



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Memorandum Agenda Changes/Supplemental Packet

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: APRIL 14, 2014

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

Lobbyist Report, April 10, 2014

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Thank You from Kachemak Heritage Land Trust for Fund Allocation to The Homer Foundation

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PUBLIC HEARINGS

Ordinance 14-14, An Ordinance of the Homer City Council, Enacting HCC 2.80.100, Limitation Period, Establishing a Five-Year Time Limitation for Filing a Complaint of a Violation of the City Ethics Code. City Clerk. & **Ordinance 14-14(S)**, An Ordinance of the Homer City Council, Enacting HCC 2.80.100, Limitation Period, Establishing a Limitation Period for Filing a Complaint of a Violation of the City Ethics Code of Five-Years or One Year After Discovery of the Violation. City Clerk.

Written public comments

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RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A



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319 Seward Street, Ste. 11
Juneau, AK 99801
907.586.1977 p
907.586.1061 f

In Fairbanks:
3165 Riverview Drive
Fairbanks, AK 99709
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APR 11 2014

City of Homer Lobbyist Report

April 10, 2014

Overview

The Legislature is still aiming for a Good Friday adjournment, April 18, just short of their April 21 statutory 90 day deadline. Early adjournment is doable, if all goes well. However as per usual, there are numerous weighty issues on the table yet to be completed. Those include:

- 1) HB 266 - FY 15 Operating Budget: An initial meeting is scheduled today and six budget conferees (co-chairs of both House & Senate in addition to one House and Senate Minority member) appointed to work out the differences on between House and Senate versions.
 - a. Municipal Revenue Sharing - The House reduced funding of the Revenue Sharing capitalized fund by \$10million (from \$60 million to \$50million); the Senate reduced the deposit by \$7million (from \$60million to \$53million). The Governor is holding firm on his support and insistence that the Legislature fund the full \$60million in FY15.
- 2) SB 119 - FY15 Capital Budget: The Senate completed their work on the Capital budget. The bill is scheduled for a final vote on the Senate Floor on April 11. At that point, it will be sent to the House Finance Committee where additional amendments (additions) will be inserted. The City of Homer saw success in the Senate's version of the capital budget. (*see attached Homer/Kenai spreadsheet*)
- 3) SB 138 - North Slope Gas Line Project is winding its way through the committee process. Having passed the Senate on March 18, it is now in House Finance and scheduled for hearings this week. There are no 'deal killer' differences between the House and Senate versions at this time, however, questions continue over the role of TransCanada and whether certain sections of the bill can wait until next session. Of specific interest to Railbelt municipalities is the creation of an advisory group formed to participate in the process relative to property taxes and payment in lieu of taxes. Railbelt Mayors including Kenai were instrumental in the Governor's Administrative order creating the formation of a Municipal Mayors Advisory Group found [here](#).
- 4) HB 278 - The Education bill passed the House and is being reviewed in depth by Senate Finance. It is on an expedited track and expected to pass. Funding for education is on the increase as the bill progresses. The House added one time funds of \$100million in the operating budget and an additional \$30 million as an attached fiscal note. In what form and how much will be added by the Senate, if any, is currently under debate. Of note to municipalities is that the House has added a municipal property tax exemption option for educational facilities, i.e. private non-profit charter schools.
- 5) PRS/TRS - The Governor is expected to propose legislation on April 11 relative to his pre-session proposal included in the operating budget bill. The Legislature has rejected his proposed \$3 Billion deposit and it is NOT yet included in any budget bill at this time. There has been extensive discussion amongst legislative caucuses, legislative leadership, and the Governor. Municipalities across the state are working hard to support the draw from the Constitutional Budget Reserve to pay down the debt and thereby relieve the pressure from the mounting annual payment. Unfortunately, the possibility of an increased rate from 22% to 24% remains. The Governor made it clear to the Legislature however that he does NOT support this increase. Municipalities appreciate that support.

Status of Legislation – Key Homer Bills of Interest

HB35 by Rep. T. Wilson et. al. Home Conversion Loan - This bill is dead. It has not been resurrected this session due to the lack of a funding source for the program. As of this writing, there is no identifiable fund source for this program. *2013 CoH resolution of support was distributed*

HB 152 by Rep. Thompson 'Repealing Termination Cost Study' While this bill has moved from House Labor and Commerce to House Finance, there is concern that it may become a vehicle by House Finance to increase the municipal PRS/TRS payment rate from 22 to 24%. While municipal lobbyists believe we are making progress on maintaining the 22%, one can't be too sure until adjournment. This bill is better left in committee at this time. Unfortunately, passage of the repeal is challenged because of the threat of the rate increase.

