

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

Mayor

3
4 **ORDINANCE 15-39(S)(A)**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 APPROPRIATING FUNDS IN THE AMOUNT OF \$5,000 FROM THE
8 GENERAL FUND BALANCE FOR PUBLIC INFORMATION ON THE
9 BALLOT PROPOSITION TO SUSPEND THE DEDICATION OF CITY
10 SALES TAX TO THE H.A.R.T. PROGRAM, INCLUDING WITHOUT
11 LIMITATION INFORMATION THAT MAY INFLUENCE THE
12 OUTCOME OF THE ELECTION ON THE PROPOSITION, AND
13 APPROPRIATING FUNDS IN THE AMOUNT OF \$6,000 FROM THE
14 GENERAL FUND BALANCE FOR THE COSTS OF A SPECIAL
15 ELECTION ON THE PROPOSITION.
16

17 WHEREAS, Due to a decline in revenues, particularly from the State of Alaska, the City
18 faces a budget deficit in the present and future fiscal years; and
19

20 WHEREAS, Suspending the dedication of 0.75% of the City sales tax to the Homer
21 Accelerated Roads and Trails (H.A.R.T.) Program would increase revenues for general
22 government purposes and resolve the budget deficit during the period of the suspension,
23 without increasing the overall level of City taxation; and
24

25 WHEREAS, The dedication of 0.75% of the City sales tax to the H.A.R.T. Program was
26 authorized by the voters, and should not be suspended until ratified by a majority of the
27 voters at an election, and the Council has authorized the submission of a ballot proposition to
28 the voters for this purpose; and
29

30 WHEREAS, It is the Council's duty and desire to ensure that all City voters are aware of
31 the impact that suspending the dedication of City sales tax to the H.A.R.T. Program would
32 have on revenues for general government purposes and resolving the budget deficit; and
33

34 WHEREAS, AS 15.13.145(c)(2) permits the City to provide the public with nonpartisan
35 information about a ballot proposition, but AS 15.13.145(b) prohibits the City from using
36 funds to influence the outcome of an election concerning a ballot proposition unless the City
37 specifically appropriates the funds for that purpose by ordinance; and
38

39 WHEREAS, the Alaska Public Offices Commission ("APOC"), which enforces AS
40 15.13.145, has interpreted nonpartisan information permitted under AS 15.13.145(c)(2) very
41 narrowly, so that the City cannot inform the public fully about the effects of the ballot
42 proposition to suspend the dedication of City sales tax to the H.A.R.T. Program without

43 including information that APOC likely would categorize as influencing the outcome of the
44 election on the ballot proposition; and

45
46 WHEREAS, Additional funds are required to pay the cost of a special election on the
47 proposition.

48
49 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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51 Section 1. The City Council hereby appropriates funds from the General Fund Balance
52 to provide public information on the ballot proposition to suspend the dedication of City
53 sales tax to the H.A.R.T. Program, including without limitation information that may influence
54 the outcome of the election on the propositions, as follows:

55
56 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
_____	Public Information on Ballot Proposition	\$5,000

60
61 Section 2. The City Council hereby appropriates funds from the General Fund Balance
62 to pay the cost of a special election on either or both of the propositions, as follows:

63
64 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
_____	Special Election	\$6,000

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66
67
68 Section 3. This is a budget amendment ordinance, is temporary in nature, and shall
69 not be codified.

70
71 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 26th day of
72 October, 2015.



CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

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79 ATTEST:

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81 *[Signature]*
82 _____
83 JO JOHNSON, MMC, CITY CLERK
84

85 AYES: 4
86 NOES: 0
87 ABSTAIN: 0
88 ABSENT: 2

89
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91 First Reading: 10/12/15
92 Public Reading: 10/26/15
93 Second Reading: 10/26/15
94 Effective Date: 10/27/15

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97 Reviewed and approved as to form:

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99

100 Mary K. Koester
101 Mary K. Koester, City Manager

102

103 Date: 10.28.15

Thomas F. Klinkner

Thomas F. Klinkner, City Attorney

Date: 11-3-15