



City of Homer

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Memorandum Agenda Changes/Supplemental Packet

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: SEPTEMBER 12, 2016

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

VISITORS

Kenai Peninsula Borough Ordinance 2016-31, An Ordinance Amending Sections of KPB Chapter 5.18 to Update and Clarify the Borough Sales Tax Code, Including Changes to Several Provisions on Tax-Exempt Sellers and Taxable Sales and Services. Mayor. Page 3

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Kenai Peninsula Borough Ordinance 2016-25, An Ordinance Amending KPB 2.40.010 to Reduce Planning Commission Membership. Mayor Substitute. Page 29

Memorandum 16-145, from Deputy City Clerk, Re: Planning Commission Recommendation on KPB Ordinance 2016-25. Page 37

Memorandum 16-146, from City Planner, Re: KPB Ordinance 2016-25, An Ordinance Amending KPB 2.40.010 to Reduce Planning Commission Membership. Page 39

RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A

Introduced by: Mayor
Date: 08/09/16
Hearing: 09/06/16
Action: Enacted as Amended
Vote: 7 Yes, 0 No, 1 Absent, 1 Abstention

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-31**

AN ORDINANCE AMENDING SECTIONS OF KPB CHAPTER 5.18 TO UPDATE AND CLARIFY THE BOROUGH SALES TAX CODE, INCLUDING CHANGES TO SEVERAL PROVISIONS ON TAX-EXEMPT SELLERS AND TAXABLE SALES AND SERVICES

WHEREAS, an efficient and unambiguous sales tax code is important for consumers that pay the tax, businesses that collect the tax, and the borough Finance Department that administers the tax; and

WHEREAS, the sales, service and rental sectors have changed over the years, creating uncertainties in the administration of borough tax code provisions written years ago; and

WHEREAS, the borough is always looking to improve the administration of the sales tax code, particularly to ensure clarity and fairness among buyers, sellers and service providers; and

WHEREAS, exempting the smallest of businesses from sales tax collection and remittance responsibilities under the code would reduce the workload on those businesses and the borough, with the value of saving time for all parties more than offsetting the minimal loss of public revenue from exempting such sales from taxation; and

WHEREAS, there is no overriding public purpose for continuing the seasonal tax exemption in code for the sale of nonprepared snack foods sold at non-food businesses such as clothing or hardware stores, package liquor stores and other similar operations that do not sell enough foods to qualify as eligible to accept food stamps; and

WHEREAS, flightseeing tours are an entertainment service, not air transportation between two points, and therefore shall be subject to sales taxes the same as bus tours and charter boat trips; and

WHEREAS, removing the tax exemption for sales by nonprofit organizations that operate an ongoing business location would eliminate an inequitable sales advantage over other businesses; and

WHEREAS, amending code to ensure that occasional or intermittent sales by nonprofits, such as annual cookie, popcorn and candy sales, fund-raising auctions, meals and events, raffle tickets and other irregularly scheduled events continue to be exempt from sales taxes; and

WHEREAS, to the extent allowed under state and federal law, the borough should ensure that out-of-borough and out-of-state businesses collect and remit sales tax on goods and services delivered within the borough, in the interest of equitable treatment of businesses inside and outside the borough; and

WHEREAS, clarity in definition of the point of taxable transaction, such as where the services are provided and where the sales occurred, are helpful not only for consumers and businesses, but also for administration of the sales tax between cities within the borough; and

WHEREAS, business, consumer and borough interests would best be served with a clear and easily administered definition of what constitutes tax-exempt goods used in construction under an owner/builder tax-exempt certificate or a contractor's tax-exempt resale certificate; and

WHEREAS, the sales tax exemption in code for moving freight is inequitable when compared to the taxation of moving people in taxis and chartered buses; and

WHEREAS, limited liability companies and other such business structures should be treated the same for collection of delinquent sales taxes as any other business entity; and

WHEREAS, the borough allows businesses to retain a portion of sales tax collections to help cover the cost of collecting the tax, however, the public interest is best served if the credit is allowed only for businesses that are current in their tax payments or following a payment plan prescribed by the borough;

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

SECTION 1. That KPB 5.18.130(C) and (D) are hereby amended as follows:

5.18.130. General—Seller—Liability to the borough—Successor liability—Corporate officer liability.

...

C. The liability of a purchaser or other entity for outstanding taxes, penalties, interest, fees and costs accrued and unpaid by the former owner shall be limited to an amount stated in writing by the borough in response to a [RELEASE OF] request for information[REQUEST] submitted to the finance department on a form prescribed by the finance department. The borough shall have 15 days to respond

to the request. Interest and penalty shall continue to accrue on the unpaid balance until such time that the liability is paid in full.

D. [THE PRESIDENT AND ANY OFFICER, EMPLOYEE OR AGENT OF A CORPORATION HAVING] Any officers, employees, agents, members, managers, or partners of a corporation, limited liability company (LLC), limited liability partnership (LLP), partnership, or limited partnership that have control of, supervision of, or charged with the responsibility of filing sales tax returns or remitting sales taxes [IS] are personally liable for any unpaid [CORPORATE] business entity sales taxes, penalties, interest, fees and costs accruing and unpaid to the borough. Dissolution of, or sale of, or other change in the form of the corporation, LLC, LLP, partnership, or limited partnership does not discharge this liability. The signature of any officer, member, manager, or partner on returns or negotiable instruments submitted in payment of taxes is prima facie evidence of their responsibility for making returns and payments.

SECTION 2. That the Kenai Peninsula Borough Code is amended by adding a new section to be numbered KPB 5.18.170 as follows:

5.18.170. General—Notice to Sellers.

If mail sent by the borough to a seller’s last known address is returned by the postal service as undeliverable two or more times, the borough’s obligation to continue sending notices ceases.

SECTION 3. That KPB 5.18.200 is hereby amended as follows:

5.18.200. Exemptions/waivers—Exemptions.

A. The following classes of retail sales, services and rentals are exempt:

1. Casual and isolated sales or rentals by a seller [WHO DOES NOT REGULARLY ENGAGE] in the business of selling goods or services, or making rentals; but only if:
 - A.]The total annual gross sales for goods sold, services rendered or rentals made by the seller does not exceed [\$1,000.00] \$2,500.00 per year.; OR
 - B. THE SALES OF GOODS DO NOT OCCUR FOR MORE THAN 14 DAYS IN A CALENDAR YEAR, AND ARE NOT MADE THROUGH A DEALER; OR

C. THE SALES OF GOODS ARE MADE BY A REGISTERED BUSINESS TO SELL BUSINESS EQUIPMENT USED IN THE BUSINESS, AND NOT HELD AS INVENTORY;]

2. Human health care services provided by, and prescription drugs, devices, and supplies prescribed for human use by, a person licensed or certified to provide those services or goods, as applicable, under Alaska Statutes Title 08.
3. Sales of and subscriptions to newspapers, and subscriptions to periodicals.
4. Dues or membership fees for nonprofit organizations;
5. Sales of animal food, seed, plants and fertilizers to farmers using such commodities to produce goods for sale;
6. Retail sales of real property. Services performed by a real estate broker or agent are not exempt under this section;
7. Retail sales, rents or services which the borough is prohibited from taxing by the Constitution or laws of the United States or of the State of Alaska;
8. Services performed by morticians licensed under Alaska law, and retail sales of funeral supplies by morticians and municipalities;
9. Receipts of nonprofit schools and student organizations within the schools for extracurricular activities or events;
10. Financial service transactions. For purposes of this chapter, financial service transactions are limited to: deposit account services, loan transaction fees, transactions relating to the sale or exchange of currency or securities, transactions for conversion of negotiable instruments, safe deposit services, [AND] escrow collection services, late fees, overdraft fees, and interest charged on past due accounts;
11. Sale of passenger seat tickets by an air charter, air taxi, or commercial airline[. AIR CHARTER AND AIR TAXI SALES ARE EXEMPT] , however flightseeing tours, ground-based wildlife viewing, sport fishing, hunting or any other good or services provide in combination with such flightseeing tours, that take off and return to the same airport or seaplane base on the same day are recreational sales not exempt under this section;
12. [FREIGHT HAULING SERVICES;] Sales of pull-tabs, bingo cards and raffle tickets by charitable organizations licensed by the state;
13. Title insurance premiums;
14. Food purchased with coupons issued under the federal food stamp program;

15. Retail sales of food are exempt in the following circumstances:
 - a. When served in cafeterias or lunchrooms of elementary, secondary, post-secondary schools, colleges or universities which are operated primarily for students and staff, and are not operated for the public or for profit;
 - b. When served to clients and staff, and not to the public or for profit, as part of services provided by a nonprofit hospital or other nonprofit or government organization licensed by the State of Alaska for the care of humans;
 - c. Meals delivered by a nonprofit organization to handicapped or senior citizens at their place of residence or meals served on the premises of a nonprofit senior citizens; organization which receives funding from the State of Alaska or a political subdivision of the state: provided that the sale price of such meals does not exceed the cost of delivery or service of such meals;
 - d. Exemptions/waivers - Sales of nonprepared food items by sellers authorized to participate in the federal food stamp program. Sales tax is prohibited on [ALL] sales of nonprepared food items sold by sellers authorized to participate in the federal food stamp program from September 1 until May 31 of each year. These food items exempted from sales tax include those which have been previously granted exemption in KPB 5.18.200(14) for food purchased with coupons issued under the federal food stamp program.
16. Senior, disabled resident, and disabled veteran housing rent. Rental payments for a dwelling unit for a permanent place of abode by a resident who is at least 65 years of age, or who is a disabled veteran or a disabled resident. Disabled veteran has the meaning provided in KPB 5.12.105(F)(3), and the term disabled resident has the meaning provided in KPB 5.12.110, as those provisions are now enacted or may be hereinafter amended. Dwelling unit means a house, apartment, or room in a residential facility such as congregate housing or assisted living. Permanent means the tenant has lived within the Kenai Peninsula Borough for a minimum of six months and is a resident of the State of Alaska. The landlord must accept an affidavit on a form provided by the borough or otherwise acceptable to the borough administration from the tenant as proof of age and eligibility for this exemption. If any person under 65 years of age, other than a spouse, resides in the dwelling

unit with a qualifying senior, the exemption may not be granted unless the senior is the principal source of support for such person less than 65 years of age, or unless the person qualifies as a disabled veteran or a disabled resident. This exemption shall also apply to a resident at least 60 years old who is the widow or widower of a person who qualified for this exemption as a senior citizen or a disabled veteran.

17. Childcare and adult daycare services.
18. Services provided and material consumed in the fulfillment of a manufacturer's warranty, non-manufacturer's warranty, or service agreement. The initial purchase of a manufacturer's warranty, non-manufacturer's warranty, or service agreement is subject to tax at the time of purchase but may be included in the initial sales transaction for application of KPB 5.18.430. Any portion of a repair paid by the customer through a deductible or other means is not exempt under this section.
19. Services provided by a cooperative nonprofit organization recognized by either the State of Alaska or the federal government to assist in preventing, containing, and removing spilled crude oil or refined petroleum products, and to cooperate with governmental agencies, private organizations, and industry in preventing, containing, and removing any spills of crude oil or refined petroleum products upon waters in the Kenai Peninsula Borough and the adjacent lands.
20. Sales or services provided by an organization that has obtained from the Internal Revenue Service and provided proof to the borough of a 501(c) exemption ruling, other than under 501(c)(12), so long as the sales, services or rentals are occasional or intermittent in nature and not provided as an ongoing trade or business that is regularly carried on from an established physical location.

B. The following classes of buyers are exempt from the provisions of this chapter:

1. Retail sales, services and rentals to:
 - a. An organization that has obtained a 501(c) exemption ruling from the Internal Revenue Service, as long as proof of such ruling is provided to the borough administration;
 - b. A church that is organized as a nonprofit corporation under the laws of the State of Alaska, as long as proof of such incorporation is provided to the borough administration;

2. Retail sales, services and rentals to the United States, the State of Alaska, or any instrumentality or political subdivision of either;
 3. Retail sales, services and rentals to federally recognized Indian tribes.
- C. The following classes of sellers are exempt from the provisions of this chapter:
- [1. AN ORGANIZATION THAT HAS OBTAINED A 501(C) EXEMPTION RULING FROM THE INTERNAL REVENUE SERVICE, AS LONG AS PROOF OF SUCH RULING IS PROVIDED TO THE BOROUGH ADMINISTRATION; BUT ONLY UNDER THE FOLLOWING CONDITIONS:
 - A. THE SALES ARE NOT LIQUOR SALES OR SALES OF FOOD SOLD THROUGH REGULARLY CONDUCTED RESTAURANT TYPE OPERATIONS;
 - B. THE ORGANIZATION IS EXEMPT UNDER A SUBSECTION OTHER THAN 501(C)(12) OF THE INTERNAL REVENUE CODE.]
 - 1[2]. Groups sponsored by public or nonprofit schools.

SECTION 4. That KPB 5.18.210 is hereby amended as follows:

5.18.210. Exemptions/waivers—Exemption for sales for resale.

The following sales of tangible personal property, intermediate services, and rentals are exempt under this chapter:

- A. Sales to a wholesale or retail dealer who deals in the property sold, for the purpose of resale by the dealer[;].
- B. Sales of personal property as raw material to a person engaged in manufacturing for sale, where the property sold is consumed in the manufacturing process of, or becomes an ingredient or component part of a product manufactured for sale by the manufacturer[;].
- C. Sale of personal property as raw material to a licensed building contractor where the property sold becomes [A COMPONENT PART OF THE PRODUCT SOLD BY THAT BUILDING CONTRACTOR] part of the permanent structure.
- D. Sales of intermediate services to a business the charge for which will be passed directly by that business to a specific buyer are exempt under this chapter; except that
 1. utilities shall in no case fall within this exemption[.]; and
 2. booking commissions, contracted or subcontracted guides, and lodging or other services sold as components of a recreational package are considered intermediate sales for resale, taxable at the final sale of the package to the buyer.

All components of any such package sale shall be taxed in accordance with KPB 5.18.430.

- [E. WHERE PERSONAL PROPERTY IS RENTED FROM A DEALER IN A TAXABLE TRANSACTION AND THE RENTER IS THEN DIRECTLY REIMBURSED BY A THIRD PARTY FOR THE EXACT RENTAL EXPENSE, WITHOUT MARKUP, THEN THAT REIMBURSEMENT IS NOT A RENTAL OR LEASE SUBJECT TO THE BOROUGH SALES TAX.
- F. SERVICES RENDERED BY AN EMPLOYEE TO HIS/HER EMPLOYER ARE NOT SUBJECT TO BOROUGH SALES TAX.]

SECTION 5. That KPB 5.18.230(C) is hereby amended as follows:

5.18.230. Exemptions/waivers—Exemptions—Nonprofit or government exemption certificate.

...

- C. A buyer may apply for a nonprofit or government exemption certificate, on the form provided by the borough. Upon receipt of a completed application[, AND A FEE IN THE AMOUNT LISTED IN THE MOST CURRENT KENAI PENINSULA BOROUGH SCHEDULE OF RATES, CHARGES AND FEES] the borough will issue the certificate, which will be valid for the calendar year for which the application is made.

...

