

1 CITY OF HOMER
2 HOMER, ALASKA

Davis/Erickson

3
4 ORDINANCE 24-19(S)

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE CHAPTER 2.04 CITY MANAGER
8 SECTION 2.04.020 DUTIES AND POWERS.
9

10 WHEREAS, The duties and powers of the City Manager as currently defined in Homer
11 City Code vary from those described in Alaska Statute 29.20.500; and
12

13 WHEREAS, Amending city code to reflect the duties and powers for a City Manager as
14 described in Alaska Statute 20.20.500 will provide greater clarity and consistency, in the City
15 Manager's role in managing the affairs of the city.
16

17 NOW, THEREFORE, The City of Homer Ordains:
18

19 Section 1: The Homer City Council hereby amends Homer City Code by amending
20 Chapter 2.04 City Manager Section 2.04.020 Duties and powers, as follows:
21

22 **2.04.020 Duties and powers.**
23

24 ~~The duties and powers of the City Manager shall be as follows~~ **As chief administrator the City**
25 **Manager shall:**
26

27 ~~a. He is the executive and administrative officer of the City~~ **Administer the affairs of all City**
28 **departments.**
29

30 ~~b. He shall administer the affairs of all City departments~~ **Devote their time to the discharge**
31 **of official duties, attend all meetings of the Council unless excused by the Mayor or**
32 **Council, and keep the Council advised at all times of the affairs and needs of the City.**
33

34 ~~c. He shall devote his time to the discharge of his official duties, attend all meetings of the~~
35 ~~Council unless excused therefrom by the Mayor or Council, and keep the Council advised at all~~
36 ~~times of the affairs and needs of the City~~ **Make recommendations to the Council as expedient**
37 **or necessary, and present an annual report of work completed during the year.**
38

39 ~~d. He shall make recommendations to the Council as he considers expedient or necessary and~~
40 ~~once a year he shall present a detailed statement of what he has done during the year covered~~
41 ~~by the report.~~ **Prepare and submit an annual budget and capital improvement program for**

42 **consideration by the Council, and execute the budget and capital improvement program**
43 **adopted.**

44
45 e. He shall prepare and recommend to the Council an annual budget. **Make monthly financial**
46 **reports and other reports on municipal finances and operations as required by the**
47 **Council.**

48
49 f. He shall execute and enforce ordinances and resolutions of the City, administer all contracts
50 entered into by the City and see that provisions of all franchises, permits, leases, and privileges
51 granted by the City are observed. **Supervise the enforcement of municipal law and carry**
52 **out the directives of the Council, administer all contracts entered into by the City and see**
53 **that provisions of all franchises, permits, leases, and privileges granted by the City are**
54 **observed.**

55
56 g. He shall appoint and remove the heads of all departments, boards, bureaus and all other
57 officers and employees of the City, except the City Attorney, who shall be appointed by and
58 serve at the pleasure of the Council, and he shall have supervision and control over them and
59 their work with power to transfer an employee from one department to the other. He shall
60 supervise all other City departments to the end of obtaining the utmost efficiency in each of
61 them. **Hire and, as needed, remove the heads of all departments and employees of the**
62 **City, exercising supervision and control over them and their work with the aim of**
63 **maximizing efficiency, and shall have the power to transfer an employee from one**
64 **department to another.**

65
66 h. He shall supervise the operation of all public utilities owned and operated by the City and
67 shall have general supervision of all City owned property.

68
69 i. He shall act as purchasing agent for all City departments, subject to provisions of the annual
70 budget. All purchases shall be made by requisition approved by him. **Exercise custody over**
71 **all real and personal property of the municipality and supervise the operation of all public**
72 **utilities owned and operated by the City.**

73
74 j. He shall take part in and may enter into all discussions by the City Council but shall have no
75 vote. **Act as purchasing agent for all City departments, subject to provisions of the annual**
76 **budget and the City's procurement policy.**

77
78 k. Take part in and may enter into all discussions by the City Council but shall have no vote.

79
80 **l. Perform other duties required by law or by the Council.**

81
82

83 m. Before assuming office ~~he~~ **they** shall take an oath to faithfully discharge the duties of ~~his~~
84 **their** office and furnish a bond in such sum as the Council by resolution shall require. Cost of
85 such bond shall be paid by the City.

86

87 Section 2: This Ordinance is of a permanent and general character, and shall be
88 included in the City Code.

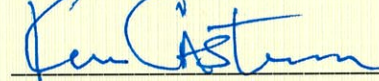
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90 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 22nd day of April, 2024.

91

92

CITY OF HOMER



KEN CASTNER, MAYOR

93

94

95

96 ATTEST:

97



98

99 RENEE KRAUSE, MMC, ACTING CITY CLERK

100

101 YES:

102 NO:

103 ABSTAIN:

104 ABSENT:

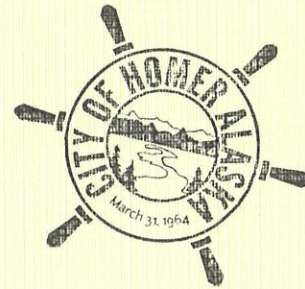
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106 First Reading: 3/26/24

107 Public Hearing: 4/8/24

108 Second Reading: 4/8/24

109 Effective Date: 4/9/24





MEMORANDUM

Ordinance 24-19, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 2.04 City Manager Section 2.04.020 Duties and Powers. Davis/Erickson.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: March 20, 2024
From: Council Members Davis and Erickson

The definition of the duties and powers of the city manager as currently defined in Homer City Code varies from that described in Alaska Statute 29.20.500.

Specifically, state statute describes the city manager as the “chief administrator” of the city, whereas city code describes the city manager as the “executive and administrator” of the city.

Furthermore, state statute makes specific reference to the fact that the city manager “shall make monthly financial reports and other reports on municipal finances and operations as required by the Council,” whereas city code does not refer to this requirement.”

As the city prepares to hire a new city manager, it behooves us to update code to provide greater clarity as to the duties and powers that individual will be expected to exercise.

RECOMMENDATION: Adopt Ordinance 24-19

AS 29.20.500. Powers and Duties of a Manager.

The manager may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend, or remove subordinates. As chief administrator the manager shall

- (1) appoint, suspend, or remove municipal employees and administrative officials, except as provided otherwise in this title and [AS 14.14.065](#) ;
- (2) supervise the enforcement of municipal law and carry out the directives of the governing body;
- (3) prepare and submit an annual budget and capital improvement program for consideration by the governing body, and execute the budget and capital improvement program adopted;
- (4) make monthly financial reports and other reports on municipal finances and operations as required by the governing body;
- (5) exercise custody over all real and personal property of the municipality, except property of the school district;
- (6) perform other duties required by law or by the governing body; and
- (7) serve as personnel officer, unless the governing body authorizes the manager to appoint a personnel officer.

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1 CITY OF HOMER
2 HOMER, ALASKA

Davis/Erickson

3
4 ORDINANCE 24-19

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE CHAPTER 2.04 CITY MANAGER
8 SECTION 2.04.020 DUTIES AND POWERS.
9

10 WHEREAS, The duties and powers of the City Manager as currently defined in Homer
11 City Code vary from those described in Alaska Statute 29.20.500; and
12

13 WHEREAS, Amending city code to reflect the duties and powers for a city manager as
14 described in Alaska Statute 20.20.500 will provide greater clarity and consistency, in the city
15 manager's role in managing the affairs of the city.
16

17 NOW, THEREFORE, The City of Homer Ordains:
18

19 Section 1: The Homer City Council hereby amends Homer City Code Chapter 2.04 City
20 Manager Section 2.04.020 Duties and powers, as follows:
21

22 **2.04.020 Duties and powers.**

23
24 ~~The duties and powers of the City Manager shall be as follows:~~

25
26 ~~a. He is the executive and~~ **Serve as chief** administrative **administrator** officer of the City.
27

28 ~~b. He shall a~~ **Administer** the affairs of all City departments.
29

30 ~~c. He shall d~~ **Devote his** **their** time to the discharge of his **their** official duties, attend all
31 meetings of the Council unless excused therefrom by the Mayor or Council, and keep the
32 Council advised at all times of the affairs and needs of the City.
33

34 ~~d. He shall m~~ **Make** recommendations to the Council as he **they** considers expedient or
35 necessary and once a year he shall present a detailed statement of what he has **they have**
36 done during the year ~~covered by the report.~~

37
38 ~~e. He shall p~~ **Prepare** and recommend to the Council an annual budget.
39

40 **f. Make monthly financial reports and other reports on municipal finances and operations**
41 **as required by the Council.**
42

43 ~~fg. He shall e~~Execute and enforce ordinances and resolutions of the City, administer all
44 contracts entered into by the City and see that provisions of all franchises, permits, leases, and
45 privileges granted by the City are observed.

