission to recommend to City Council whether the proposed improvement is consistent with the general plan and established planning principles. No public~~

~~improvement shall be authorized by City Council until the recommendation of the Commission shall have been received, but the City Council shall not be bound by that recommendation.~~

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this  
\_\_\_\_\_ day of \_\_\_\_\_, 1992.

CITY OF HOMER

HARRY E. GREGOIRE, MAYOR

ATTEST:

MARY L. SHANNON, CITY CLERK

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

First Reading: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

Reviewed and Approved as to form and content:

RICHARD J. LELAND, CITY MANAGER

GORDON J. TANS, CITY ATTORNEY

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_