



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

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# Memorandum

## Agenda Changes/Supplemental Packet

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: NOVEMBER 21, 2016

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

### **CONSENT AGENDA**

**Resolutions 16-116, 16-117, 16-118, and 16-119**, Leases on the Homer Spit.

Written public comments

Page 3

### **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

Mayor's Proclamation, Light Up Homer for the Holidays

Page 5

### **PUBLIC HEARINGS**

**Ordinance 16-54**, An Ordinance of the Homer City Council Appropriating Funds for the Calendar Year 2017 for the General Fund, the Water Fund, the Sewer Fund, the Port/Harbor Fund, Capital Projects, and Internal Service Funds. City Manager.

Proposed budget amendments

Page 7

### **CITY MANAGER'S REPORT**

**Kenai Peninsula Borough Resolution 2016-070**, A Resolution Approving an Automatic Aid Agreement and Operational Plan Between Kachemak Emergency Service Area and the City of Homer Volunteer Fire Department for Fire Apparatus and Personnel. Mayor. Page 11

### RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A



## ***Personal Memo***

*From the desk of*

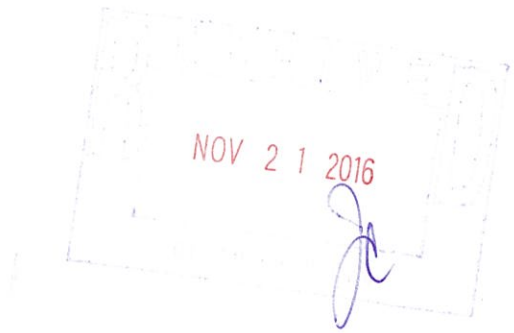
**Kevin Hogan**

**213 Herndon # D-5 Residence**

**4501 Ice Dock Road Mailing**

[kevin.auctionblock@g.aik.com](mailto:kevin.auctionblock@g.aik.com) email

**Homer Alaska 99603**



Dear Mayor and Councilmembers

I wish to bring to your attention some items of concern from this meetings packet. Memorandum 16-180 from The Port and Harbor Advisory Commission contains misleading statements and omissions that do not accurately reflect the proceedings I attended.

I do not believe the Members of the Advisory Commission intended to deceive the Council, however I do believe the memorandum represents a staff bias intended to limit input to the Council.

The Memorandum's first sentence: *Per the City of Homer's Property Management Policies, after the City's Lease Advisors have reviewed and made recommendations on Spit lease proposals....* is a misrepresentation of the Policy Manual. There is no mention in the Property Management Policy and Procedures Manual of the duties of "City Lease Advisors." Rather, it is clearly spelled out in the policy manual:

### ***2.1 POLICY***

- A. It is the policy of the City of Homer to establish and maintain a Lease Committee***

**Additionally HCC 18.08.020 mandates the formation of a Lease Committee.**

This is much more than parsing words or an exercise in semantics. The administration of lease policy is tasked to a Lease Committee that is subject to the obligations of the State open meetings act (AS 44.62.310) and to HCC 1.14.010. While the Council did remove members of the public from the Lease Committee, that action did not and should not serve to eliminate public oversight and participation from the process.

It is ironic that just minutes prior to the Port and Harbor Advisory Commission meeting, City Attorney Wells conducted a joint Council / Commissions workshop on the Open Meetings act and Ethics. In the short time I sat in on this session I couldn't help but note that everything about the rebranding of the Lease Committee as "Lease Advisors" serves as an end run around the spirit of the Open Meetings act. I would urge the Council to conduct an inquiry into the genesis of this assault on Council authority, and set the matter straight, including a return to inclusion of the public in the process. I would question if this rebranding by staff constitutes a violation of HCC 1.04.065 : as an act "*which will cause the law of the City to be misrepresented thereby.*"

The Memorandum goes on to state:

*There was extensive discussion by the commission, the public, and parties associated with the lease proposals who were participating telephonically or in person; full discussion is available in the meeting minutes attached.*

The meeting minutes in the Council packet **do not** contain full discussion as indicated. There were public comments at the meeting that, with the consent of the chair were “**for the record**”. The Council Operating Manual states: “Statements *for the record* are prefaced with a directive that the comment “*is for the record.*” Statements for the record are not to be summarized, edited or omitted. They are to be recorded in their entirety. In addition to the unedited minutes not being forwarded to the Council, the minutes of the Commission meeting have not been made available to the Public on the City website.