SECTION 6. That KPB 5.18.240 is hereby amended by adding a new subsection (F) as follows:

5.18.240. Exemptions/waivers—Exemptions—Resale certificate.

...

- F. A business within the borough that sells goods to a business located outside the borough for resale by that business outside the borough shall report the sale as a tax-exempt sale for resale, regardless whether the buyer has obtained a resale certificate from the borough.

SECTION 7. That KPB 5.18.250(C) is hereby amended as follows:

5.18.250. Exemptions—Seller's liability for incorrect determination—Buyer's protest—Appeals.

...

- C. If the seller determines that a sale[S] is exempt, the seller can request a determination on whether a sale is exempt by filing a

certificate of protest form with the borough, no later than 60 days after the date of sale. The seller shall continue to collect the tax at the time of sale, until the seller receives a determination from the borough.

...

SECTION 8. That KPB 5.18.310(E) is hereby amended as follows:

5.18.310. Registration—Certificate issuance—Display required—Compliance agreement—Bond requirements.

...

- E. [UPON PAYMENT OF THE FEE IN THE AMOUNT LISTED IN THE MOST CURRENT KENAI PENINSULA BOROUGH SCHEDULE OF RATES, CHARGES AND FEES, THE MAYOR WILL ISSUE A] A duplicate sales tax certificate will be issued to any seller whose certificate has been lost or destroyed.

SECTION 9. That KPB 5.18.430(C) and (D) are hereby amended as follows:

5.18.430. Computation—Maximum tax.

...

- C. Services provided on account and billed to the customer on a periodic basis are subject to application to the tax on a maximum of \$500.00 of each billing, per account. For purposes of this section, any advance payment for services other than to a trust or escrow account is considered to be paid pursuant to a "billing[:]."
- D. Each night's rental of each individual [ROOM] unit of temporary lodging shall be considered a separate transaction and therefore the maximum tax computation shall be calculated on a per [ROOM] unit per night basis. Rental by a single person or entity of an entire facility, such as a lodge or hotel for multi-person overnight use, does not affect this provision that each night's rental of each individual unit shall be considered a separate transaction.

...

SECTION 10. That KPB 5.18.450 is hereby amended as follows:

5.18.450. Tax jurisdiction—Office location of seller.

A. The rate of tax to be added to the sale price is based on the place of sale. The place of sale of goods and merchandise is the location of the retail outlet at which or from which delivery was made. This provision applies to goods delivered to buyers within the borough and to goods delivered to buyers outside the borough but within the state of Alaska. If the invoice includes a charge for installation, then the place of the sale for the goods and service is the retail outlet at which or from which delivery was made. When goods are delivered into the borough from a point outside of the borough and the seller maintains an ongoing physical presence in the borough, then the location of the seller's in-borough presence will determine the place of sale. If a seller has no ongoing physical presence in the borough but has established nexus with the borough, the point of delivery will determine the place of sale. If the seller has no ongoing physical presence in, or nexus with, the borough the sale is not subject to the borough sales tax. For purposes of this section the following terms are defined as shown below:

1. "Nexus" means the seller has established a taxable connection within the borough by use of marketing techniques, such as directed advertising in the borough via telephone or internet, or door-to-door sales within the borough, or by use of contract workers or contract or commission agents or businesses, which are [SIGNIFICANTLY] associated with the seller's [ABILITY] efforts to establish or maintain a market for its goods or services, deliver those goods or services, or provide warranty or other repair or return services in the borough.
2. The "point of delivery" where there is no ongoing physical presence in the borough is the place where physical possession of the goods is transferred to the customer.
- [3. "PHYSICAL PRESENCE" IS AS DEFINED IN KPB SALES TAX POLICY 95-02, COPIES OF WHICH ARE AVAILABLE IN THE FINANCE DEPARTMENT.]

B. Sellers located outside the borough but which fulfill orders for buyers inside the borough that were solicited or facilitated by commission or fee agents, independent contractors or other persons located in the borough associated or affiliated with the seller shall be responsible for collecting and remitting sales tax on those orders, unless the tax is collected and remitted by the agent or contractor.

[B]C. The place of sale of services is where the services are delivered, which means the place where the services are rendered. The place of sale for freight, delivery, and courier services is the pickup location. The place

of sale for services involving the transportation of passengers is the location where the passengers are picked up. The place of sale for vehicle towing services is the place where the vehicle is delivered. The place of sale for rentals is the place where the real property is located, or where the personal property is delivered to the renter. The borough shall determine the place of sale of a good, service, or rental pursuant to this section, and the borough's determination is final.

[C]D. When there is a question or dispute over the place where services are rendered, a seller of a service may, after requesting and receiving borough approval in writing, collect the tax based on the office location of the business selling such services. Approval of a request to collect a tax at the seller's office location is completely within the discretion of the borough, and shall not be granted if the borough has already determined that the place of sale for the seller's industry is not the office location.

[D]E. The seller is liable for any sales taxes due because of the seller's incorrect determination of the sales tax rate to be applied.

SECTION 11. That KPB 5.18.500(A) is hereby amended as follows:

5.18.500. Returns/records/audit—Returns—Filing required—Filing schedule.

A. Every seller is required to file a sales tax return, on forms furnished by the borough, according to the filing schedule established by the borough for that seller, whether or not any sale was made. The borough may exempt a seller from the requirements of this section if the borough determines the seller is completely exempt from collecting and remitting sales tax.

...

SECTION 12. That KPB 5.18.510(B) is hereby amended as follows:

5.18.510. Returns/records/audit—Returns—Contents.

...

B. The borough reserves the right to reject a filed return for failure to comply with the requirements of this section, for one year from the date of filing. The borough shall give written notice to a seller that a return has been rejected, including the reason for the rejection. In the event the borough rejects a tax return, any interest and penalties later assessed by the borough for nonpayment of full taxes shall start accruing with the

original filing date of the tax return, not the date that the return was rejected.

SECTION 13. That KPB 5.18.530 is hereby amended as follows:

5.18.530. Returns/records/audit—Returns—Credit for costs of collection.

A. If a return is filed and [TAX PAYMENTS ARE] payment in full is remitted by the filing deadline, a seller in full compliance with this chapter may retain 5% of the tax collected, to a maximum of \$1,000 per quarter, to cover the costs of collecting the tax.

B. If the seller is not in full compliance with this chapter, the seller is not eligible for and may not retain the 5% credit.

C. [FULL COMPLIANCE FOR THE PURPOSES OF THIS SECTION MEANS THAT A SELLER DOES NOT HAVE] A seller is not in full compliance if the seller:

1. has an account with a balance due, or
2. has [does not have] a missing or incomplete return outstanding, or
3. is not in compliance with a borough-approved payment plan.

SECTION 14. That KPB 5.18.580 is hereby amended as follows:

5.18.580. Returns/records/audit—Audit—Protest.

A. If the seller wishes to dispute the amount of the estimate, or the results of an examination or audit, the seller must file a written protest with the borough, within 30 days of the date of the notice of estimated tax or results of an audit or examination. The protest must set forth:

1. the seller's justification for reducing or increasing the estimated tax amount, including any missing sales tax returns for the periods estimated; or
2. the seller's reasons for challenging the examination or audit results.

B. In processing the protest, the borough may hold an informal meeting or hearing with the seller, either on its own or upon request of the seller, and may also require that the seller submit to an audit.

C. The borough administration shall make a final written determination on the seller's protest, and mail a copy of the determination to the seller.

D. If a written protest is not filed within 30 days of the date of the notice of estimated tax or the result of a review, audit or examination, then

the estimated tax, review, audit or examination result shall be final, due and owing.

SECTION 15. That KPB 5.18.660(B) is hereby amended as follows:

5.18.660. Enforcement—Sales tax liens.

...

