



City of Homer

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MEMORANDUM AGENDA CHANGES/SUPPLEMENTAL PACKET

TO: MAYOR WYTHER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: FEBRUARY 24, 2014

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

Report from Anderson Group, LLC dated February 19, 2014 **Page 1**

RESOLUTIONS

Resolution14-033, A Resolution of the Homer City Council Disapproving the Decision to Approve the Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat by the Homer Advisory Planning Commission and asking the Kenai Peninsula Borough Planning Commission to Reconsider the Plat to Include all Documents that were Submitted. Roberts/Lewis

Written comments from Tony Neal **Page 5**

Memorandum from City Attorney Klinkner re: Participation by Councilmember's Roberts and Burgess. **Page 11**



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City of Homer Lobbyist Report
The First 30 Days
February 19, 2014

Overview

This Session began as if the Capitol and all those working in and around it were shot out of a cannon on January 21, 2014. As with all Sessions, there are always dominating issues and "Leadership" priorities. And then there are everyone else's issues and priorities. Mix them together, and a minimum of 21 votes in the House and 11 votes in the Senate is still the biggest measurement of wins and losses by the 90th day; that being April 20, 2014.

OIL AND GAS ISSUES AGAIN!

Just when we thought last year would be the end of an era of Legislative Sessions being dominated by oil and gas issues with the passage of SB21 (oil taxes), the issue is back and BIGGER than ever. Alaska's three largest producers; Conoco, BP, and EXXON have jointly been testifying before Committees in unison and working with the State in an effort to build the Alaska Gas Line from the North Slope to Nikiski for export. Many Capitol observers believe this to be a historical event. While it has been stated that the decision to turn dirt is three years out, many observers have admittedly turned from skeptic to hopeful believers. Thanks to the Asian demand for gas, Alaska's gas could establish an export market after all. But timing is everything. Hopefully, this window of hope and opportunity will keep key parties at the table in a joint effort alongside the State to un-strand Alaska's gas. This project has enormous potential for positive impact to the State, Alaska communities, and particularly the Kenai Peninsula. The proposal is embodied in SB138 proposed by Governor Parnell.

K-12 EDUCATION FRONT AND CENTER

The Education issue found a crack in the door and slipped in to occupy their fair share of Legislators time. As Districts from around the State plea for increased funds, caveats like educational constitutional amendments, repeal of required local contributions, academic curriculum standards and more are tied up in the funding debate and occupying copious hours of testimony and committee work. Critics of increased funding have distributed the following information covering a 10 year funding history, FY04 to FY14, including; general fund increases to the School Foundation Formula/Classrooms from \$675 million to \$1,151 Billion, Anchorage CPI growth by 26.7% compared to state funding growth of 69.2%, statewide enrollment declined by 3,500 students or 2.6%, and unsatisfactory graduation rates of 71.6%. This battle will rage on until the last days of session. Proponents of increases over that proposed by the Governor have a high bar. Governor Parnell has sponsored HB278 and it is the vehicle for this issue. In addition to seven education program changes from charter schools to boarding schools and tax credits, he also proposes to increase the foundation formula allocation as follows:

- * FY2015: \$85 to \$5,765 totaling \$21,063,557 million per year / effective July 1, 2014
- * FY2016: \$58 to \$5,823 totaling \$14,365,810 million per year / effective July 1, 2015
- * FY2017: \$58 to \$5,881 totaling \$14,365,810 million per year / effective July 1, 2016

While Education funding does not directly impact the city of Homer, because of the significant boiling debate, it will be impactful in the entire budget process.