HB 141 by House Labor & Commerce Establishes Workers Comp Fees Outside of Alaska. This bill moved from Senate Labor & Commerce and is in Senate Rules awaiting Senate Floor action. The bill is expected to pass. This legislation sets the fee for medical treatments provided outside of Alaska to limits in the Workers' Compensation statutes of the state where the services are rendered.

HB 275 by Rep. Hawker Electronic Distribution of Municipal Reports/Notices There has been no action since last report. This bill is dead. The bill WAS poised for House passage as of 2/14. The bill allows municipalities to post tax millage information, foreclosure lists and redemption notices on municipal web sites as an alternative to requiring publication in a newspaper. Requires state agencies to produce reports electronically rather than by print and requires state agency reports to be posted on the state online public notice system. The newspaper opposed the bill stating that it is too much of a limitation on the public's ability to be informed. Unfortunately, pressure from the industry caused the bill to be sent back to House Rules where it currently rests. Rep. Hawker took the Floor the next day to announce his retraction of support for the bill as it failed to gain the necessary votes to passage.

HB 316 by House Labor & Commerce Committee Establishes In-State Workers Comp Fees for medical treatment and services by authorizing the Worker's Compensation Board to set fees based on the federal Centers for Medicare and Medicaid Services' resource-based relative value scale. The bill was introduced on 2/19 and has been referenced by the committee chair as a session priority. The legislation is the result of recommendations passed by the Workers Compensation Board in December 2013. It is intended to reduce Alaska's high costs of workers compensation for both employers and employees. The bill was heard today, April 10, in House Finance. It is a session priority but has yet to make it through the House and on to the Senate.

SB 71 by Sen. Micciche; fish tax payments legislation passed the Senate unanimously and was sent directly to House Finance on February 17. A new zero fiscal note offered by the Department was accepted in the Senate. The bill aligns the final quarterly payment due from fisheries resource landing taxes with the posting of the statewide average fish price as calculated by the DF&G. The current April 1 filing date is replaced by the requirement of the final payment 30 days AFTER the average fish price posting by DF&G. The bill also changes the quarterly payments to 90% of the estimated amounts due for the year. This bill was heard and held in House Finance since March 6.

SB 148 by Sen. Micciche; Exempts Homer P&H from KBCHA. Homer's top legislation priority passed the Legislature on February 26. Only 5 weeks after the first day of session. Governor Parnell signed this bill into law on March 26, 2014.

END

Linda 460-6767
Yuri 388-8611

FY 2015 Capital Budget
Homer-Kenai Area

4/10/2014

Department of Corrections			
Deferred Maintenance, Renewal, Repair and Equipment	1,045,000	1,045,000	1,045,000
28-30 Kenai-Wildwood Correctional Center Deferred Maintenance	400,000	400,000	400,000
28-30 Seward-Spring Creek Correctional Center Deferred Maintenance			
Department of Labor and Workforce Development			
28-30 Heavy Equipment Shop/Diesel Shop/Pipe Welding Relocation-Phase 2	8,000,000	8,000,000	8,000,000
Deferred Maintenance	1,000,000	1,000,000	1,000,000
28-30 Deferred Maintenance, Renewal, Repair and Equipment-AVTEC			
Department of Natural Resources			
28-30 Exxon Valdez Oil Spill Trustee Council Land Acquisition for Public Access on Lower Kenai River	580,800	580,800	580,800
30 Funny River Community/Alaska State Parks-Funny River-River Access			35,000
28-30 Lower Kenai River Park Facility and Access Improvement-Phase 1 of 2	1,000,000	1,000,000	1,000,000
28-30 Public Access and User Facilities Improvements at the Mouth of the Kaslof River Phase 2	1,400,000	1,400,000	1,400,000
Deferred Maintenance, Renewal, Repair and Equipment			
28-30 Parks and Outdoor Recreation Deferred Maintenance-Kenai Region	572,000		286,000
Department of Public Safety			
Deferred Maintenance, Renewal, Repair and Equipment	150,000	150,000	150,000
28-30 Soldotna-Trooper Post Facility Repairs			
Department of Transportation and Public Facilities			
Airport Improvement Program	17,000,000	17,000,000	17,000,000
28-30 Seward-Airport Improvements			
Surface Transportation Program	1,500,000	1,500,000	1,500,000
28-30 Homer-Ferry Terminal Improvements	6,000,000	6,000,000	6,000,000
28-30 Soldotna-Kalifornsky Beach Road: Milepost 16 to 22.2 Paving Rehabilitation and Signalization	3,500,000	3,500,000	3,500,000
28-30 Williamsport to Pile Bay Road			
University of Alaska			
UAA Community Campuses Deferred Maintenance			
28-30 KPC Campus Renewal			500,000
30 KPC Kachemak Bay Campus Renewal			120,000
29 KPC Kenai River Campus Career Tech Collateral Buildings Backfill			200,000
30 KPC Kachemak Bay Campus Gas Conversion			70,000
30 KPC Kenai River Campus Academic Center/Classroom Renewal			50,000
Section 1 Subtotal			
	42,147,800	63,553,768	63,553,768
Section 34 - House Districts 28 - 30 Reappropriations			
28-30 North Peninsula Community Council - Purchase of Chevron property to create a public inlet viewing/beach access park			99,519
28-30 City of Kenai -River Bluff Erosion project			2,000,000
28-30 Soldotna Little League-Batting cages, field reconstruction & realignment, fence repair, general field maintenance			23,869
28-30 Kenai Peninsula Borough, Kachemak emergency services area fire department- New construction at Dimond Ridge Fire Station			166,070
28-30 Soldotna Area Senior Citizens Inc.- upgrading and replacing lighting			32,320
28-30 City of Soldotna-Citywide sidewalk, street, and utility improvements			250,000
28-30 City of Soldotna-Citywide sidewalk, street, and utility improvements			177,730
28-30 DOT-PF-Fritz Creek-Greer Road upgrade			81,940
Section 34 Subtotal			
			2,831,448
Grand Total: \$			
	42,147,800		66,385,216





