

CITY OF HOMER
HOMER, ALASKA

SWEIVEN



ORDINANCE 95-17

Failed

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING HOMER CITY CODE CHAPTER 1.08, CITY LEGISLATION, SECTION 1.08.020, ENACTMENT PROCEDURES.

WHEREAS, Homer City Code Section 1.08.020 © states that at the second reading Council may adopt the ordinance with or without amendment; and

WHEREAS, in the past amendments have been made to ordinances at second reading often with substantial fiscal impact, zoning impact et cetera that alters the ordinance so substantially different from the changes proposed in the notice of public hearing as to amount to an entirely new different from the changes proposed in the notice ; and

WHEREAS, once adopted at second reading there is no further public hearing on the ordinance; and

WHEREAS, on several occasions the public has asked that Council provide for another public hearing on the amendments; and

WHEREAS, the Homer City Code Section 1.08.020 © does not provide for a second public hearing after an amendment that makes a substantial change; and

WHEREAS, this process would only add, at the minimum, one more meeting to the Ordinance process and at the most two meetings in that public hearing and second reading are permitted to occur at the same meeting.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. That Homer City Code Section 1.080.020 be amended by adding a phrase to subsection c. and a new subsection d. to read as follows:

1.08.020 Enactment procedures. The following procedure governs the enactment of all ordinances, except emergency ordinance:

a. Introduction and First Reading. An ordinance may be introduced by a member or committee of the Council or by the Mayor or the City Manager. An introduction of an ordinance shall be

considered the first reading of that ordinance, and that ordinance shall be set for hearing by the affirmative vote of the majority of the votes authorized on the question.

b. Publication and Posting. After hearing date is set a summary of the ordinance and its amendments is published together with a notice of time and place for the public hearing. The hearing follows publication by at least five days. Copies of the ordinance shall be posted in at least two public places, one of which is the office of the City Clerk.

c. Public Hearing and Second Reading. The Council shall hear all interested persons wishing to be heard on an ordinance. After the hearing the Council shall consider the ordinance on second reading and may adopt it with or without amendment, except as provided in Section 1.08.020 d. Second reading may occur at the same meeting as the public hearing, however, it must occur no later than the first regular Council meeting following the public hearing. Should second reading fail to occur no later than the first regular meeting following the public hearing the ordinance must be reintroduced and shall be treated as a new ordinance and the regular ordinance enactment procedures shall be followed. Copies of the ordinance must be available to all persons present or the ordinance must be read in full. (Prior code §2-100.2).

d. Subsequent Public Hearings and Readings. If amendment(s) adopted after a public hearing substantially change the impact of the ordinance, the ordinance shall be rescheduled for another public hearing and a subsequent reading prior to adoption. Such subsequent hearings and readings shall follow the procedure set forth in §§ 1.08.020 b. and c. An ordinance shall be considered substantially changed when amendments make alterations so substantially different from the proposed ordinance as to amount to an entirely new proposal.

Section 2. This ordinance is of a permanent and general nature and its substantive provisions shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this

Failed of July 24, 1995, 1995.

THE CITY OF HOMER, ALASKA

HARRY E. GREGOIRE, MAYOR

ATTEST:

MARY L. CALHOUN, CITY CLERK

AYES: 2
NOES: 4
ABSENT: 0
ABSTAIN: 0

First Reading: 6/26/95
Public Hearing: 7/10/95
Second Reading: 7/24/95
Effective Date: *failed at 2nd Reading ML*

Reviewed and approved as to form and content:

PATTI J. WHALIN, City Manager

GORDON J. TANS, City Attorney

Date: _____

Date: _____