The comments *for the record* that were not included in “*full discussion (is) available in the meeting minutes attached*” related to improper actions of staff related to the agenda items under discussion.

I would urge The Council to remove the agenda items related to Leases from the Consent agenda, review the omitted comments, and address the issues raised. Despite the issues of improper form and procedure, the lease applicants before you merit an affirmative action. The issue or proper administration of the City lease absolutely needs to be addressed but not at the expense of the applicants before you.

Before the Council takes a position on far away disputes between the Federal Government and First American Nations, we need to address issues within our own house of injustice, fraud, abuse of office, and failure of the City to implement its leasing program in a fair and nondiscriminatory manner in violation of City Code and Policies

**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S PROCLAMATION**

**Light Up Homer for the Holidays**

WHEREAS, The Homer Chamber of Commerce hosts an Annual Holiday Tree Lighting Ceremony at their Visitor Center each December; and

WHEREAS, Families, local businesses, Friends of the Chamber, and organizations are invited to light up Homer by stringing Holiday lights on your homes and businesses, hanging decorative lights in your windows, and turning on your porch lights at 5:00 p.m. on Friday, December 2<sup>nd</sup>; and

WHEREAS, On Friday, December 2<sup>nd</sup> the spruce tree on the front lawn of the Homer Chamber will be lit up for the Holidays; and

WHEREAS, Everyone of all ages is invited to attend this festive occasion between 5:00 and 7:00 p.m. at the Homer Chamber of Commerce Visitor Center, located at 201 Sterling Highway; and

WHEREAS, The festivities include music, refreshments, a bonfire, crafts for kids, and photos with Santa who is arriving on a Homer Volunteer Department Fire Engine, along with lighting up the Chamber's spruce tree; and

WHEREAS, The following businesses have provided financial support or the donation of in-kind services for the Holiday Tree Lighting Celebration: AlaskaUSA Federal Credit Union, Alaska Flower Mill, AmericasCuisine, Cosmic Kitchen, Cornerstone Home Lending, Inc., Dutch Boy Landscaping, Enstar Natural Gas Company, Homer Electric, Malone Insurance Agency, Safeway, Save-U-More, SVT Health & Wellness Community Health Center, Wells Fargo Bank, and the Homer Chamber of Commerce.

NOW, THEREFORE, I, Bryan Zak, Mayor of Homer, Alaska, do hereby proclaim Friday evening of December 2, 2016 as:

**Light Up Homer for the Holidays**

and urge the residents of our community to attend the festivities at the Homer Chamber of Conference Visitor Center and show your holiday spirit by lighting up your homes and businesses.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 21<sup>st</sup> day of November, 2016.

CITY OF HOMER

\_\_\_\_\_  
BRYAN ZAK, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK



## 2017 Proposed Budget Amendment Form

**Department Number:** 100 - Mayor/Council

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**CITY OF HOMER  
COUNCIL CAPITAL BUDGET REQUEST  
YEAR 2017**

**Requesting Department** City Council **Date** 11/21/2016

**Level of Need:**    **Urgent** ☐    **Essential** ☐    **Necessary** ☐    **Desirable** ☐

**Description** ADA Transition Study

**Fund Name:** General Fund

**Account Name:** City Hall Reserve

**Account #** 152-0384

**Estimated Cost:** \$25,000

**Justification:**

The City of Homer ADA Compliance Committee was established by Resolution 16-077 with the goal of working with the City to comply with Title II of the American Disabilities Act. Title II requires that public entities with 50 or more employees develop a grievance procedure, designate an individual to oversee Title II compliance, perform a self-evaluation, and develop a transition plan.

The ADA Committee has established a City of Homer grievance procedure. The ADA Committee requests a budget appropriation of \$25,000 from the General Fund (City Hall Reserves) to take the next step towards compliance: performing a self-evaluation and developing a transition plan. A self-evaluation systematically assesses City's facilities, programs, services, policies, practices and procedures to identify barriers that result in limitations on access for persons with disabilities. The Transition Plan will describe in detail the methods that will be used to make City services and facilities accessible and specify a schedule for taking the steps necessary to achieve compliance. The \$25,000 is required to hire a consultant to help conduct the self-evaluation and produce a transition plan for the City of Homer.

**Requestor's Name:** Councilmember Aderhold

**Council Action:** **Date** \_\_\_\_\_

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Comments \_\_\_\_\_

## 2017 Proposed Budget Amendment Form



Introduced by: Mayor  
Date: 11/22/16  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2016-070**

**A RESOLUTION APPROVING AN AUTOMATIC AID AGREEMENT AND  
OPERATIONAL PLAN BETWEEN KACHEMAK EMERGENCY SERVICE AREA  
AND THE CITY OF HOMER VOLUNTEER FIRE DEPARTMENT FOR FIRE  
APPARATUS AND PERSONNEL**

- WHEREAS**, automatic aid agreements are a form of mutual aid agreements and their operational plans provide for automatic requests for additional resources to residents of the peninsula in the form of emergency response personnel when required; and
- WHEREAS**, automatic aid agreements and operational plans are common in the fire and emergency service professions; and
- WHEREAS**, Alaska Statute 18.70.150 provides that: “[a] city, other incorporated entity, and other fire protection groups may organize a mutual-aid program by adopting an ordinance or resolution authorizing and permitting their fire department, fire company, emergency relief squad, fire police squad, or fire patrol to go to the aid of another city, incorporated entity, or fire protection group, or territory outside of it....”; and
- WHEREAS**, this automatic aid agreement and operational plan between Kachemak Emergency Service Area (KESA) and the City of Homer Volunteer Fire Department (HVFD) sets forth response areas and terms of automatic aid; and
- WHEREAS**, all associated costs are borne by each responding agency, and in this manner, costs for manpower, materials, supplies and equipment are exchanged between the agencies, ultimately resulting in service area funds being expended for the benefit of the service area; and
- WHEREAS**, for years, the operational plans have been considered as matters within the expertise of the agencies providing automatic aid and, therefore, future amendments to the operational plans have been left to the discretion of the agencies; and
- WHEREAS**, significant cost savings for fire insurance can be afforded local taxpayers through rating determinations by Insurance Services Office (ISO) when automatic aid agreements are in effect; and

**WHEREAS,** this automatic aid agreement is for the provision of fire apparatus and personnel;  
and

**WHEREAS,** at its meeting of \_\_\_\_\_, the Kachemak Emergency Service Area Board  
recommended \_\_\_\_\_; and

**WHEREAS,** at its meeting of \_\_\_\_\_, the City of Homer City Council  
recommended \_\_\_\_\_;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI  
PENINSULA BOROUGH:**

**SECTION 1.** That an automatic aid agreement between KESA and HVFD serves the best  
interests of KESA and is hereby approved. The Mayor is authorized to execute an  
automatic aid agreement substantially in the form of the attached agreement.

**SECTION 2.** That the operational plan substantially in the form attached hereto is hereby  
approved and the KESA boards and chief are hereby authorized to approve  
amendments to the operational plan with the Mayor's approval without further  
review by the Assembly so long as any such amendments do not conflict with the  
automatic aid agreement.

**SECTION 3.** That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS  
22ND DAY OF NOVEMBER, 2016.**

\_\_\_\_\_  
Kelly Cooper, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent: