



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Memorandum

Agenda Changes/Supplemental Packet

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: OCTOBER 28, 2019
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

SPECIAL MEETING

New Business

Consideration of Investigative Report and Determination of Validity of the October 1, 2019 Election Contest submitted by Tom Stroozas contesting the Residency of Storm Hansen-Cavasos.

- Investigation Report to Council Page 2
- Email Correspondence between City Clerk and Dave Gerard re: Investigation Interview Page 7

REGULAR MEETING

Visitors

Robert Archibald with Prince William Sound RCAC Report (10 minutes)

Ordinances

Emergency Ordinance 19-52, An Ordinance of the City Council of Homer, Alaska Amending the FY 2019 Capital Budget to Fund Emergency Repairs to the Homer Fire Hall Appropriating \$100,000 and Authorizing a Sole Source Contract for Phase 1, Mitigation. City Manager. Page 9

Memorandum 19-144 from City Manager as backup Page 12

Pending Business

Ordinance 19-48, An Ordinance Of The City Council of Homer, Alaska Amending the FY 2019 Capital Budget by Re-Appropriating \$35,000 from Homer Education and Recreation Center (HERC) Demolishment Study Approved in Ordinance 19-35(A)(S) to Contract with Grow Economy to Write and Apply for a United States Economic Development Administration Planning Grant for the Demolition of The Homer Education and Recreation Complex (HERC) and the Development of a Regional Innovation Plaza at the HERC, Provide Matching Funds to the Grant, and Authorizing the City Manager to Execute the Appropriate Documents. Smith/Stroozas.

Notice of withdrawal of HERC proposal

Page 14



City of Homer

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October 25, 2019

RE: Contest of October 1, 2019 Municipal Election

Dear Mayor Castner and Homer City Council,

This report addresses a Contest filed on October 7, 2019 by Thomas Stroozas, contesting the residency qualifications of Storm Hansen-Cavasos in the municipal election held by the City of Homer on October 1, 2019.

1. Background and Legal Standards

The City of Homer ("City") is a first-class city incorporated under Title 29 of the Alaska Statutes ("AS") and governed by the Homer Municipal Code ("HCC").¹ Pursuant to Title 29, the governing body of the City shall prescribe the rules for conducting an election.² City elections are thus subject to Title 29 and governed by Title 4 of the HCC.³ Pursuant to AS 29.26.070(a), the governing body of a municipal organization may provide by ordinance the time and procedure for the contest of a municipal election.

At a meeting on October 14, 2019, the Homer City Council certified the results of the October 1, 2019 municipal election. The City Council also adopted Memorandum 19-134, which instructed the City Manager to investigate the election contest received by the City of Homer Clerk's Office on October 7, 2019. The contest and investigation are conducted pursuant to AS 29.26.070 and Homer City Code 4.50. Upon completion of the investigation, the City Council shall vote to determine the qualifications of its members while sitting in a quasi-judicial capacity.⁴

The Contest filed by Mr. Stroozas alleges that Ms. Hansen-Cavasos was not an eligible candidate in the October 1, 2019 election because she did not meet the candidate qualifications set forth in HCC 4.10.020.⁵ Specifically, the Contest alleges she was not eligible for candidacy because she was not a resident within the City for a period of one year immediately preceding the election day on which she was a candidate, as required by HCC 2.08.020(a).⁶ The relevant rules for determining voter and candidate residency under HCC 2.08.020(a) are set forth in HCC 4.05.020. The code states:

¹ AS 29.04, HCC 1.10.010.

² AS 29.26.010(a).

³ Under HCC 4.01.010, "The provisions of the Alaska Statutes relating to conduct of municipal elections are incorporated into this chapter as if fully set out. Procedures for the conduct of State elections shall also govern City elections to the extent that they are applicable." Therefore, standards adopted for state elections also apply to City of Homer elections, where applicable.

⁴ See *Miller v. North Pole City Council*, 532 P.2d 1013, 1016 n. 8 (Alaska 1975).

⁵ HCC 4.10.020 states that a candidate: 1) must be a qualified voter as noted in HCC 4.050.010; and 2) must meet the eligibility requirement of HCC 2.08.020. See Footnote 6, *infra*.

⁶ HCC 2.08.020(a) states: "A person is eligible for the office of City Council or the office of Mayor if the person is a voter of the City as prescribed by HCC 4.05.010 and has been a resident within the City for a period of one year immediately preceding the election day on which the person is a candidate." There is no dispute as to whether Ms. Hansen-Cavasos was an eligible voter under HCC 4.05.010 for the October 1, 2019 election. A person is an eligible voter in the City of Homer if the person: 1) Is a citizen of the United States; 2) Has passed his eighteenth birthday or is such other age as prescribed by law for voting in State elections; 3) Has been a

For purposes of determining residence for voting, the place of residence is governed by the following rules:

- a. The residence of a person is that place in which habitation is fixed, and to which, whenever he is absent, he has intention to return. If a person resides in one place but does business in another, the former is the person's place of residence. Temporary camps do not constitute a dwelling place.
- b. A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one residence.
- c. A person does not gain or lose his residence solely by reason of his presence while employed in the service of the United States or of this State, or while a student of an institution or asylum at public expense, or while confined in a public prison or while residing upon an Indian or military reservation, or while residing at the Alaska Pioneers Home.
- d. No member of the armed forces of the United States, his spouse or his dependent is a resident of this State solely by reason of being stationed in the State.
- e. A person does not lose his residence if he leaves his home and goes to another country, state, or place within this State for temporary purposes only and with the intention of returning.
- f. A person does not gain a residence in a place to which he comes without a present intent to establish a permanent dwelling there.
- g. A person loses his residence in this State if he votes in an election held in another state, and has not upon his return regained his residence in this State under the provisions of this chapter and State law.
- h. The term of residence is computed by including the day on which the person's residence commences and by excluding the day of the election.

Therefore, to meet the residency requirements to be eligible for City Council in the October 1, 2019 election, Ms. Hansen-Cavasos would have been required to be a resident of the City of Homer from September 30, 2018 to September 30, 2019. This means she must have kept her fixed habitation within the City of Homer, and whenever she was absent, had the intent to return. Whether a person is a resident of an election district depends on the totality of the circumstances surrounding the person involved and largely depends upon the present intention of the individual.⁷ Residency and intent are questions of fact.⁸ For the purposes of determining a voter's residence, AS 15.050.020(8) states, "The address of a voter as it appears on the official voter registration record is presumptive evidence of the person's voting residence."

Pursuant to 6 AAC 25.260, candidate eligibility contests are evaluated under a "preponderance of the evidence standard." This means that Council Members should find Ms. Hansen-Cavasos met the qualifications for candidacy if it is more likely than not – or 51 percent – that she was a resident of the City of Homer for the relevant time period of September 30, 2018 to September 30, 2019. Conversely, if Council Members determine it was more likely than not she was *not* a resident for the relevant time period, it should find she did not meet the qualifications for candidacy.

The Alaska Supreme Court has held that, due to the public interest in governance stability and the finality of election results, "every reasonable presumption will be indulged in favor of the validity of an election."⁹ Given

resident of the municipality for 30 days immediately preceding the election; 4) Is registered to vote in State elections at a residence address within the municipality at least 30 days before the municipal election at which the person seeks to vote.

⁷ *Lake and Peninsula Borough Assembly v. Oberlatz*, 329 P.3d 214, 222 (Alaska 2014); *Woods v. Legg*, 2011 WL 3524290 (Tex. App. Houston 1st Dist. 2011).

⁸ *Lake and Peninsula Borough Assembly*, 329 P.3d at 222.

⁹ *Dansereau v. Ulmer*, 903 P.2d 555, 559 (Alaska 1995) (citing *Turkington v. City of Kachemak*, 380 P.2d 593, 595 (Alaska 1963)); see also *In re Hanssens*, 821 A.2d 1247 (Pa. Commw. Ct. 2003), as amended, (May 20, 2003); *Russell v. Goldsby*, 780 So. 2d 1048 (La. 2000) (holding that any doubt as to the qualifications of a candidate should be resolved in favor of permitting the candidate to run for office).

this public interest, the standard to sustain post-election contests in Alaska is higher than that for pre-election challenges.¹⁰ “The different standards serve the important purpose of discouraging parties from mounting post-election challenges just because they are displeased with the results of a given election.”¹¹ To sustain a post-election challenge, a contest must demonstrate that, “there was both a significant deviation from statutory direction, and that the deviation was of a magnitude sufficient to change the result of the election.”¹² The burden is upon the contestant to prove the grounds of an election contest alleged.¹³

2. Evidence

Both parties submitted evidence pursuant to the City’s request, all of which has been reviewed by the City as part of the investigation. The City required that all testimony, written or oral, be provided under oath and under the penalty of perjury. The documents have been made available to both the Council and the general public. The City conducted oral interviews with Ms. Hansen-Cavasos and Matt Hambrick, her landlord at the 54730 Rolling Meadows address. It also requested to speak with Dan and David Gerard, her neighbors near the 54730 Rolling Meadows address, but they declined to be interviewed. Mr. Stroozas also provided comments under oath and answered questions.

