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9/25/23

**CITY OF HOMER  
HOMER, ALASKA**

Mayor

**RESOLUTION 23-101**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA  
REPEALING SECTION 13 OF THE RESERVED STALL VESSEL  
MOORAGE AGREEMENT AND SECTION 10 OF THE TRANSIENT  
VESSEL MOORAGE AGREEMENT AND PROVIDING FOR AN  
IMMEDIATE EFFECTIVE DATE.

WHEREAS, The City's Moorage Agreement require, in section 10 of the agreement for Transient vessels, and in Section 13 in the agreement for Reserved Stall vessels, the following insurance requirements:

*"Insurance: Owner shall maintain in effect during the term of this agreement liability insurance covering Owner's employees, invitees and passengers, and covering damage to Harbor property and other vessels and facilities by the operation of the Vessel. If the Vessel carries passengers for hire, the liability insurance shall cover bodily injury, including death, in an amount not less than \$100,000 per person, \$300,000 combined single limit per occurrence (including property damage). All required policies of liability insurance shall name City as an additional insured with waiver of subrogation"; and*

WHEREAS, the above-cited requirements for insurance have not been enforced in any prior year for vessels falling in either category; and

WHEREAS, The City has notified all vessels facing the annual stall renewal, and through the renewal notice that:

*" \*NEW for 2023\* The Harbor is requiring that all reserved stall holders provide proof that they carry insurance for their boat. Proof can be a paper or emailed copy of a Certificate of Insurance (COI), declarations page, or an Insurance Card. The document must include the policy number, policy effective dates, covered vessel, and policyholder name. We will not renew stalls from tenants who are unable to provide proof of insurance"; and*

WHEREAS, the decision to require insurances was made by the City Administration, without review by the Port and Harbor Commission or the Homer City Council; and

WHEREAS, Legislative process, including policy-making, is reserved for the Homer City Council under AS 29.20.050; and

WHEREAS, the decision to waive or enforce provisions of City Code and City Policies is the exclusive purview of the Homer City Council which, as a matter of process, will provide opportunities for public comment on those decisions; and

WHEREAS, Administrative policy decisions, made outside of a public process, and not subject to the scrutiny or advice of the general public, and not subject to appeal, leave the public searching for avenues for relief.

46 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, repeals Section 10  
47 of the Transient Vessel Moorage Agreement and Section 13 of the Reserved Stall Vessel Moorage  
48 Agreement; and  
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50 BE IT FURTHER RESOLVED that the repeal of those sections is effective upon the execution of  
51 this Resolution.  
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53 PASSED AND ADOPTED BY THE CITY COUNCIL OF HOMER, ALASKA, This 25<sup>th</sup> day of September,  
54 2023.  
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56 CITY OF HOMER  
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59 \_\_\_\_\_  
60 KEN CASTNER, MAYOR  
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62 ATTEST:  
63

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65 \_\_\_\_\_  
66 MELISSA JACOBSEN, MMC, CITY CLERK  
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68 YES:

69 NO:

70 ABSENT:

71 ABSTAIN:



# MEMORANDUM

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## **Resolution 23-101, Repealing Section 13 of the Reserved Stall Vessel Moorage Agreement and Section 10 of the Transient Vessel Moorage Agreement and Providing for an Immediate Effective Date. Mayor.**

**Item Type:** Informational Memorandum  
**Prepared For:** Homer City Council  
**Date:** September 20, 2023  
**From:** Ken Castner, Mayor

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### **Background:**

I wrote the resolution to repeal the sections of the moorage agreements for Stall Rental and Transient Moorage shortly after the last City Council meeting. Later in the week I met with Crisi Matthews, Chair of the Port and Harbor Advisory Commission (PHC). She said the moorage agreements would be discussed at a PHC work session on Monday, September 18, 2023, which I attended.

At the PHC work session, the Commissioners had many questions and concerns and were willing to spend time examining the implications and unanticipated consequences of the policy as written. The chair asked if I would be willing to withdraw my resolution to allow them time to do that. I said I would, but only if the enforcement was put off until the next renewal period.

The consequences of not meeting the insurance requirements are quite draconian: If not complied with by September 30th, a stall holder **will lose their moorage** in the Homer Boat Harbor.

The City Manager, Harbor Master, City Attorney and I will meet prior to Monday's City Council meeting and if they agree to the delay until the next renewal period and assist the Port & Harbor Advisory Commission in drafting a fair and clear requirement, I will pull the Resolution from the agenda.