

1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

Lord/Venuti

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4 **ORDINANCE 24-02(A)**  
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6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7 AMENDING HOMER CITY CODE TITLE 3 REVENUE AND FINANCE TO  
8 ADD SECTION 3.01.037 DONATION TO THE CITY TO ALLOW  
9 ACCEPTANCE OF MONEY OR REAL PROPERTY DONATED, DEvised  
10 OR BEQUEATHED FOR A PUBLIC PURPOSE, **AND AMENDING**  
11 **CHAPTER 18 PROPERTY MANAGEMENT, SECTION 18.06.010**  
12 **REAL PROPERTY ACQUISITIONS**  
13

14 WHEREAS, Private citizens and organizations may from time to time wish to donate  
15 money or real property towards municipal public purposes within the purview of the City of  
16 Homer; and  
17

18 WHEREAS, The City of Homer recognizes that it is in the public interest to formally  
19 describe the conditions under which the City accepts or declines such donations.  
20

21 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
22

23 Section 1. Homer City Code Title 3 Revenue and Finance, Chapter 3.01 General is hereby  
24 amended to add section 3.01.037 read as follows:  
25

26 Chapter 3.01  
27

28 GENERAL  
29

30 Sections:

- 31 3.01.010 Fiscal year.  
32 3.01.020 Examination of claims.  
33 3.01.025 Deposit of money.  
34 3.01.030 Deposit of securities.  
35 3.01.035 Collection of revenues and proceeds from securities.  
36 **3.01.037 Donation to the city.**  
37 3.01.040 Cancellation of uncollected accounts receivable – Refunds of erroneous payments.  
38 3.01.045 Payrolls.  
39 3.01.050 Deduction before disbursement.  
40 3.01.055 Credit policy and regulation authorized.

41  
42 3.01.010 Fiscal year.  
43



44 Effective July 1, 2021, the fiscal year of the City shall commence on the first day of July and  
45 terminate on the last day of the following June.

46

47 3.01.020 Examination of claims.

48 The Finance Director/Treasurer or a designee shall examine all payrolls, bills, claims and  
49 other demands of the City, and shall issue no warrant for payment unless the claim is in  
50 proper form correctly computed and approved, and is legally due and payable and an  
51 appropriation has been made therefor that has not been exhausted, and unless there is  
52 sufficient money in the City treasury to make payment.

53

54 3.01.025 Deposit of money.

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56 All money collected by departments of the City shall be deposited with the Finance  
57 Director/Treasurer within three working days after collection, except that amounts less than  
58 \$100.00 shall be deposited with the Finance Director/Treasurer by 10:00 a.m. the following  
59 Friday.

60

61 3.01.030 Deposit of securities.

62

63 All money and securities shall be deposited by the Finance Director/Treasurer in a bank that  
64 is approved by the City Council.

65

66 3.01.035 Collection of revenues and proceeds from securities.

67

68 All revenues and proceeds from securities owned by the City shall be collected by the Finance  
69 Director/Treasurer promptly when due.

70

71 **3.01.037 Donation to the City**

72

73 **The City may accept any money or property donated, devised, or bequeathed to it and**  
74 **carry out the terms of the donation, devise, or bequest, if for a public purpose and**  
75 **otherwise within the powers granted by law. The City shall deposit money in accordance**  
76 **with section 3.01.025 above. The City may decline to accept any donation that is**  
77 **inconsistent with the policies, plans, goals, or any other ordinance of the City, or if unable**  
78 **to carry out the specific terms or conditions attached to the donation. If no terms or**  
79 **conditions are attached to the donation, devise, or bequest, the City may expend or use**  
80 **it for any municipal public purpose.**

81

82 3.01.040 Cancellation of uncollected accounts receivable – Refunds of erroneous  
83 payments.

84

85 a. The Finance Director/Treasurer may cancel any uncollectible account receivable  
86 except bills which may become a lien against property for taxes, but shall report all such



87 cancellations to the City Manager, who will report to the City Council. Bills which may  
88 become a lien against property may be cancelled only upon written formal claim by the  
89 owner when supported by substantial evidence of its propriety and approval by the City  
90 Council.

91  
92 b. Any refunds of overpayments or erroneous payments may be made by the Finance  
93 Director/Treasurer (upon evidence of overpayment or erroneous payment).

94  
95 3.01.045 Payrolls.

96  
97 Payrolls shall be submitted to the Finance Director/Treasurer or designee for approval, and  
98 upon approval the Finance Director shall issue warrants in payment thereof when due. It shall  
99 not be necessary for the Finance Director to encumber in advance or to certify as to the  
100 availability of funds appropriated for personal services, except those obtained on a  
101 contractual basis; provided, that upon issuance of such warrants, the Finance Director shall  
102 immediately cause the appropriate funds to be encumbered to the extent of the warrants  
103 issued.

104  
105 3.01.050 Deduction before disbursement.

106  
107 Before disbursement of money to any person, business or organization, there shall be  
108 deducted therefrom the amount of any delinquent indebtedness owed by such person to the  
109 City.

110  
111 3.01.055 Credit policy and regulation authorized.

112  
113 The City Council may by resolution adopt policies and regulations establishing the City's  
114 practices for extension of credit, billings, debt collections, and pursuit of delinquent accounts  
115 receivable.

116  
117 Section 2. Homer City Code Chapter 18, Section 18.06.010 Real property acquisitions, is  
118 hereby amended to include a new subsection as follows:

119  
120 18.06.010 Real property acquisitions, authority.