a) Evidence Provided by Mr. Stroozas

Mr. Stroozas alleges that Ms. Hansen-Cavasos kept her fixed habitation at 54730 Rolling Meadows Road, Homer, Alaska, 99603, outside the City of Homer, for at least some period of time between September 30, 2018 and September 30, 2019. Mr. Stroozas submitted eight affidavits from community members averring that they observed Ms. Hansen-Cavasos at the 54730 Rolling Meadows address with her dogs and children during the relevant time period. The affidavits also state that Ms. Hansen-Cavasos kept vehicles stored at the 54730 Rolling Meadows address. Mr. Stroozas did not submit a written statement himself, and stated during his oral testimony he has no firsthand knowledge of Ms. Hansen-Cavasos’ residency.

As additional evidence, Mr. Stroozas submitted a Trustee’s Deed recorded on December 27, 2018, indicating a transfer of property located at 39888 Brenmark Road, Homer, Alaska 99603 to Guy Brooksbank. He also submitted several voter registration forms filed by Ms. Hansen-Cavasos. The registration forms indicate that Ms. Hansen-Cavasos registered to vote at the 54730 Rolling Meadows address on March 23, 2018 and again on April 4, 2019. An additional record shows she changed her voter registration to 408 Rangeview Drive, Homer, Alaska 99603 on August 8, 2019. Finally, Mr. Stroozas submitted social media posts showing Ms. Hansen-Cavasos at the 54730 Rolling Meadows property during the relevant time period, social media messages she sent to community members referring to the 54730 Rolling Meadows address as hers, and photos of vehicles belonging to her in the driveway.

As more fully described below, during oral testimony, Ms. Hansen-Cavasos acknowledged that she was registered to vote at the 54730 Rolling Meadows address until August of 2019. She also acknowledged that she retained a lease, spent time, and kept personal belongings (including vehicles) at the 54730 Rolling Meadows address until summer of 2019.

b) Evidence Provided by Ms. Hansen-Cavasos

¹⁰ *DeNardo v. Municipality of Anchorage*, 105 P.3d 136, 140 (Alaska 2005).

¹¹ *Id.*

¹² *Id.* at 141 (citing *Dansereau*, 903 P.2d at 559).

¹³ *Lake and Peninsula Borough Assembly*, 329 P.3d at 222; *In re Hanssens*, 821 A.2d 1247; *Streeter v. Paschal*, 267 Ga. 207 (Ga. 1996).

Ms. Hansen-Cavasos submitted an affidavit averring that she began residing at 1345 Mission Road, Homer, Alaska 99603, within the city limits of Homer, in June 2018. She states that in June of 2019 she subsequently moved to, and currently lives at, 408 Rangeview Drive, which is also within the city limits of Homer. Thus, Ms. Hansen-Cavasos avers under oath that for the relevant time period she resided at the 1345 Mission Road address or the 408 Rangeview Drive address with the intent to continue residing in the City of Homer indefinitely.

She states in her affidavit that she and her estranged husband retained the property at 54730 Rolling Meadows in the event he would return from out-of-state and need a place to stay, and as a place to continue storing their marital property. She gave oral testimony to this point as well. She does not deny retaining a lease at the 54730 Rolling Meadows address nor spending time there following June 2018, and says she would return to "mow the lawn and sort through [her] marital possessions." In written and oral testimony, Ms. Hansen-Cavasos stated her eldest child would frequently stay at the property. She stated that the family pets stayed there because they could not stay at her mother's house. If no one was spending the night at 54730 Rolling Meadows, Ms. Hansen-Cavasos or one of her children would go to care for them. She stated that she would spend time at the 54730 Rolling Meadows address during the relevant time period. She said she would spend approximately five nights a month there, which increased around holiday seasons and during the time she was moving her property out of the house. She also states that several cars belonging to her family were kept at the 54730 Rolling Meadows house. Her property was fully moved out of the house sometime in July or August 2019.

Ms. Hansen-Cavasos submitted an affidavit from her mother, stating that Ms. Hansen-Cavasos lived with her at the 1345 Mission Road address from June 2018 to summer of 2019, at which point she moved to 408 Rangeview Drive. Affidavits were also submitted from her son and two friends stating that she resided within the city limits of Homer from June 2018 to the current day.