PRS/TRS UNFUNDED LIABILITY

The third 'hot topic' of the year is the debate around the Governors proposal included in the FY15 Operating Budget to transfer \$3 Billion from the Constitutional Budget Reserve to the PRS/TRS Trust Fund. The proposal is an effort to pay down the unfunded liability and reduce the pressure on the annual operating budget over the next few years. This action has been endorsed by the Alaska Municipal League and numerous individual municipalities. These same communities have also asked for the repeal of the State's required termination cost and studies imposed on municipalities. (see HB152 below)

FY15 Operating Budget (HB265)

By far the most difficult issue of this session is undoubtedly the process of complying with the constitutionally mandated requirement to pass a balanced budget in the face of declining state revenues of a \$500 million shortfall in FY13, a \$2 Billion shortfall in FY 14, and at least a \$1 Billion shortfall in FY15. As per usual at this stage in the Legislative season, the House and Senate Finance Committee's are spending endless hours wading through the Governor's FY15 Budget proposal that is \$1.2 Billion less than the current year. After budget transfers and various fund source changes, the overall reduction from FY14 is closer to \$100 million.

The last time the State had to use savings accounts to cover their deficit was in 2006 (FY07). It is interesting to note that 33 of the 60 Legislators have never experienced the challenges of budget deficits. Since that time, the State budget carried a surplus. These 'newer' Legislators have NOT had the experience of being the bearers of bad news (cutting budgets). Sailing these unfamiliar seas is less than pleasant as they grapple with revenue and spending problems. By the way, these shortfalls are tracking with predictions forecasted last spring as the Legislature finalized their FY14 budget. So while the budget situation doesn't come as a surprise, it doesn't make their jobs any easier.

The House will finalize their operating budget spending plan by mid-March and send it to the Senate. The Senate is also crafting their operating budget plan and will reject the House budget prompting the appointment of a conference committee. That Committee, made up of 6 members, includes House & Senate Finance Co-chairs and 2 minority members. They have until April 20, the 90 day deadline, to complete their work on a line by line compromise.

The Governor proposed status quo funding of the Municipal Revenue Sharing Program. AML is in Juneau this week. Most of their focus is on the PRS/TRS Unfunded Liability but Revenue Sharing funding is sharing center stage for the organization. At this time, we have not heard of any proposals to reduce this funding. Be assured we'll keep a close eye.

FY14 Capital Budget (SB119)

We are preparing for the Homer Delegation's visit to Juneau next week. The Agenda is full and discussions will include Homer's Capital Budget priorities and proposed legislation. Mayor Wythe and Katie Koester will need their running shoes as we have a full slate of meetings. Their meetings will include Commissioners of DOTPF and Corrections, Coast Guard Admiral, and Legislators. Needless to say the capital budget has been pinched the hardest due to the declining revenue. We can expect a considerable cut to previous years funding levels; from as high as \$2 Billion in recent years to rumored estimates of \$600 - \$700million in FY15.

Also of note is a recent presentation to Senate Finance Committee by the Dept of Revenue explaining the indebtedness from previous general obligation bonds, school construction and other smaller debt obligations. Apparently there is a 'cushion' of approximately \$1.5 Billion in debt capacity BEFORE bond rating committees issue warnings about the State's ratings. There are rumors of a potential bond package to replace declining capital budget dollars. General fund bond bills are limited to single subjects and must be narrowly crafted (as guided by bond attorneys and sellers). Although there are numerous ideas and no consensus, subjects under consideration include energy projects, infrastructure, or education. There is clearly not enough cash on the table to fund 'mega projects' identified by some legislative leaders; Susitna Hydro, Bradley Lake, Knik Arm Bridge, Anchorage Port, Southeast Hydro projects, University of Alaska Power Plant, Roads to Resources, and on and on.

Status of Legislation – Homer Bills of Interest

HB35 by Rep. T. Wilson et. al. **Home Conversion Loan** legislation is still in House Finance committee. It has not been resurrected this session due to the lack of a funding source for the program. 2013 *CoH resolution of support was distributed*

HB 152 by Rep. Thompson '**Repealing Termination Cost Study**' remains in House Labor & Commerce Committee since last session. However, under a recent agreement with the Dept of Administration, a committee substitute has been drafted to tie the passage of this bill to the Governor's proposal to deposit \$3 Billion in the unfunded liability fund from a transfer of funds from the Constitutional Reserve Account. At the time of this report, the House Majority is caucusing to determine the bills fate as well as a decision on whether or not to support the \$3 Billion deposit. It is sounding favorable. We'll find out more tomorrow.