B. Prior to filing a sales tax lien, the [MAYOR] borough shall cause a[N ADDITIONAL] written notice of intent to file to be mailed to the last known address of the delinquent seller.

SECTION 16. That KPB 5.18.670 is hereby amended as follows:

5.18.670. Enforcement—Fees.

Fees in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees shall be imposed and collected pursuant to this chapter for the following purposes:

[A. ISSUANCE OF A DUPLICATE SALES TAX CERTIFICATE;]

[B]A. Missing filing fee;

[C]B. Reinstatement to active roll;

[D]C. Audit estimate preparation fee at a rate established by regulation but not to exceed \$100.00.

SECTION 17. That KPB 5.18.900 is amended as follows:

5.18.900. Definitions.

When not clearly otherwise indicated by the context, the following words and phrases, as used in this chapter, have the following meanings:

...

Q. "Recreational sales" means sales where the seller provides recreational services and rentals, except automobile rentals, to the buyer, either separately or in a combination, at an aggregate price, including, but not limited to guiding, charters, sightseeing tours, flightseeing tours, outfitting or equipment rentals, instructional classes or lessons, and beauty or spa services [TEMPORARY LODGING INCLUDED WITH SUCH SALES].

R. "Unit" means a room or single unit that is customarily advertised and rented at a flat rate regardless of the number of occupants.

SECTION 18. That this ordinance takes effect on January 1, 2017.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF SEPTEMBER, 2016.

Blaine Gilman, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes: Bagley, Cooper, Dunne, Johnson, Knopp, Ogle, Gilman

No: None

Absent: Welles

Abstained: Holmdahl

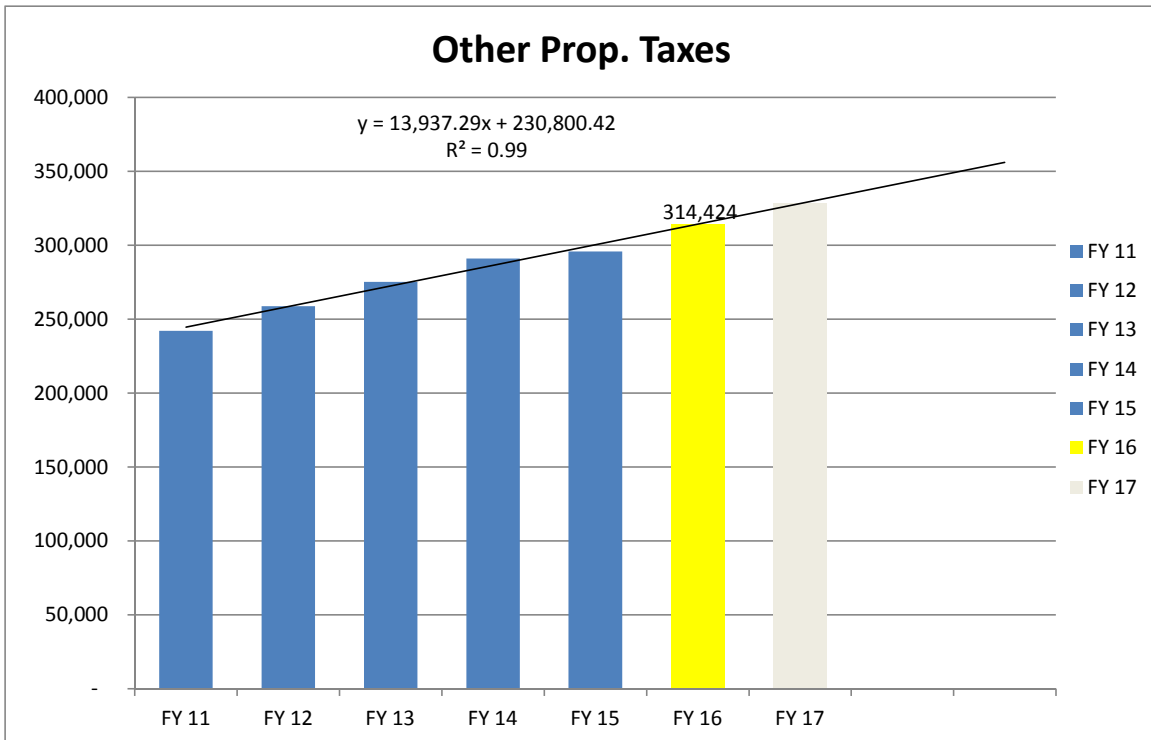
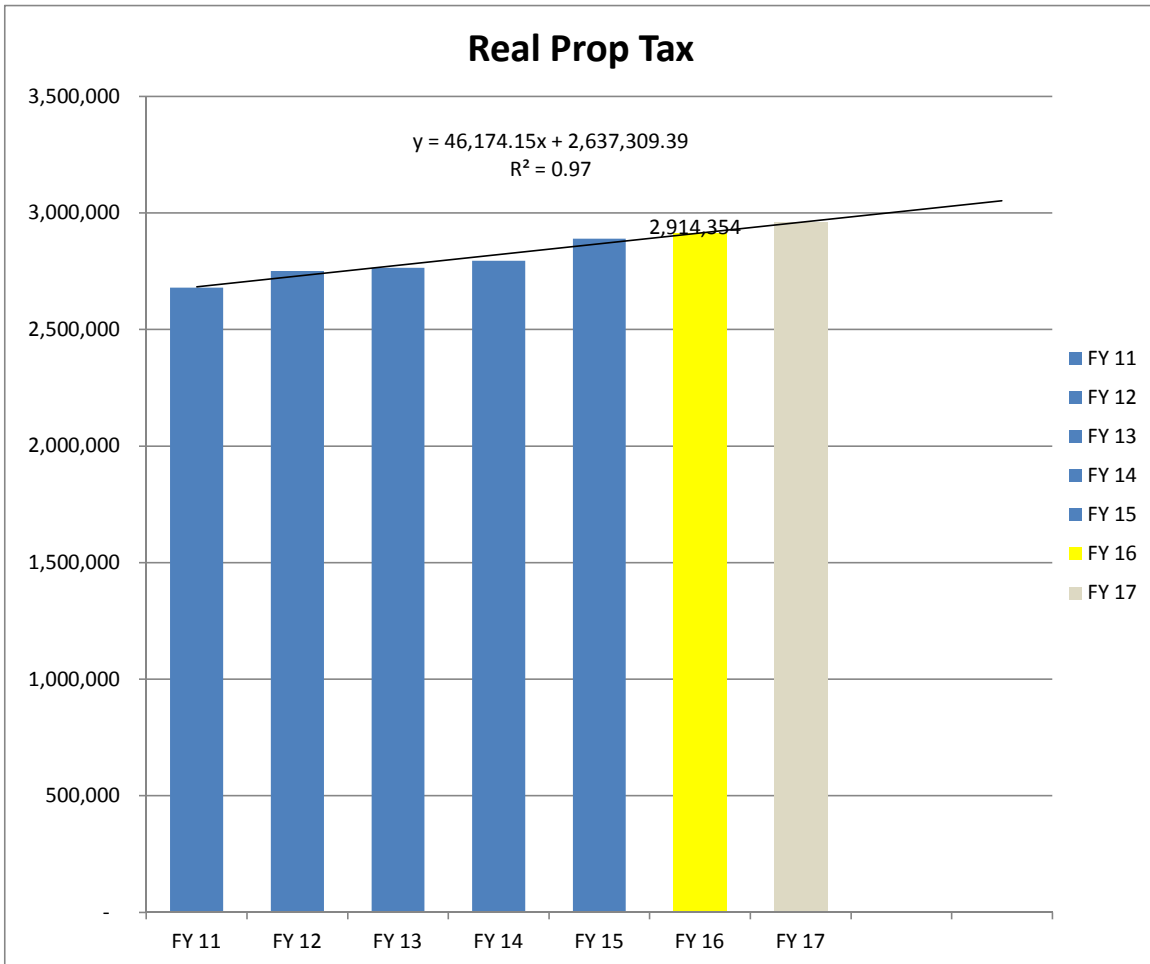
City of Homer
2017 Operating Budget

General Fund (100) Revenue Detail		Actual		Budget			Δ %	
A/C Num.	Revenue Categories & Descriptions	12/31/2014	12/31/2015	Adopted	Amended	Draft	vs. Prior Yr Amended	
				12/31/2016	12/31/2016	12/31/2017	\$	%
4101	Real Prop Tax	2,794,940	2,888,902	2,855,317	2,855,317	2,914,354	59,037	2.1%
4102	Per Prop Tax	198,901	207,959	203,277	203,277	221,084	17,807	8.8%
4103	Motr Vehicle Tx	53,100	50,034	54,268	54,268	53,192	(1,076)	-2.0%
4104	Prior Years Taxes	37,483	32,957	38,308	38,308	35,037	(3,271)	-8.5%
4105	Pen/Int Prop Tx	1,508	4,808	1,541	1,541	5,111	3,570	231.7%
4107	Oil Tax	0	0	0	0	0	0	0.0%
	Total Property Taxes	3,085,931	3,184,660	3,152,711	3,152,711	3,228,778	76,067	2.4%
4201	Sales Tax	4,989,941	5,022,763	6,088,816	6,088,816	6,420,356	331,540	5.4%
4202	Cooperative Tax	26,845	25,306	27,000	27,000	33,831	6,831	25.3%
4203	Liquor License	24,350	23,200	24,500	24,500	23,333	(1,167)	-4.8%
4205	Sales Tax Comm	4,000	3,000	4,000	4,000	3,667	(333)	-8.3%
	Total Sales and Use Taxes	5,045,136	5,074,268	6,144,316	6,144,316	6,481,188	336,872	5.5%
4301	Driveway Permit	2,045	1,470	1,300	1,300	1,613	313	24.1%
4302	Sign Permits	650	500	300	300	483	183	61.1%
4303	Building Permit	13,950	13,150	12,700	12,700	13,267	567	4.5%
4304	Peddler Permits	2,176	310	1,800	1,800	1,439	(361)	-20.1%
4308	Zoning Fees	6,800	7,650	18,300	18,300	10,933	(7,367)	-40.3%
4309	Row Permit	810	645	0	0	485	485	0.0%
4314	Taxi/chauffeurs/safety Inspec	1,500	3,900	1,200	1,200	2,200	1,000	83.3%
	Total Permits and Licenses	27,931	27,625	35,600	35,600	30,421	(5,179)	-14.5%
4401	Fines/Forfeit	11,282	20,723	10,000	10,000	14,126	4,126	41.3%
4402	Non Moving Fine	8,860	7,568	0	0	5,508	5,508	0.0%
	Total Fines and Forfeitures	20,142	28,291	10,000	10,000	19,634	9,634	96.3%
4801	Interest Income	29,815	36,424	20,000	20,000	20,980	980	4.9%
	Total Use of Money	29,815	36,424	20,000	20,000	20,980	980	4.9%
4501	Ak Shared Rev ***	341,037	322,339	0	0	0	0	0.0%
4503	Prisoner Care	762,233	597,568	424,000	424,000	424,000	0	0.0%
4504	Borough 911	51,840	52,320	51,300	51,300	51,300	0	0.0%
4505	Police Sp Serv	45,000	36,000	36,000	36,000	39,000	3,000	8.3%
4507	Library Grt Ak	7,558	10,154	6,650	6,650	5,997	(653)	-9.8%
4511	Pioner Av Maint	68,000	34,000	34,000	34,000	34,000	0	0.0%
4527	PERS Revenue ***	1,253,205	1,227,364	0	0	0	0	0.0%
4909	Restitution	482	0	0	0	0	0	0.0%
	Total Intergovernmental	2,529,355	2,279,744	551,950	551,950	554,297	2,347	0.4%
4311	Library Cards	172	1	0	0	183	183	0.0%
4315	Project Administration Fee	0	0	0	0	0	0	0.0%
4316	Lid Application Fee	100	200	100	100	133	33	33.3%
4317	Lid Yearly Bill	1,656	10,597	1,200	1,200	4,449	3,249	270.8%
4516	Pw Equip & Serv	2,388	36,647	2,300	2,300	14,254	11,954	519.8%
4599	Pioneer Beautif	445	495	500	500	498	(2)	-0.3%
4601	Ambulance Fees	203,253	109,054	130,000	130,000	130,000	0	0.0%
4602	Fire Contr Kes	0	0	0	0	1,342	1,342	0.0%
4603	Fire Contr Kachemack City	68,681	70,512	67,000	67,000	68,655	1,655	2.5%
4604	HVF Class Fees	1,535	2,075	1,000	1,000	1,495	495	49.5%
4607	Other Services	27,521	28,899	26,400	26,400	27,619	1,219	4.6%
4608	City Campground	23,276	22,168	23,000	23,000	21,718	(1,282)	-5.6%
4609	Animal Care Fee	6,162	7,700	6,000	6,000	6,630	630	10.5%
4610	Plans & Specs	0	75	0	0	0	0	0.0%
4611	City Clerk Fees	1,420	17,248	1,000	1,000	6,681	5,681	568.1%

