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CITY OF HOMER  
HOMER, ALASKA

Council directed

ORDINANCE 94-7

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,  
ALASKA REPEALING AND REENACTING HOMER CITY  
CODE CHAPTER 1.30, CITY CLERK.

WHEREAS, the Homer City Council at the April 11, 1994 Regular Meeting via Memorandum 94-104 directed staff to place an Ordinance on the next regular agenda amending the City Clerk's position from an employee under the City Manager to a Council appointed employee; and

WHEREAS, at a Worksession on April 18, 1994 the Homer City Council discussed the City Clerk's position with comments regarding the Clerk being called upon to be a check and balance between the City Manager and City Council; and

WHEREAS, currently the City Clerk does not have a Deputy City Clerk, but maintains all the same job descriptions and duties of a City Clerk and Deputy City Clerk; and

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF HOMER, ALASKA THAT:

Section 1. 1.30.010 Established. There is established an office of the City Clerk in the legislative service, performing staff functions of a legislative nature, and such other administrative functions as required by law or ordinance.

Section 2. ~~1.30.010~~-1.30.020 Appointment and Duties: The Office of City Clerk shall be appointed by the ~~City-Manager-and confirmed-by-the-City-Council~~ Homer City Council as provided by Alaska state law. The person holding the office of City Clerk shall:

- a. Give notice of the time and place of meetings to the Council and to the public;
- b. Attend meetings and keep the journal or other records thereof;
- c. Arrange publication of notices, ordinances and resolutions;
- d. Maintain and make available for public inspection an indexed file including municipal ordinances, resolutions, rules, regulations and codes;
- e. Attest deeds and other documents;
- f. Act as election supervisory and administer all City elections in accordance with Title 4 of this Code and applicable State and Federal laws;
- g. Perform other duties as specified in this title or elsewhere in the ~~Municipal~~ City Code and all applicable provisions of the Alaska Statutes;
- h. At all times cooperate with the ~~City-Manager-~~ City

Council and provide such information and perform such duties as are requested by the City-Manager City Council so long as they are not inconsistent with the duties of the office of City Clerk as otherwise provided in municipal, state and federal law;

i. The job functions and major activities of the clerk's office as set forth in the job description are incorporate by this reference as though fully set forth in this section.

WHEREAS, by moving the Clerk from City Manager to City Council the Clerk loses the normal benefit of appeal of disciplinary action under which the Clerk was hired; and

WHEREAS, the access and protection of public record and the integrity of the electoral process must be protected from political whim.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF HOMER, ALASKA THAT:

Section 3. 1.30.030, Contract and Evaluation.

a. The Clerk's Contract shall be a one year contract beginning July 1 through June 30 at which time the contract shall automatically renew unless an unsatisfactory review is given.

b. Since the City Clerk was hired under the City of Homer Personnel Rules and Regulations, and loses normal benefit of appeal of any disciplinary action, the Clerk has the right to arbitration regarding any termination or disciplinary action or any other form of position change thus preventing the sensitive position of control of city records being subject to political whims.

c. In the event of an unsatisfactory review the City Clerk may appeal to arbitration.

d. Should the arbitrator concur with the City Council review and decision to terminate, the City Clerk shall automatically be terminated.

e. Review should be given during June of each year.

1. Council's review shall be an average of the review by each Councilmember using the standard evaluation form.

f. Rate of pay shall be governed by the City's factoring system.

Section 4. 1.30.040, Deputy - Appointment and Duties.

a. There is established the position of Deputy City Clerk in the legislative service. The City Clerk is authorized to appoint the Deputy City Clerk who shall be confirmed by the City Council.

b. The powers and duties of the Deputy City Clerk shall be exercised on behalf of the City Clerk only in the absence of the City Clerk from the office, or when written direction has been given by the City Clerk to exercise particular powers and duties, or when the Council determines by resolution that the City Clerk is unable to perform the duties of the office.

c. The Deputy City Clerk shall perform other functions and duties related to the legislative process under the supervision and direction of the City Clerk.

Section 5. This is a general Ordinance of a permanent nature and shall be included in the Homer City Code.

Enacted by the City Council of Homer, Alaska this \_\_\_\_ day of \_\_\_\_\_, 1994.

CITY OF HOMER

HARRY E. GREGOIRE, MAYOR

ATTEST:

MARY L. CALHOUN, CITY CLERK