HB 141 by House Labor & Commerce Establishes Workers Comp Fees Outside of Alaska. The bill passed the House and is in Senate Labor & Commerce. The bill sets the fee for medical treatment/services performed outside of the state under the Alaska Workers' Compensation Act; requires a provider of medical treatment/services under the Act to submit bills to employers within 180 days. This bill is expected to pass as it leaves out the more controversial issues involving workers comp fees.

HB 275 by Rep. Hawker Electronic Distribution of Municipal Reports/Notices is 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 industry has expressed opposition to the bill stating that it is too much of a limitation on the public's ability to be informed.

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.

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.

SB 148 by Sen. Micciche; Exempts Homer P&H from KBCA and is a companion bill to **HB 285 by Rep. Chenault** and is Homer's top legislative priority this session. These bills are sailing through the process. After an extensive interim effort to put all the pieces in place for swift and early passage, SB148 will hopefully be on the House Floor late this week or early next. This is the bills final vote before being sent to the Governor. As you know, the legislation exempts the Homer Port and Harbor from the Kachemak Bay Critical Habitat Area. There is no effective date which means it will become law immediately upon the Governor's signature. We hope to have it on his desk very soon. *2014 CoH resolution of support was distributed*

END

Linda 460-6767
Yuri 388-8611

FEB 20 2014 PM 03:56

Quiet Creek Park LLC

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To Mayor's Office
C.A. 2/20/14

19Feb14

Homer City Council
Homer, Alaska

Re: 24Feb14 meeting, Resolution: to Disapprove Quiet Creek Park plat.

This is a two part request to:

1. Consideration of the resolution by removing it from the agenda
 - a) It is founded on an illegal conflict of interest.
 - b) The Resolution document itself is untruthful by omission
2. Should a vote be required, vote "no!"

Remove the resolution from the Agenda.

We all know the small but vocal opposition group to Quiet Creek Park centers on the Mountain View Drive neighborhood, and opposition is fueled by their personal self-interest. They bought their property on a platted through street. For years they lived next to undeveloped land. They now face a future of more neighbors.

Virginia Espenshade testified typically, "I walk on that property every day". (At the time she was trying to tell the Planning Commission that the land was wet and etc. etc., but her real motive was obvious from her inadvertent admission).

Although I don't admire the lack of honesty in this approach, it is part of the process. Commonly, groups with personal self-interest do all in their power to stop something that affects them, no matter how good and proper it might be for the community.

However, your Council member, Francie Roberts, went too far when she placed her Resolution to Disapprove Quiet Creek Park plat on the meeting agenda. Her action will be described by many as an act of political corruption. The Council should have no part in the resolution and should take an active role in restoring public confidence in the City Council Process by removing it from the agenda.

Councilwoman Roberts first vocally, vehemently, opposed Quiet Creek Park plat in the original approval process in 2005. Councilwoman Roberts lives on Mountain View Drive and is an active participant in the Mountain View area personal self-interest group. Despite Councilwoman Robert's opposition, that plat passed all agencies.

Councilwoman Roberts again opposed this subject plat at the Planning Commission in December, testifying against it in writing. She exercised her ego and status as a Council member by using the patronizing language to the Planning Commission, "I am reminding you that..." And went on to tell the Planning Commission, falsely, "The proposed subdivision contains a large amount of delineated wetlands". In fact, the proposed Quiet Creek Park plat contains only a small amount of delineated wetlands. Councilwoman Roberts' letter was written exaggerating the truth to aid her personal self-interest and displays her bias.

The following is an excerpt copied from my letter to the Planning Commission on 26Dec13:

- Francie Roberts, City Council, admonishes the Planning Commission "I would like to remind you the proposed subdivision contains a large amount of delineated wetlands". That "reminder" implies that the HAPC already knows that to be true and needs reminding. The "delineated wetlands" as prepared by a professional Environmental Engineer and fully examined and approved by the U. S. Army Corps of Engineers, is 4.32 Acres. It is a subjective judgment if that 4.32 is a "large amount", or, a small amount, but the wetlands are fully regulated by a multitude of Federal and State agencies. To avoid the appearance of bias, Francie might better have written: "I would like to remind you that the proposed subdivision contains 4.32 acres of wetlands".

Now Councilwoman Roberts brings this subject resolution before the Homer City Council. Councilwoman Roberts not only has an obvious conflict of interest, she wrongfully, if not illegally, acts on her conflict for her personal self-interest to the detriment of the Community as a whole, the Public Interest, and, especially to you Council Members who would like the Homer City Council to be viewed as a trustworthy body with the best interests on the Community at the top of your list.

I'm not a lawyer, and I have not received legal counsel on this. I don't know what Alaska Statutes affect acts of corruption among City Council members. I did review the Homer Code relating to Code of Ethics.

Following is Purpose of The Code of Ethics for your reference:

1.18.010 Purpose.  SHARE

a. The proper functioning of democratic government requires ethical behavior by public officials. Ethics involves the commitment to take individual responsibility in creating a government that has the trust and respect of its citizens. The purpose of this chapter is to set reasonable standards of conduct for City officials and the City Manager so that the public may be assured that its trust in such persons is well placed and that the City officials and the City Manager themselves are aware of the standards of conduct demanded.

Lawyers will likely be reviewing this Code of Ethics in detail in another step of this process. Meanwhile, I feel very confident in saying to the Council and the Public that the very act of sponsoring this negative resolution is an act prohibited by the Code of Ethics.

We have a City Council member with a personal self-interest at stake using the office of Council Member to further that self-interest at the expense of the reputation of the City Council, The Homer City Government, and the Community of Homer as a whole.

Quiet Creek Park LLC paid the City of Homer \$7100 as the City's fee for a thorough and professional review of our plat. The City employs a professional credentialed Planner and a complete staff. The City utilizes a hardworking and underpaid Planning Commission that voted to approve this plat based on a professional recommendation of the Planning Department.

Quiet Creek Park LLC has every right to expect ethical behavior by Homer's Public Officials. That is not happening here, and it's obvious. What message is that sending to all the citizens who need and want to trust Homer's Public Officials?

What example is sent to the City's professional Planning staff who first charge \$7100 and then provide an honest professional report only to have it summarily dismissed and overturned by a Council Member who has a personal self-interest?

What example is sent to the Homer Planning Commission who's members do their best under difficult conditions to provide an honest and well-meaning advisory role to the Council only to have all their hard work and good intentions subverted by a Council Member with personal self-interest?

What message is sent to Homer City Council members who try to live by the Code of Ethics and swear an oath and who try to set a good example to all the Public when a member of that Body trumps ethics with corruption at the City Council?

Even the act of considering the resolution by the City Council sends the message to the Public that corruption trumps ethics at City Council by the fact that a Council Member acting on personal self-interest can be allowed to introduce a resolution that furthers self-interest at the expense of ethics.

A related issue is that Councilwoman Roberts' wording of the resolution is untruthful by omission. This act further validates our statement of political corruption in this process. By allowing this resolution to be considered, the City Council would have the embarrassment of not confirming the "whereas" statements as true before acting.

A member of the Mountain View Drive personal self-interest group submitted enough printed material that we commented she was willing to deforest the entire state of Oregon. Many might think the submitted documents were irrelevant to the plat process. It developed that Planning Department staff might have accidentally omitted a few of these documents in the 02Jan HAPC packet. When the HAPC voted to approve the plat, they did not have a few of the submitted documents.

However, when Member Sloan asked for reconsideration, one of his main points was the omitted documents and all these were provided to the HAPC for them to consider prior to their voting not to reconsider their original vote. Thus, any complaint that due process was denied was cured at the 15Jan HAPC meeting.

Further, as Councilwoman Roberts knows, the entire set of documents, including the disputed documents, was provided to the Kenai Peninsula Borough Planning Commission by Homer Planning staff with the bolded emphasized language that all the documents are to be considered. Thus the request to the Kenai Peninsula Borough to consider all the documents was fulfilled with Councilwoman Roberts' knowledge before she submitted the subject resolution.

The Resolution document before the Homer City Council was prepared in bad faith for the illegal purpose of misleading the Council into approving it to further the personal self-interest of conflicted Councilwoman Roberts.

The ethical and legal course of action for the City Council is to refuse this resolution and strike it from the agenda.

Vote No

If the City Code does not allow the Resolution to be removed from the agenda, vote "No!"

Our plat is for a beautiful subdivision that meets all the laws in spirit as well as in letter. We provide full utilities and services. We Provide parks and trails. We provide what Homer does not require: a storm water retention plan. Our affordable prices allow regular local people to build homes. There is no legal reason to deny our plat.

The City charged us a \$7100 fee for a professional review and we paid that in expectation of not only a professional review, but an ethical one.

The City employs a credentialed professional Planner and a full planning staff at considerable City expense. The City employs a Professional Registered Engineer as Public Works Director. The Fire Department employs a professional Fire Chief. This group, representing their professional status for the City of Homer, recommended our plat.

The U.S. Army Corps of Engineers issued a Wetlands permit based on a Wetlands Delineation done by a Registered Professional Engineer paid for by Quiet Creek Park LLC at a cost well over \$20,000.00. All applicable agencies of State and Federal Governments approved our project after professional analysis.

Quiet Creek Park LLC invited all Public to view our plat and make suggestions and speak to criticism. To be sure everyone had a chance to participate, two separate sessions were conducted.

The Homer Advisory Planning Commission conducted two public hearing opportunities and had the opportunity to listen to testimony based on public as well as personal self-interest. The HAPC voted to approve and recommend the Quiet Creek Park plat. The HAPC had a second bite at that when member Sloan asked for reconsideration. The original vote was validated by HAPC's refusal to reconsider.

There is no legitimate, legal reason for the City Council to overrule their professional Planner and their Planning Commission.

Please remove the resolution from the Council agenda,

Thank you,


Tony Neal
Member-Manager

to Mayor +
Council
2/24/14 ug

MEMORANDUM

**TO: MAYOR AND CITY COUNCIL MEMBERS
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: RESOLUTION 14-033

FILE NO.: 506,742.563

DATE: FEBRUARY 21, 2014

1. Summary and Conclusion.

I have been asked whether either Council member Roberts or Council member Burgess is disqualified from participating in Council action on Resolution 14-033. I conclude as follows:

- Both Council members potentially could be disqualified due to conflict of interest, and each should determine whether to disclose a substantial financial interest in this action under HCC §1.18.045(a).
- Council action on Resolution 14-033 is not quasi-judicial in nature, so disqualification for partiality does not apply to participation in this action.

2. Background.

At its January 2, 2014 meeting, the Homer Advisory Planning Commission ("Homer Commission") recommended approval of the Barnett's South Slope Subdivision Quiet Creek Park preliminary plat, subject to conditions. The Homer Commission took this action under Kenai Peninsula Borough Code ("KPBC") 20.12.050(C):

The city advisory planning commission and, if necessary, other appropriate municipal departments, shall review the plat or replat of a proposed vacation action and prepare written comments which shall be included with the submittal of the plat to the borough. The subdivider bears the responsibility for presentations to, and discussions with, the city so that the final plat will conform to lawful ordinances and requirements of said city.

If adopted, Resolution 14-033 would "disapprove[] the decision to approve the Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat by the Homer Advisory Planning Commission." The Council action to disapprove the decision of the Homer Commission on this preliminary plat is based on HCC §2.72.030(b) which provides in relevant part:

Unless the City Council shall disapprove the action of the Commission [on a plat] within 20 days, its decision shall be final. If the Commission has approved any plan, plat or replat, and the City Council has not, within 20 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.