Kachemak Heritage Land Trust

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APR 11 2014

April 7, 2014

Mayor Beth Wythe
Homer City Council
491 East Pioneer Avenue
Homer, Alaska
99603

Dear Mayor Wythe and City Council Members:

Thank you for the City's recent very generous grant award to Kachemak Heritage Land Trust for operating support through the City of Homer Grants Program administered by the Homer Foundation grant program. The City of Homer program to help fund local nonprofits means a tremendous amount to Kachemak Heritage Land Trust. Being able to show support from the City of Homer shows that the City supports our land conservation program.

We are pleased that this program recognizes the good work of our organization and how it benefits our community through projects like our Calvin and Coyle Nature Trail. I also wanted to let you know that the statewide meeting of land trusts will be held in Homer on April 21-24, and we will be featuring local food, local housing and the importance of land conservation efforts in this beautiful place. In addition, we will be constructing the Effler Trail this summer on East Skyline Drive that will also be a community enhancement project and allow locals and visitors to walk our short trail to an overlook on one of our wetland parcels.

Thank you again for the City's continued support of KHLT and of the local nonprofit grant program. Please let me know if you have any questions about our work.

Sincerely,

Marie McCarty
Executive Director

Jo Johnson

From: Frank Griswold <fsgriz@alaska.net>
Sent: Friday, April 11, 2014 10:44 AM
To: Jo Johnson
Subject: Ordinance 14-14(S)

Dear Mayor and Council members:

There is no need to amend the ethics code to impose a time limitation for filing a complaint. All this would do is protect unethical city officials. If anything, the ethics code should be amended to apply to city employees, department heads, and City Attorneys. Furthermore, anyone associated with the City of Homer who uses/misuses the powers of their position to unduly influence a decision of others or obstruct justice should be subject to the provisions of the ethics code. In a related ethical matter, it has become the practice of the Planning Department to employ the services of the City Attorney to prepare briefs defending zoning decisions of the Planning Commission. HCC

2.16 states the City Attorney shall act as legal advisor to and be attorney and counsel for the Council and shall be solely responsible

to the City Council. HCC 2.16 (a) provides in relevant part that he shall advise any officer or department head of the City in matters relating to his official duties when so requested but the City Planner is neither an officer or department head; the head of the Planning

Department is the City Manager. HCC 2.16 (e) provides as follows:

"He shall at all times cooperate with the City manager and shall provide such information and reports and perform such duties as requested by the City Manager so long as they are not inconsistent

with the duties of his office as provided in this section." Hiring the lead City Attorney i.e., Thomas Klinkner, to represent the administration in an appeal action prevents him from representing the City Council/Board of Adjustment who is then represented by City Attorney Holly Wells or some other attorney who, with all due respect, may not possess the legal capabilities of Mr. Klinkner. I believe it is unethical for attorneys from the same law firm to represent different parties in the same case but regardless of this conflict of interest, the tactic of stealing the lead attorney from the Council/ BOA is highly prejudicial to appellants, contrary to HCC 2.16, and whether subject to the provisions of HCC 1.18 or not, should not be allowed to continue.

Frank Griswold