46
47 ~~gh. He shall a~~Appoint and remove the heads of all departments, boards, bureaus and all other
48 officers and employees of the City, ~~except the City Attorney, who shall be appointed by and~~
49 ~~serve at the pleasure of the Council,~~ and he shall have supervision and control over them and
50 their work with power to transfer an employee from one department to the other. He ~~He~~ **They**
51 shall supervise all other City departments to the end of obtaining the utmost efficiency in each
52 of them, **except the City Attorney, who shall be appointed by and serve at the pleasure of**
53 **the Council.**

54
55 ~~hj. He shall s~~Supervise the operation of all public utilities owned and operated by the City and
56 shall have general supervision of all City-owned property.

57
58 ~~ij. He shall a~~Act as purchasing agent for all City departments, subject to provisions of the
59 annual budget. All purchases shall be made by requisition approved by him ~~him~~ **them**.

60
61 ~~jk. He shall t~~Take part in and may enter into all discussions by the City Council but shall have
62 no vote.

63
64 ~~kl. Before assuming office he s~~Shall take an oath **before assuming office** to faithfully
65 discharge the duties of his ~~his~~ **their** office and furnish a bond in such sum as the Council by
66 resolution shall require. Cost of such bond shall be paid by the City.

67
68 Section 2: This Ordinance is of a permanent and general character, and shall be
69 included in the City Code.

70
71 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 8th day of April, 2024.

72
73 CITY OF HOMER

74
75
76 _____
KEN CASTNER, MAYOR

77 ATTEST:

78
79 _____
80 MELISSA JACOBSEN, MMC, CITY CLERK

81
82 YES:

83 NO:

84 ABSTAIN:

- 85 ABSENT:
- 86
- 87 First Reading:
- 88 Public Hearing:
- 89 Second Reading:
- 90 Effective Date:

2.04.020 Duties and powers.

The duties and powers of the City Manager shall be as follows:

- a. He is the executive and administrative officer of the City.
- b. He shall administer the affairs of all City departments.
- c. He shall devote his time to the discharge of his official duties, attend all meetings of the Council unless excused therefrom by the Mayor or Council, and keep the Council advised at all times of the affairs and needs of the City.
- d. He shall make recommendations to the Council as he considers expedient or necessary and once a year he shall present a detailed statement of what he has done during the year covered by the report.
- e. He shall prepare and recommend to the Council an annual budget.
- f. He shall execute and enforce ordinances and resolutions of the City, administer all contracts entered into by the City and see that provisions of all franchises, permits, leases, and privileges granted by the City are observed.
- g. He shall appoint and remove the heads of all departments, boards, bureaus and all other officers and employees of the City, except the City Attorney, who shall be appointed by and serve at the pleasure of the Council, and he shall have supervision and control over them and their work with power to transfer an employee from one department to the other. He shall supervise all other City departments to the end of obtaining the utmost efficiency in each of them.
- h. He shall supervise the operation of all public utilities owned and operated by the City and shall have general supervision of all City-owned property.
- i. He shall act as purchasing agent for all City departments, subject to provisions of the annual budget. All purchases shall be made by requisition approved by him.
- j. He shall take part in and may enter into all discussions by the City Council but shall have no vote.
- k. Before assuming office he shall take an oath to faithfully discharge the duties of his office and furnish a bond in such sum as the Council by resolution shall require. Cost of such bond shall be paid by the City. [Ord. 90-6 § 3, 1990; Ord. 85-35 § 1, 1985; Ord. 83-16(S) § 1, 1983. Code 1967 § 3-300.2; Code 1981 § 1.20.020].



MEMORANDUM

Ordinance 24-19(A), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 2.04 City Manager Section 2.04.020 Duties and Powers. Davis/Erickson.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: April 5, 2024
From: Melissa Jacobsen, Acting City Manager

In working with Council Members Davis and Erickson and taking into consideration Mayor Castner's feedback regarding AS 29.20.500 Powers and Duties of a Manager, Ordinance 24-19(S) was developed for Council's consideration.

The 24-19(S) draft retains most of the current code language and updates it to be gender neutral. Sections of 29.20.500 (1)-(6) are integrated to ensure the intent of Title 29 is reflected.

This list further clarifies what's changed-

- Sections a., b., and c. are current code.
- Section d. reflects AS 29.20.500(3).
- Section e. reflects AS 29.20.500(4).
- Section f. reflects current code edited to remove "Execute and enforce ordinances and resolutions of the City" and adds AS 29.20.500 (2).
- Section g. is current code that incorporates AS 29.20.500 title language and section (1).
- Section h. was inadvertently omitted and we'll update lettering for final copy.
- Section i. is current code that incorporates AS 29.20.500 (5).
- Section j. is current code edited to remove last sentence All purchases shall be made by requisition approved by him, and insert reference to provisions of the procurement manual.
- Section k. is current code.
- Section l. reflects AS 29.20.500 (6).
- Section m. is current code.