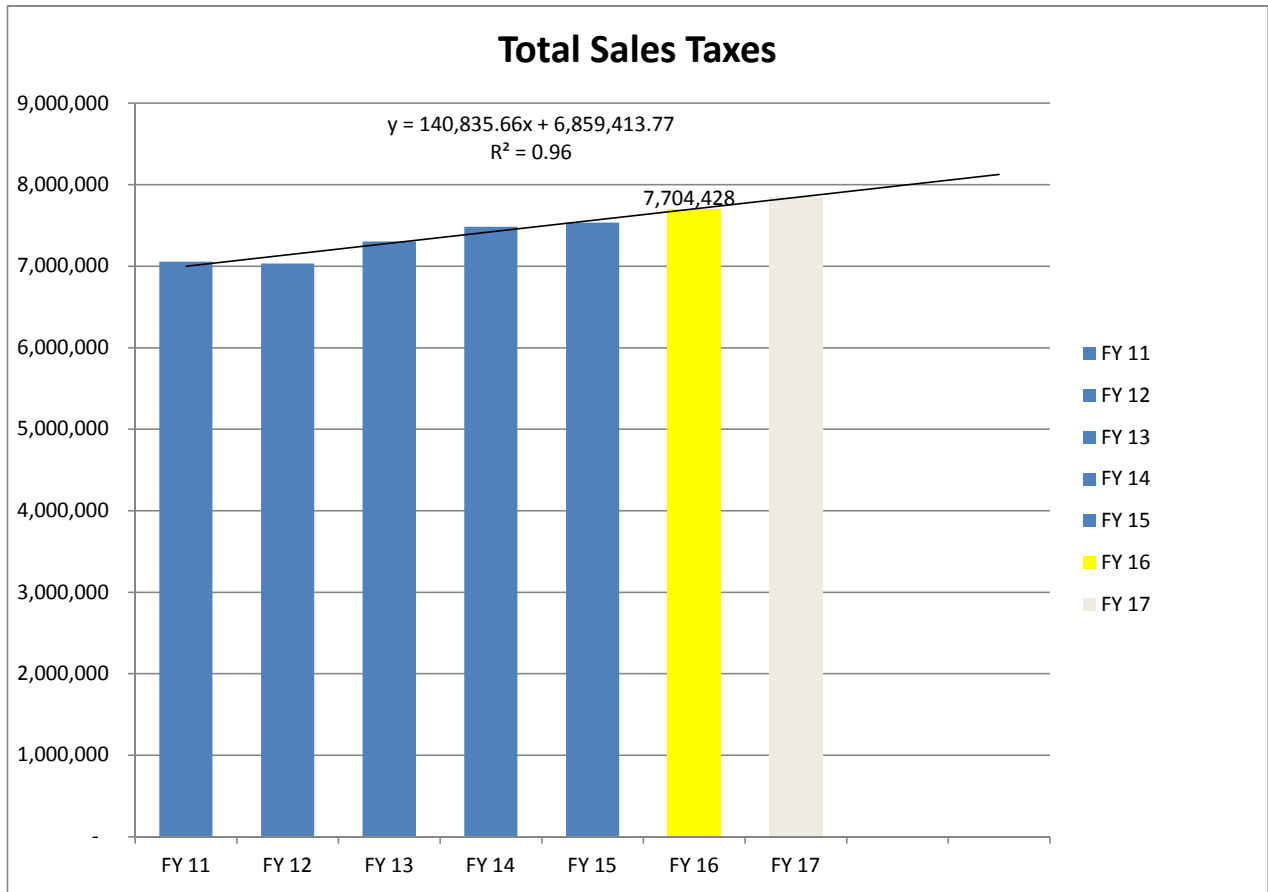
City of Homer
2017 Operating Budget

General Fund (100) Revenue Detail		Actual		Budget			Δ %	
A/C Num.	Revenue Categories & Descriptions			Adopted	Amended	Draft	vs. Prior Yr Amended	
		12/31/2014	12/31/2015	12/31/2016	12/31/2016	12/31/2017	\$	%
4612	Publication Fee	20	5	0	0	0	0	0.0%
4613	Cemetery Plots	4,200	2,000	2,000	2,000	2,600	600	30.0%
4614	Community Recreation Fees	39,980	34,058	35,000	35,000	35,401	401	1.1%
4650	Rents & Leases	30	0	0	0	0	0	0.0%
4654	Spit Camping	133,298	143,860	131,000	131,000	132,803	1,803	1.4%
4660	Advertising - Community School	300	2,710	300	300	1,470	1,170	390.0%
4907	Old School Fees	0	0	0	0	0	0	0.0%
	Total Charges for Services	514,435	488,305	426,800	426,800	455,931	29,131	6.8%
4901	Surplus Prop	0	5,831	0	0	0	0	0.0%
4902	Other Revenue	305	92,991	13,000	13,000	13,000	0	0.0%
4905	Donations/Gifts	350	0	0	0	0	0	0.0%
4512	REIMBURSEMENTS	840				0	0	0.0%
4906	Proc Law Suits	0	20,268	0	0	0	0	0.0%
	Total Other Revenues	1,495	119,091	13,000	13,000	13,000	0	0.0%
4655	Airline Leases	62,236	63,053	30,000	30,000	63,519	33,519	111.7%
4656	Concessions	833	1,983	800	800	1,462	662	82.7%
4657	Car Rental	27,240	27,712	24,200	24,200	29,492	5,292	21.9%
4658	Parking Fees	36,465	36,000	35,000	35,000	36,427	1,427	4.1%
4660	Advertising	0	3,072	0	0	1,374	1,374	0.0%
	Total Airport	126,774	131,820	90,000	90,000	132,274	42,274	47.0%
	Total Before Operating Transfers	11,381,015	11,370,229	10,444,377	10,444,377	10,936,503	492,126	4.7%
4981	G/F Admin Water	330,646	274,210	270,328	270,328	270,328	0	0.0%
4982	G/F Admin Sewer	342,409	214,191	227,617	227,617	227,617	0	0.0%
4983	G/F Admin P & H	601,112	605,925	567,485	567,485	567,485	0	0.0%
4984	G/F ADMIN HART	93,476	144,206	0	0	0	0	0.0%
4985	G/F Admin Hawsp	104,697	144,206	138,289	138,289	138,289	0	0.0%
4987	G/F ADMIN HART -TRAILS	10,386	0	0	0	0	0	0.0%
4990	Other Transfer	0	0	10,000	10,000	10,000	0	0.0%
		1,482,726	1,382,738	1,213,719	1,213,719	1,213,719	0	0.0%
	Grand Total	12,863,741	12,752,967	11,658,096	11,658,096	12,150,222	492,126	4.2%
	Grand Total (Adj) ***	11,269,498	11,203,264	11,658,096	11,658,096	12,150,222	492,126	4.2%

**City of Homer
2017 Operating Budget**



City of Homer
2017 Operating Budget



From: [Mary Griswold](#)
To: [Jo Johnson](#)
Subject: Fw: Sept 12 Committee of Whole Revenue Gap Solutions
Date: Friday, September 09, 2016 7:37:31 AM

(Please include in the supplemental packet for the Sept 12 council meeting.)

From: [Mary Griswold](#)
Sent: Thursday, September 08, 2016 6:53 PM
To: bryanzak@ci.homer.ak.us ; catrionareynolds@ci.homer.ak.us ; davidlewis@ci.homer.ak.us ; donnaaderhold@ci.homer.ak.us ; gusvandyke@ci.homer.ak.us ; heathsmith@ci.homer.ak.us ; mayor@ci.homer.ak.us ; kkoester@ci.homer.ak.us
Subject: Sept 12 Committee of Whole Revenue Gap Solutions

I firmly believe we need a new police station now. However, the biggest obstacle I see for voter approval of the bonding proposition is the unfortunate fact that the city council has failed to identify reasonable solutions to our revenue gap. You lost significant momentum over the summer. A 1% seasonal sales tax was probably the least painful way to garner all the necessary revenue. The council diverted 2/3 of that to the police station without seriously discussing replacement funding. Voters will be very concerned about that—including me. The borough anticipates a half mil increase in property taxes next year and another half mil increase by their fiscal year 2020. Homer may face a mil increase plus another sales tax increase to raise sufficient funds to replace HART by 2019. Please develop some viable funding solutions for the upcoming outreach presentations supporting the police station bond question. I believe most people understand the need for a new police station, but they must be convinced we can afford it. Please convince me.

Introduced by:	Mayor
Substitute Introduced:	08/23/16
O2016-25 (Johnson):	See Original for Prior History
Hearing:	08/23/16
Action:	Postponed until 09/20/16
Hearing:	09/20/16
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-25
(MAYOR SUBSTITUTE)**

**AN ORDINANCE AMENDING KPB 2.40.010 TO REDUCE PLANNING
COMMISSION MEMBERSHIP**

- WHEREAS,** AS 29.40.020(a) requires that planning commission membership be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough; and
- WHEREAS,** all members are subject to appointment by the mayor and confirmation by the assembly, provided that members from home rule or first class cities must be selected by the mayor from a list of recommendations submitted by the city council; and
- WHEREAS,** KPB 2.40.010 currently provides that the planning commission shall include one member from each first class or home rule city of the borough, which is not required by statute, and that the number of remaining members from areas in the borough outside such cities must comply with the statutorily required apportionment; and
- WHEREAS,** based upon the 2010 US Census figures, the commission would have to be increased by either one or two members to satisfy the statutorily required apportionment figures if the planning commission continues to include one member from each first class or home rule city of the borough; and
- WHEREAS,** it is not in the best interest of the borough to further increase the number of members appointed to the planning commission; and
- WHEREAS,** both the Kenai Peninsula Borough Assembly and School Board are composed of nine members; and
- WHEREAS,** limiting the total planning commission membership to eleven members, adopting the statutory apportionment requirement, and removing the requirement that every city have one representative but limiting each city to no

more than one member would resolve the problem of an ever-expanding planning commission; and