121  
122 a. The City may acquire, own and hold real property within or outside the City  
123 boundaries by any lawful means or conveyance, and may exercise all rights and powers in the  
124 acquisition, ownership and holding of real property ~~as if the City were a private person.~~

125  
126 b. The City may acquire real property by exercise of the powers of eminent domain and  
127 declaration of taking in the performance of an authorized power or function of the City in  
accordance with AS 09.55.240 through AS 09.55.460. [Ord. 90-11 § 3, 1990].

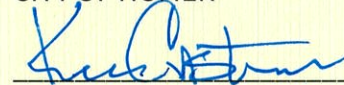


128 **c. The City may accept any real property donated, devised, or bequeathed to it and**  
129 **carry out the terms of the donation, devise, or bequest, if for a public purpose and**  
130 **otherwise within the powers granted by law. The City may decline to accept a donation**  
131 **of real property that is inconsistent with the policies, plans, goals, or any other ordinance**  
132 **of the City, or if unable to carry out the specific terms or conditions attached to the**  
133 **donation. If no terms or conditions are attached to the donation, devise, or bequest, the**  
134 **City may use it for any municipal public purpose.**

135  
136 Section 3. This Ordinance is of a permanent and general character and shall be  
137 included in the City Code.

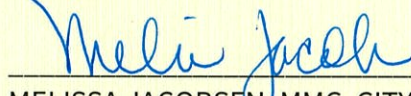
138  
139 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 22nd day of January, 2024.

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141 CITY OF HOMER

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144 KEN CASTNER, MAYOR

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149 ATTEST:

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152 MELISSA JACOBSEN, MMC, CITY CLERK



YES: 6

NO: 0

ABSTAIN: 0

ABSENT: 0

First Reading: Jan 8, 2024

Public Hearing: Jan 22, 2024

Second Reading: Jan 22, 2024

Effective Date: Jan 23, 2024



CC-24-033

# MEMORANDUM

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**Ordinance 24-02, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 3 Revenue and Finance Chapter 3.1 General to add Section 3.01.037 Donations to the City to Allow Acceptance of Money or Real Property Donated, Devised or Bequeathed for a Public Purpose. Lord/Venuti.**

**Item Type:** Backup Memorandum  
**Prepared For:** Homer City Council  
**Date:** January 3, 2024  
**From:** Melissa Jacobsen, MMC, City Clerk

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Ordinance 24-02 includes amending Title 18, Section 18.06.010 Real property acquisitions and the title needs to be amended to reflect that.

**Recommendation:** Move to amend the title of Ordinance 24-02 by adding after Public Purpose - **“and Amending Chapter 18 Property Management, Section 18.06.010 Real property acquisitions.”**





# MEMORANDUM

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**Ordinance 24-02, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 3 Revenue and Finance Chapter 3.1 General to add Section 3.01.037 Donations to the City to Allow Acceptance of Money or Real Property Donated, Devised or Bequeathed for a Public Purpose. Lord/Venuti.**

**Item Type:** Backup Memorandum  
**Prepared For:** Homer City Council  
**Date:** January 3, 2024  
**From:** Dave Berry, Co-Chair of the Sister City Working Group  
**Through:** Rob Dumouchel, City Manager

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Members of the public have occasionally donated funds or property to support the public operations of the City of Homer. Many citizens contributed towards the construction of the new library, for instance, and the City is currently working towards accepting donations for the 40<sup>th</sup> anniversary celebration of the sister-city relationship with Teshio, Japan.

Historically, the process of accepting or declining donations has been on an ad hoc basis. Homer City Code lacks a section that addresses donations towards City functions in general.

Amending Title 3 would provide clarity by 1. stating that the City can accept donations, 2. spelling out the criteria under which a donation may be accepted or declined, 3. limiting the conditions that donors may attach to the gift, and 4. explaining the City's authority to use funds when no conditions are attached.

**Recommendation:** Amend Homer City Code to clarify the donation process.

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**CITY OF HOMER  
HOMER, ALASKA**

Lord/Venuti

**ORDINANCE 24-02**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE TITLE 3 REVENUE AND FINANCE TO ADD SECTION 3.01.037 DONATION TO THE CITY TO ALLOW ACCEPTANCE OF MONEY OR REAL PROPERTY DONATED, DEVISED OR BEQUEATHED FOR A PUBLIC PURPOSE.

WHEREAS, Private citizens and organizations may from time to time wish to donate money or real property towards municipal public purposes within the purview of the City of Homer; and

WHEREAS, The City of Homer recognizes that it is in the public interest to formally describe the conditions under which the City accepts or declines such donations.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Title 3 Revenue and Finance, Chapter 3.01 General is hereby amended to add section 3.01.037 read as follows:

Chapter 3.01

GENERAL

Sections:

3.01.010 Fiscal year.

3.01.020 Examination of claims.

3.01.025 Deposit of money.

3.01.030 Deposit of securities.

3.01.035 Collection of revenues and proceeds from securities.

**3.01.037 Donation to the city.**

3.01.040 Cancellation of uncollected accounts receivable – Refunds of erroneous payments.

3.01.045 Payrolls.

3.01.050 Deduction before disbursement.

3.01.055 Credit policy and regulation authorized.

3.01.010 Fiscal year.

Effective July 1, 2021, the fiscal year of the City shall commence on the first day of July and terminate on the last day of the following June.

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All money and securities shall be deposited by the Finance Director/Treasurer in a bank that is approved by the City Council.

3.01.035 Collection of revenues and proceeds from securities.

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132 **City may use it for any municipal public purpose.**

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134 Section 3. This Ordinance is of a permanent and general character and shall be  
135 included in the City Code.

136

137 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this \_\_\_\_ day of \_\_\_\_\_, 2024.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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147 ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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152 YES:

153 NO:

154 ABSTAIN:

155 ABSENT:

156

157 First Reading:

158 Public Hearing:

159 Second Reading:

160 Effective Date: