

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Finance Director

5 ORDINANCE 22-52
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
8 AMENDING THE FY 23 CAPITAL BUDGET BY APPROPRIATING
9 \$275,000 FROM THE GENERAL FUND FUND BALANCE AS A
10 CONTRIBUTION TO SETTLEMENT OF A DISPUTED CLAIM IN
11 SUPERIOR COURT CASE NUMBER 3HO-20-00251 CI AND
12 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE
13 A FULL, COMPLETE AND TOTAL SETTLEMENT AGREEMENT IN
14 COMPROMISE OF A DISPUTED CLAIM.
15

16 WHEREAS, The City of Homer (City) was served with a superior court complaint in in the
17 above referenced case which alleged damages to property; and
18

19 WHEREAS, The City answered the complaint denying the allegations and asserting
20 numerous defenses; and
21

22 WHEREAS, The parties agreed to amicably settle the case without any admission of
23 liability to be memorialized in a release and settlement agreement which will be executed by
24 all the parties to the case; and
25

26 WHEREAS, The Alaska Municipal League Joint Insurance Association and the City will
27 each contribute \$275,000 towards settlement of the above referenced case for a full, complete
28 and total settlement of \$550,000 to be paid to the plaintiffs upon execution of a release and
29 settlement agreement in the above referenced case.
30

31 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
32

33 Section 1. The City Council of Homer hereby amends the FY23 Capital Budget to
34 appropriate \$275,000 as a contribution to the settlement of the disputed claim in the above
35 referenced case conditioned upon the execution of a Release and Settlement Agreement
36 signed by all the parties as follows:
37

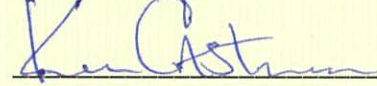
<u>Fund</u>	<u>Description</u>	<u>Amount</u>
100	General Fund Fund Balance	\$275,000

41 Section 2. The City Manager is authorized to negotiate and execute the Release and
42 Settlement Agreement described herein.
43

44 Section 3. This ordinance is a budget amendment only, is not of a permanent nature
45 and is a non code ordinance.

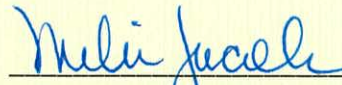
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47 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 12th day of September, 2022.

48
49 CITY OF HOMER

50 

51 _____
52 KEN CASTNER, MAYOR

53 ATTEST:

54 

55 _____
56 MELISSA JACOBSEN, MMC, CITY CLERK

57
58 YES: 6
59 NO: 0
60 ABSTAIN: 0
61 ABSENT: 0

62
63 First Reading: 8.29.22
64 Public Hearing: 9.12.22
65 Second Reading: 9.12.22
66 Effective Date: 9.13.22