3. Analysis.

The significance of Council action under HCC §2.72.030(b) is unclear. Under Alaska Statute 29.40.010, the Kenai Peninsula Borough ("Borough") provides for platting regulation on an areawide basis, except to the extent that the Borough Assembly delegates that power to cities in the Borough. The Borough has not delegated platting regulation to the City, only providing for the Homer Commission to review and submit comments to the Borough regarding preliminary plats within the City as described above. The Borough Code does not provide for the Council to disapprove the action of the Homer Commission on a preliminary plat.

I understand that Council members Roberts and Burgess each own properties that are between 300 feet and 500 feet from the proposed subdivision. I also understand that Council member Roberts has communicated to the Homer Commission her opposition to the proposed plat, and that Council member Burgess has not communicated any opinion regarding the proposed subdivision.

HCC §1.18.030(b)(1) prohibits a Council member from participating in an official action in which the Council member "has a substantial financial interest in the subject of the official action." HCC §1.18.020(e) defines "financial interest" for this purpose as follows:

- e. "Financial interest" means:
 - 1. an interest currently held by that person or an immediate family member including:
 - i.) involvement or ownership in a business or,
 - ii.) property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person receives a financial benefit; or
 - iii.) an affiliation with an organization in which the person holds a position of management, or is an officer, director, trustee, employee, or the like.

HCC §1.18.020(p) provides that a substantial financial interest is a financial interest that would result in a pecuniary gain or loss exceeding \$1,000 in a single transaction or more than \$5,000 in the aggregate in 12 consecutive months.

Property ownership is a financial interest under HCC §1.18.020(e)(1)(ii). However, any prohibition on Council members Roberts and Burgess participating in Council action on Resolution 14-033 due to substantial financial interest is subject to the exception to that prohibition in HCC §1.18.030(b)(5)(c):

c. This section does not prohibit any gain or loss that would generally be in common with other property owners on property that is further than 300 feet from the periphery of any property that is the subject of an action.

Because each Council member's property is located further than 300 feet from the proposed subdivision, each of them is prohibited from participating in Council action on Resolution 14-033 only if the action would result in a gain or loss for them that would not "generally be in common with other property owners on property that is further than 300 feet" from the proposed subdivision.

It is not clear from the facts that I have been provided whether either (i) Council action on Resolution 14-033 would result in pecuniary gain or loss to either Council member exceeding either the \$1,000 or the \$5,000 threshold in HCC §1.18.020(p); or (ii) any gain or loss to Council member Roberts or Burgess resulting from the Council's action on Resolution 14-033 would be in common with other property owners on property that is more than 300 feet from the proposed subdivision.

Given the uncertainty whether either Council member has a disqualifying substantial financial interest in Council action on Resolution 14-033, it would be in order for each of them to decide whether HCC 1.18.045(a) applies to participation in Council action on Resolution 14-033: "A City official who has or may have a substantial financial interest in an official action shall disclose the facts concerning that interest to the body of the City of which the official is a member prior to the body taking any official action." Under HCC 1.18.045(b), after such a disclosure, the Mayor rules on whether a conflict of interest exists, subject to the authority of a majority of the Council to override the Mayor's decision,

Council member Roberts' expression of views regarding the proposed preliminary plat also raises the issue whether she should be disqualified for partiality under HCC 1.18.048. For this purpose, HCC 1.18.020 provides that "partiality" is comprised of the following elements: (1) the ability of a member of the quasi-judicial body to make an impartial decision is actually impaired; or (2) the circumstances are such that reasonable persons would conclude the ability of the member to make an impartial decision is impaired. However, HCC 1.18.020 provides that partiality applies only in quasi-judicial proceedings. The Council's action on Resolution 14-033 concerns an advisory action by the Homer Commission. Thus it is not quasi-judicial in nature, and Council member Roberts cannot be disqualified from acting on Resolution 14-033 due to partiality.

TFK/TFK

cc: Walt Wrede
Jo Johnson