



MEMORANDUM

CC-26-008

Ordinance 26-06, an Ordinance of the City Council of Homer, Alaska Amending Homer City Code 2.84 Release of Public Record Sections 2.84.010 Policy, 2.84.020 Definitions, 2.84.050 Regulations, and 2.84.070 Appeals. City Manager/City Clerk.

Item Type: Backup Memorandum

Prepared For: Mayor Lord and Homer City Council

Date: January 7, 2026

From: Melissa Jacobsen, City Manager

BACKGROUND:

Homer City Code (HCC) Chapter 2.84 governs the public release of City records and establishes the appeal process when a public records request is denied. The current code contains several provisions assigning public records-related duties to the City Manager, despite records management being a core responsibility of the City Clerk.

Alaska Statute § 29.20.380(a)(4) identifies the Municipal Clerk as the custodian and manager of municipal records and outlines the associated duties. Consistent with this statute, HCC 2.12.010(d) directs the City Clerk to maintain and make available for public inspection an indexed file of municipal ordinances, resolutions, rules, regulations, and codes. Additionally, the City Clerk is designated as the City's Records Manager in the Clerk's job description.

The amendments proposed in this ordinance align HCC Chapter 2.84 with state law and existing City code by removing the City Manager's role in establishing regulations and approving or denying public records requests, and by assigning those responsibilities to the City Clerk.

The proposed amendments also direct appeals of records request denials to the Superior Court.

RECOMMENDATION:

Conduct a public hearing and adopt Ordinance 26-06

ATTACHMENTS:

Alaska Statute § 29.20.380

Homer City Code 2.12.010

(b) The governing body may combine the office of clerk with that of treasurer. If the offices are combined, the clerk-treasurer shall, as required of the treasurer, give bond to the municipality for the faithful performance of the duties as clerk-treasurer.

(c) The municipal clerk may act as an absentee voting official under AS 15.20.045(c) for the limited purpose of distributing absentee ballots to qualified voters or qualified voters' representatives under AS 15.20.072 in a municipality in which the division of elections will not be operating an absentee voting station. (§ 7 ch 74 SLA 1985; am § 1 ch 11 SLA 1992; am § 43 ch 73 SLA 2013)

Effect of amendments. The 1992 amendment, effective July 28, 1992, rewrote subsection (a). The 2013 amendment added (c).

Sec. 29.20.390. Municipal treasurer.

(a) Except as provided in AS 14.14.060, the treasurer is the custodian of all municipal funds. The treasurer shall keep an itemized account of money received and disbursed. The treasurer shall pay money on vouchers drawn against appropriations.

(b) The treasurer shall give bond to the municipality in a sum that the governing body directs. (§ 7 ch 74 SLA 1985)

Sec. 29.20.400. Departments.

(a) The governing body may establish municipal departments and distribute functions among them.

(b) Each municipal department is administered by a department head. With the consent of the governing body, the mayor may serve as head of one or more departments or a single administrator may serve as head of two or more departments. (§ 7 ch 74 SLA 1985)

Sec. 29.20.410. Personnel system.

(a) Except as provided by (b) of this section, appointments and promotions of municipal employees are made on the basis of merit. The governing body may provide for a personnel system and classified service.

(b) By ordinance the governing body may designate confidential or managerial positions that are wholly or partially exempt from the classified service. A wholly or partially exempt position is filled by a person who serves at the pleasure of the appointing authority and whose term of employment is determined by the appointing authority. (§ 7 ch 74 SLA 1985)

Sec. 29.20.420. Health insurance policies.

(a) If a municipality offers a group health care insurance plan covering municipal employees, including by means of self-insurance, the municipal health care insurance plan is subject to the requirements AS 21.42.427.

Effect of amendments. The 2024 amendment, effective August 14, 2024, is added this section.

Chapter 2.12 CITY CLERK

Sections:

2.12.010 Duties.

2.12.010 Duties.

The office of City Clerk shall be appointed by the City Manager and confirmed by the City Council as provided by Alaska State law. The person holding the office of City Clerk shall:

- a. Give notice of the time and place of meetings to the Council and to the public;
- b. Attend meetings and keep the journal or other records thereof;
- c. Arrange publication of notices, ordinances and resolutions;
- d. Maintain and make available for public inspection an indexed file including municipal ordinances, resolutions, rules, regulations and codes;
- e. Attest deeds and other documents;
- f. Act as Election Supervisor and administer all City elections in accordance with HCC Title 4 and applicable State and Federal laws;
- g. Perform other duties as specified in this title or elsewhere in the Municipal Code and all applicable provisions of the Alaska Statutes;
- h. At all times cooperate with the City Manager and provide such information and perform such duties as are requested by the City Manager so long as they are not inconsistent with the duties of the office of City Clerk as otherwise provided in municipal, State and Federal law;
- i. The job functions and major activities of the Clerk's office as set forth in the job description are incorporated by this reference as though fully set forth in this section. [Ord. 85-24 § 1, 1985. Code 1981 § 1.30.010].