



MEMORANDUM

Ordinance 25-68, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 10, Port and Harbor Sections 10.04.035 Homer Port and Harbor Tariff, 10.04.040 Port Director, 10.04.055 Fees, 10.04.090 Underway Requirement, 10.04.120 Impounded Vessel Procedure, and 10.04.140 Annual Review. City Manager/Port Director.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: October 30, 2025
From: Amy Woodruff, Port Administrative Supervisor
Through: Melissa Jacobsen, City Manager

Title 10 of City Code was last amended 2023 when the Port Director/Harbormaster position was split into two roles. Port staff identified one or two small changes they wanted to make to the code, and in the spirit of efficiency, Staff conducted a full internal review of Title 10 to identify any other appropriate revisions.

The Port & Harbor Advisory Commission reviewed the proposed changes at the September 24, 2025 Commission meeting and moved that City Council approve the proposed changes.

Section	Proposed Change	Reasoning
10.04.035 Homer port and harbor tariff.	Remove “and as filed with the Federal Maritime Commission.” Change the type of legislation that amends the tariff from “resolution” to “ordinance”	The Federal Maritime Commission does not keep Tariffs on file.* Staff prefer to use an ordinance because it requires multiple council meetings and allows for more public input.
10.04.040 Port Director – Powers and duties.	Change “a fee as prescribed in the Homer port and harbor tariff shall be assessed the vessel owner or operator” to “may be assessed”	Allows for Port Director to apply discretion when assessing fees.
10.04.055 Fees.	Change references to ‘resolution’ to ‘ordinance’	Staff prefer to use an ordinance because it requires multiple

	Remove “and provided further, that any such change is effective only after the change is filed with the Federal Maritime Commission as an amendment to the Homer port and harbor tariff.”	council meetings and allows for more public input. The Federal Maritime Commission does not maintain a database of tariffs and past submissions to the FMC have been returned to the City. *
10.04.090 Underway requirement.	Change a 50% increase in moorage rate to a penalty equal to 50% of the monthly moorage rate.	As written, the penalty amount will vary depending on what rate of moorage a boat is paying.
10.04.120 Impounded vessel procedure.	Section a: revise posting locations and allow for email delivery in addition to (not in lieu of) certified mail. Section e: Replace public auction with sealed bid.	Locations of bulletin boards have changed. Clarify that email is a permitted means of communication Port Director prefers sealed bid method for vessel sale.
10.04.140 Annual review required.	Move “and charges” to fall after “harbor rates”	Correcting typo

* Per Federal Maritime Commission: “Marine Terminal Operators (MTOs), as defined in 46 CFR §525.1(c)(13), provide wharfage, dock, warehouse, or other marine terminal facilities to ocean common carriers moving cargo in the ocean-borne, foreign commerce of the United States. [...] An MTO may make available a schedule of its rates, regulations, and practices to the public at its discretion. [...] A complete and current set of schedules of rates, regulations, and practices must be maintained for five years, and available to the Commission upon request. The Commission publishes the location of terminal schedules available to the public on its website.” From <https://www.fmc.gov/marine-terminal-operators/> September 16, 2025.

RECOMMENDATION:

Approve the proposed changes to Title 10 of Homer City Code

ATTACHMENTS:

Excerpt from the draft minutes of the September 24, 2025 Port & Harbor Advisory Commission Meeting

Chair Siekaniec Request the Clerk to Perform a Roll Call Vote:

VOTE: YES: ATWOOD, PITZMAN, SIEKANIEC

VOTE: NO: ROTH

There was no discussion

Motion carried.

Clerks' note- Upon further review it has been brought to our attention that the motion in fact did not pass due to the PHC Bylaws. Article VII section 2 "Each member, including the chairperson, shall vote, and shall not abstain from voting, unless such member claims a conflict of interest, or has an excused absence, in which event the member shall be excused from voting. The member shall then state for the record the basis for the abstention. Four affirmative votes are required to pass a motion. Voting will be by a roll call vote, the order to be rotated. or by unanimous consent if no objection is expressed. Voting by proxy or absentee is prohibited."

10.B. Proposed changes to Homer City Code title 10.

ROTH/ATWOOD MOVED TO PASS THE PROPOSED EDITS TO CITY CODE TITLE 10 AS PORT AND HARBOR HAS WRITTEN

There was no discussion.

VOTE: NON – OBJECTION: UNANIMOUS CONSENT.

Motion carried.

11. INFORMATIONAL MATERIALS

11.A. September 2025 Port Operations Report

11.B. Q2 Statistics for the Homer Harbor

11.C. September City Managers Report to council

12. COMMENTS OF THE AUDIENCE (3 minute time limit)

Robert Roth, City resident and harbor user wats to keep rates at the harbor fair. Wants rules to be enforced at the ice plant after seeing concerns.

13. COMMENTS OF THE CITY STAFF