WHEREAS, beginning the transition on August 1, 2020 would coincide with the expiration of some members' terms and the commencement of the next decennial census, improving the accuracy of information that would become available upon its completion to properly apportion city membership on the planning commission; and

WHEREAS, at its meeting of August 22, 2016 the planning commission recommended _____;

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

SECTION 1. That KPB 2.40.010 is hereby amended as follows:

2.40.010. Membership—Apportionment.

In accordance with AS 29.40.020(a) through 11:59 p.m. July 31, 2020:

- A. The planning commission shall consist of a maximum of thirteen members including one member from each first class or home rule city of the borough and the remainder apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. The first class or home rule cities of the borough are:
1. Kenai
 2. Soldotna
 3. Seward
 4. Homer
 5. Seldovia
- B. Planning commissioners from outside of first class and home rule cities shall be appointed by the mayor and confirmed by the assembly from each of the following geographic areas as generally described below and depicted in the map on file at the borough clerk's office bearing the borough seal and identified as the planning commission apportionment map approved in Ordinance 2001-29. The sections described in the map and below provide guidelines from which deviations are permitted consistent with the intent that commissioners reside in areas throughout the borough:

- 1[6]. East Peninsula;
- 2[7]. Southwest Borough;
- 3[8]. Anchor Point/Ninilchik;
- 4[9]. Kasilof/Clam Gulch;
- 5[10]. Kalifornsky Beach
- 6[11]. Ridgeway;
- 7[12]. Sterling;
- 8[13]. Northwest Borough.

SECTION 2. That KPB 2.40.010 is repealed effective August 1, 2020.

SECTION 3. That KPB 2.40.015 is hereby enacted to read as follows:

2.40.015. Membership—Apportionment.

In accordance with AS 29.40.020(a):

- A. The planning commission shall consist of a maximum of eleven members. Commission membership shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. No more than one member of the commission may be from any single home rule or first class city in the borough unless more are required to satisfy the statutory apportionment requirement. A city member shall be selected by the mayor from a list of recommendations submitted by the council of any cities from which no member will be on the commission when the vacancy is effective, unless apportionment requires more than one member from a city. In that event all eligible city councils may submit a list of recommendations for the additional seat provided that no city may have greater than one member more than any other home rule or first class city. Appointments shall be subject to confirmation by the assembly.

- B. Planning commissioners from outside of first class and home rule cities shall be appointed at-large by the mayor and confirmed by the assembly and may be as representative of the following geographic areas as practical:
 - 1. East Peninsula;
 - 2. Southwest Borough;
 - 3. Anchor Point/Ninilchik/Clam Gulch/Kasilof;
 - 4. Kalifornsky Beach

5. Ridgeway;
6. Sterling;
7. Northwest Borough.

The geographic areas referenced in this section are depicted in the map on file at the borough clerk's office bearing the borough seal and identified as the planning commission apportionment map approved in Ordinance 2001-29.

- C. All planning commission members shall be appointed for their expertise and knowledge of the community and shall represent the entire borough.

SECTION 4. Transition. Existing seats of planning commission members from each area within the new Anchor Point/Ninilchik/Clam Gulch/Kasilof area whose term expires first on or after July 31, 2020 shall not be filled unless necessary to comply with apportionment requirements and provided the total number of commissioners does not exceed eleven. Nothing in this ordinance prohibits a planning commissioner from an at-large geographic area from applying for any open at-large planning commission seat.

Existing seats of city members whose terms expire first on or after July 31, 2020 shall only be filled if, by doing so the number of city members would meet the statutory apportionment requirements and the total number of commissioners would not exceed eleven.

SECTION 5. That Sections 1 and 4 of this ordinance take effect immediately upon its enactment, and Sections 2 and 3 of this ordinance shall take effect August 1, 2020.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2016.

Blaine Gilman, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Introduced by:	Mayor
Substitute Introduced:	08/23/16
O2016-25 (Johnson):	See Original for Prior History
Hearing:	08/23/16
Action:	Postponed until 09/20/16
Hearing:	09/20/16
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-25
(MAYOR SUBSTITUTE)**

**AN ORDINANCE AMENDING KPB 2.40.010 TO REDUCE PLANNING
COMMISSION MEMBERSHIP**

- WHEREAS,** AS 29.40.020(a) requires that planning commission membership be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough; and
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- WHEREAS,** KPB 2.40.010 currently provides that the planning commission shall include one member from each first class or home rule city of the borough, which is not required by statute, and that the number of remaining members from areas in the borough outside such cities must comply with the statutorily required apportionment; and
- WHEREAS,** based upon the 2010 US Census figures, the commission would have to be increased by either one or two members to satisfy the statutorily required apportionment figures if the planning commission continues to include one member from each first class or home rule city of the borough; and
- WHEREAS,** it is not in the best interest of the borough to further increase the number of members appointed to the planning commission; and
- WHEREAS,** both the Kenai Peninsula Borough Assembly and School Board are composed of nine members; and
- WHEREAS,** limiting the total planning commission membership to eleven members, adopting the statutory apportionment requirement, and removing the requirement that every city have one representative but limiting each city to no

more than one member would resolve the problem of an ever-expanding planning commission; and

WHEREAS, beginning the transition on August 1, 2020 would coincide with the expiration of some members' terms and the commencement of the next decennial census, improving the accuracy of information that would become available upon its completion to properly apportion city membership on the planning commission; and

WHEREAS, at its meeting of August 22, 2016 the planning commission recommended _____;

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

SECTION 1. That KPB 2.40.010 is hereby amended as follows:

2.40.010. Membership—Apportionment.

In accordance with AS 29.40.020(a) through 11:59 p.m. July 31, 2020:

- A. The planning commission shall consist of a maximum of thirteen members including one member from each first class or home rule city of the borough and the remainder apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. The first class or home rule cities of the borough are:
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 - 2. Soldotna
 - 3. Seward
 - 4. Homer
 - 5. Seldovia

- B. Planning commissioners from outside of first class and home rule cities shall be appointed by the mayor and confirmed by the assembly from each of the following geographic areas as generally described below and depicted in the map on file at the borough clerk's office bearing the borough seal and identified as the planning commission apportionment map approved in Ordinance 2001-29. The sections described in the map and below provide guidelines from which deviations are permitted consistent with the intent that commissioners reside in areas throughout the borough:

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SECTION 3. That KPB 2.40.015 is hereby enacted to read as follows:

2.40.015. Membership—Apportionment.

In accordance with AS 29.40.020(a):

- A. The planning commission shall consist of a maximum of eleven members. Commission membership shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of borough population residing in home rule and first class cities located in the borough. No more than one member of the commission may be from any single home rule or first class city in the borough unless more are required to satisfy the statutory apportionment requirement. A city member shall be selected by the mayor from a list of recommendations submitted by the council of any cities from which no member will be on the commission when the vacancy is effective, unless apportionment requires more than one member from a city. In that event all eligible city councils may submit a list of recommendations for the additional seat provided that no city may have greater than one member more than any other home rule or first class city. Appointments shall be subject to confirmation by the assembly.
- B. Planning commissioners from outside of first class and home rule cities shall be appointed at-large by the mayor and confirmed by the assembly and may be as representative of the following geographic areas as practical:
 - 1. East Peninsula;
 - 2. Southwest Borough;
 - 3. Anchor Point/Ninilchik/Clam Gulch/Kasilof;
 - 4. Kalifornsky Beach

5. Ridgeway;
6. Sterling;
7. Northwest Borough.

The geographic areas referenced in this section are depicted in the map on file at the borough clerk's office bearing the borough seal and identified as the planning commission apportionment map approved in Ordinance 2001-29.

- C. All planning commission members shall be appointed for their expertise and knowledge of the community and shall represent the entire borough.

SECTION 4. Transition. Existing seats of planning commission members from each area within the new Anchor Point/Ninilchik/Clam Gulch/Kasilof area whose term expires first on or after July 31, 2020 shall not be filled unless necessary to comply with apportionment requirements and provided the total number of commissioners does not exceed eleven. Nothing in this ordinance prohibits a planning commissioner from an at-large geographic area from applying for any open at-large planning commission seat.

Existing seats of city members whose terms expire first on or after July 31, 2020 shall only be filled if, by doing so the number of city members would meet the statutory apportionment requirements and the total number of commissioners would not exceed eleven.

SECTION 5. That Sections 1 and 4 of this ordinance take effect immediately upon its enactment, and Sections 2 and 3 of this ordinance shall take effect August 1, 2020.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2016.

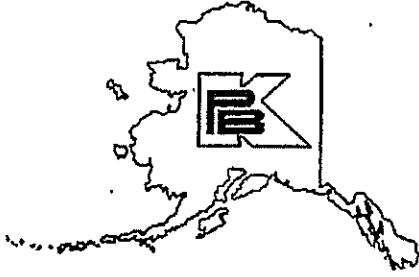
Blaine Gilman, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • FAX: (907) 262-1892

www.borough.kenai.ak.us

**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

TO: Blaine, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Mike Navarre, Mayor *MN*

DATE: August 11, 2016

SUBJECT: Ordinance 2016-25, Substitute (Mayor), An Ordinance Amending KPB
2.40.010 to Reduce Planning Commission Membership

This proposed substitute ordinance 2016-25 would ultimately reduce the number of planning commissioners to 11. Through July 31, 2020 the proposal retains 13 planning commissioners with no changes. After July 31, 2020 two seats, one representing the first class and home-rule cities, and one representing the area of the borough outside the cities, will be eliminated. There will be no more than one planning commissioner from each of the first class and home rule cities unless more are necessary to meet the statutory apportionment requirement in AS 29.40.020. Appointments to city seats will be made by the mayor from a list presented by the city councils subject to confirmation by the assembly. Planning commissioners will be appointed for their expertise and knowledge within the community and, where practical, selected to be representative of seven areas. These areas are the current planning commission districts outside of cities except that districts currently numbered eight and nine are combined.

This proposal seeks the most qualified candidates while reducing the disproportionate representation of the cities on the commission. Few issues from the cities are presented to the full planning commission as all first class and home rule cities have been delegated the power to exercise land use regulation as well as the ability to adopt their own platting regulations while the borough retains the final authority for subdivision approval. The borough exercises the comprehensive planning power for all the cities, providing grant money to the cities to fund the cities' planning efforts and borough staff support as needed. The cities contract for the development of their comprehensive plans. The borough planning commission recommends and assembly approves each city's comprehensive plans.

Your consideration of this substitute is appreciated.



City of Homer

www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121
(f) 907-235-3140

Date: June 22, 2016

Blaine Gilman, Assembly President
Kenai Peninsula Borough Assembly Members
144 North Binkley Street
Soldotna, Alaska 99669

Re: Opposition to Ord. 16-25 to Reduce the Planning Commission Membership

The City of Homer opposes Ordinance 16-25 which if passed would reduce the size of the Kenai Peninsula Borough Planning Commission to nine members. We recognize the need to reduce the size of the commission, but combining communities that are geographically separated by water leaves some communities without proper representation.

The City of Homer and the City of Seldovia have vastly different economies, soils, topography and access. Combining Homer and Seldovia reduces oversight and does not provide adequate representation.

Thank you for your consideration.

Respectfully submitted,

Mary Beth Wythe, Mayor
City of Homer
491 E. Pioneer Avenue
Homer, AK 99603

Cc: Mayor Navarre and Kenai Peninsula Borough Assembly



Staff Report PL 16-52

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: September 7, 2016
SUBJECT: Borough Planning Commission

Introduction

The Borough has reworked their proposal to eliminate the number of representative on the Planning Commission. Previously, a seat would have been shared between Homer and Seldovia.

Analysis

The amended ordinance keeps Homer as an individual seat of a Planning Commissioner. Some seats are eliminated by combining of some rural areas. Currently, Anchor Point/Ninilchik and Kasilof/Clam Gulch both have representatives. The new ordinance would combine the area into one for representation on the Borough Planning Commission.

Interestingly, the ordinance states, "Nothing in this ordinance prohibits a planning commissioner from an at-large geographic area from applying for any open at-large planning commission seat." The Proposed change in the district boundaries will take place in 2020 and only eleven seats will be available. It is really not said what district will not be represented in 2020, only that no more than eleven will be on the commission. This means that one out of the 5 first class/home rule cities and 7 at-large geographic regions will not have a commissioner. Just guessing that it may be Seldovia, but nor sure, as it is not clearly indicated.

Staff Recommendation

Review and make motion to support or make recommendation.

Attachments

1. 2016-25 Mayor Substitute
2. Memorandum dated August 11, 2016 regarding Ordinance 2016-25
3. Proposed Planning Commission Apportionment Map dated July 15, 2016



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 16-145

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
THROUGH: KATIE KOESTER, CITY MANAGER
DATE: SEPTEMBER 12, 2016
SUBJECT: PLANNING COMMISSION RECOMMENDATION ON KPB ORDINANCE 2016-25

At the September 7, 2016 Homer Advisory Planning Commission meeting the commission discussed and made recommendation regarding *Staff Report PL 16-52, Recommendation for the number of commissioners on the Borough Planning Commission* as follows:

City Planner Abboud commented the Commission had a good discussion about this at their worksession. It's implied there is a population formula that will determine who serves on the Borough Planning Commission; it's vague and can't be determined for certain who will serve.

Commissioner Venuti, Homer's representative on the Borough Planning Commission, commented the Borough has been out of compliance on this for nine years and it will be put off until 2020. His concern is eliminating any input from Seldovia or Anchor Point and while this group could oppose this proposal by the Borough Mayor, he thinks it's the councils place to make the recommendation to the borough.

HIGHLAND/BOS MOVED TO RECOMMEND TO CITY COUNCIL ON STAFF REPORT PL 16-52 THAT THE COMMISSION OPPOSES THE MAYOR'S SUBSTITUTE ORDINANCE 2016-25.

There was brief discussion that all of the cities should be specifically represented and that "at-large geographic region members" is vague.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum 16-146

TO: Mayor Wythe and the Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Rick Abboud AICP, City Planner
DATE: January 13, 2016
SUBJECT: KBP Ord. 2016-25, An Ordinance amending KPB 2.40.010 to Reduce Planning Commission Membership.

The Homer Advisory Planning Commission (HAPC) reviewed and made a recommendation at the meeting of September 7th in opposition to the Borough ordinance that proposes to reduce membership in the KPB Planning Commission.

The HAPC discussed the item and felt that representation from the various Home Rule/First Class cities and currently designated regions of the Borough is important. A discussion point was that the \$30,000 in projected savings was not enough to justify eliminating representation of communities that have great differences in local conditions and populations. It was stated that there were other methods of saving money including consideration of eliminating some meetings.

Other issues with the ordinance were discussed including the following. The ordinance is quite vague in the fact that it does not clearly identify whose seat would be eliminated in the future. It also seems to indicate that a representative from any at-large region could represent any other at-large region, which would lead to a loss of local representation. The Anchor Point area would likely lose a local member.

The Homer Advisory Planning Commission recommends that the Homer City Council oppose the KPS Ordinance 2016-25.