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**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 15-38

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING THE
FY 2015 OPERATING BUDGET BY APPROPRIATING \$42,500 FROM
THE HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT
ACCOUNT FOR SETTLEMENT COSTS IN THE CASTNER VS. CITY OF
HOMER COURT CASE CHALLENGING ASSESSMENTS FOR
CONDOMINIUMS WITHIN THE DISTRICT.

WHEREAS, The City and Kenneth Castner have reached an agreement in the Court
Case 3HO-13-0038CI; and

WHEREAS, The City has agreed to pay \$42,500 to Kenneth Castner as a civil sanction
intended to compensate Castner for the attorney services provided and the costs incurred
with respect to his efforts to compel the City to comply with the Court's orders requiring the
City to lawfully assess condominium units.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY 2015 operating budget by
appropriating \$42,500 from the Homer Natural Gas Special Assessment District account for
settlement costs in the Castner vs. City of Homer court case challenging assessments for
condominiums within the district as follows:

Expense:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
175-0375-5210	Settlement Castner v. City of Homer 3HO-13-0038CI	\$42,500

Section 2. The City Manager is authorized to execute the appropriate documents.

Section 3. This is a budget amendment ordinance, is temporary in nature, and shall
not be codified.

ENACTED BY THE HOMER CITY COUNCIL this 26th day of October, 2015.

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CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

ATTEST:

Jo Johnson
JO JOHNSON, MMC, CITY CLERK

AYES: 4
NOES: 0
ABSTAIN: 0
ABSENT: 2

First Reading: 10/12/15
Public Hearing: 10/26/15
Second Reading: 10/26/15
Effective Date: 10/27/15

Reviewed and approved as to form:

Mary K. Koester
Mary K. Koester, City Manager

Date: 10-28-15

Fiscal information: Included in ordinance.

Thomas F. Klinkner
Thomas F. Klinkner, City Attorney

Date: 11-3-15