During oral testimony, she stated that she used the 54730 Rolling Meadows address in her April 2019 voter registration and on her 2019 Permanent Fund Dividend Application. She also stated that she normally used a PO Box to receive mail, but would occasionally receive it at other locations, including the place she was residing or at her employer. Finally, she stated that her children were enrolled at the Kenai Peninsula Borough School District at the 1345 Mission Road address during the 2018-2019 and 2019-2020 school years, and that is where the school bus would pick them up.

As additional evidence, Ms. Hansen-Cavasos submitted her Declaration of Candidacy and Public Official Conflict of Interest Disclosure statement, both of which were submitted under oath and state that she resides at 408 Rangeview Drive and has been a resident of the City since May 2018. Finally, she submitted her current Individual Voter Report, which was completed on August 8, 2019 and reflects her 408 Rangeview Drive address.

c) Additional Evidence

Matt Hambrick, Ms. Hansen-Cavasos' landlord at the 54730 Rolling Meadows address, testified that she had a 12-month lease at the property from March 2018 to March 2019. At that time, it transitioned to an oral month to month lease. Mr. Hambrick has no knowledge of whether Ms. Hansen-Cavasos was actually residing at the property; he did not visit the property and did not see if she was there. Mr. Hambrick also provided a copy of the lease he had with Ms. Hansen-Cavasos.

The City reviewed Ms. Hansen-Cavasos' voter registration prior to her August 8, 2019 change, which showed that as of the November 2018 election she listed a residential address of 54730 Rolling Meadows Road. This registration reflects the voter registration forms submitted by both Ms. Hansen-Cavasos and Mr. Stroozas.

The City also requested Ms. Hansen-Cavasos' electric and water utility shut off records. Those records have not yet been produced at this time. However, the City notes that Ms. Hansen-Cavasos has acknowledged she maintained a lease at the 54730 Rolling Meadows address, and that her family continued to utilize the house and its utilities during the relevant period.

3. Summary and Conclusion

Ms. Hansen-Cavasos has averred under oath that she resided at either 1345 Mission Road or 408 Rangeview Drive since June of 2018, an assertion which should be provided deference.¹⁴ She has submitted four additional affidavits, including one from her mother, which also state she resided at 1345 Mission Road or 408 Rangeview Drive during the relevant time period. She currently resides within the City at 408 Rangeview Drive. It is not disputed that, as documented by Mr. Stroozas' affidavits and attendant evidence, that she retained a lease at the 54730 Rolling Meadows address until the summer of 2019, that she spent time there during the relevant time period, and that it was still utilized by her family. It is also not disputed that she was registered to vote at 54730 Rolling Meadows address until August 8, 2019, or that she used that address when applying for her 2019 PFD.


If a Council Member believes it is more likely than not that Ms. Hansen-Cavasos kept her fixed habitation at either the 1345 Mission Road or 408 Rangeview Drive address from September 30, 2018 to September 30, 2019, and intended to return to and maintain her fixed habitation at those addresses while she spent time at the 54730 Rolling Meadows address, the Member should vote to confirm the previously certified election results. If a Council Member believes Mr. Stroozas has met his burden to demonstrate it is more likely than not that she kept her fixed habitation at 54730 Rolling Meadows at some point during the relevant time period, the Member should vote to find her ineligible for candidacy.

Either party has the right to appeal the Council's decision to superior court within 10 days.¹⁵ If no such action is commenced within the 10-day period, the election and election results shall be conclusive, final and valid in all respects.¹⁶

Sincerely,



Katie Koester
City Manager

 For: Michael Gatti

Michael Gatti
City Attorney



Melissa Jacobsen
City Clerk



Michael Caulfield
Associate Attorney

¹⁴ See *Lake and Peninsula Borough Assembly*, 329 P.3d at 222.

¹⁵ AS 29.26.070(e).

¹⁶ *Id.*

From: [David Gerard](#)
To: [Melissa Jacobsen](#)
Subject: Re: Investigation of Residency of Storm Hansen-Cavasos & City Election
Date: Tuesday, October 22, 2019 1:21:46 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Melissa. Unless I am requested by law and served I am not interested in getting involved in a "Homer city limits" matter.

Dave Gerard

On Tue, Oct 22, 2019, 11:01 AM Melissa Jacobsen <MJacobsen@ci.homer.ak.us> wrote:

Hi Dave,

Jill Hockema provided your cell number and I got your email from your voice mail.

Are you available tomorrow, Wednesday, October 23rd between 11am and noon to provide testimony under oath regarding the residency of Storm Hansen-Cavasos? The investigation interviews are being held at the City Hall Council Chambers at 491 E. Pioneer Avenue. The interviews will be recorded and you may participate in person or over the phone.

Please let me know at your earliest convenience, and feel free to call me if you have questions. My direct number is 235-3130.

Thank you, Melissa

Melissa Jacobsen, MMC

City Clerk

ADA Coordinator

City of Homer, Alaska

907-235-3130

[City of Homer City Clerk's Office](#)

PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to [this](#) address will be available for public inspection under Alaska public records law.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

**EMERGENCY
ORDINANCE 19-52**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE FY 2019 CAPITAL BUDGET TO FUND EMERGENCY
REPAIRS TO THE HOMER FIRE HALL APROPRIATING \$100,000 AND
AUTHORIZING A SOLE SOURCE CONTRACT FOR PHASE 1,
MITIGATION.

WHEREAS, At approximately 1:15am Thursday, October 24th the sprinkler system on the
second floor of the Fire Hall activated; and

WHEREAS, The sprinkler ran for approximately 4 minutes before on duty staff was able
to stop the flow of water; and

WHEREAS, Despite the quick response of staff, approximately 240 gallons of water
saturated the top floor where the kitchen, offices, and living area is located and soaked
through the ceiling of the ambulance bay underneath; and

WHEREAS, Initial estimates place the damage between \$85,000 and \$125,000; and

WHEREAS, The City's insurance company, Alaska Municipal League Joint Insurance
Association has been notified and staff is following all protocol for reimbursement should
damages exceed the \$100,000 deductible; and

WHEREAS, HCC 1.08.040 Emergency ordinances allows for adoption of an emergency
ordinance with a fact based finding by council that an emergency exists; and

WHEREAS, An emergency ordinance is in effect for 60 days; and

WHEREAS, The facts are that if the water damage is not addressed immediately
significant damage to the building could occur inducing mold and operations at the Fire Hall
are compromised until the damage is repaired and the building can be fully occupied; and

WHEREAS, The work will be divided into two phases, phase 1 mitigating further damage
and phase 2: demolition and rebuild; and

WHEREAS, This ordinance requests a sole source contract pursuant to HCC 3.16.060(c)
for for phase 1 due to the time sensitive nature of the mitigation work; and

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WHEREAS, Bids will be solicited according to Homer Procurement Code for Phase 2, demolition and rebuild.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby declares that an emergency exists at the Homer Fire Hall due to unanticipated water damage and that immediate response is necessary to prevent further damage and restore the Fire Hall to full occupancy.

Section 2. The Homer City Council hereby amends the FY 2019 Capital Budget by appropriating \$100,000 from the Fire Capital Asset Repair and Maintenance Allowance for the purpose of mitigation, demolition and rebuild as follows:

Appropriation/Transfer From:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-0393	Fire CARMA	\$100,000

Section 2. The City Manager is authorized to enter into a sole source contract with Custom Carpet Cleaners for mitigation of water damage.

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

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86 YES:

87 NO:

88 ABSTAIN:

89 ABSENT:

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91 First Reading:

92 Public Hearing:

93 Second Reading:

94 Effective Date:

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96 Reviewed and approved as to form.

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99 _____
Mary K. Koester, City Manager

Michael Gatti, City Attorney

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101 Date: _____

Date: _____



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Memorandum 19-144

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: October 28, 2019
SUBJECT: Emergency Mitigation for Water Damage at Homer Fire Hall

At approximately 1:15 the morning of Thursday, October 24th Chief Kirko was notified by the staff on duty that the sprinkler system had activated on the second floor of the fire station. One sprinkler head in the hallway on the east (living quarters and office) side malfunctioned releasing 60 gallons of water a minute for 3-4 minutes. All things considered, this was the best place for a head to malfunction as there was no equipment directly underneath it and the hall contained damage. Nevertheless, there was significant water damage to the second floor and the ceiling of the first floor below.

Public works was contacted to assist with cleanup and try and restore the station back to operability. Alaska Municipal League Joint Insurance Association (AMLJIA) has been notified, and we will be keeping track of all expenditures involved, including staff time and utility expenses, in the event we reach the \$100,000 threshold of our deductive.

Chief Kirko contacted a company out of Anchorage who over the phone gave a damage estimate between \$85,000- \$125,000. However, we have been warned that it is very difficult to estimate the cost of water damage without getting into the walls and doing a full assessment, so that number comes with a caveat. Chief was able to get Custom Carpet Cleaner, a company out of Homer who cleans the carpets city-wide but also provides mitigation services for water and fire damage to businesses and residences on scene over the weekend. Time is of the essence in order to prevent mold and further water damage.

The first priority was to get the sprinkler system back up and running so the building could be occupied, which has occurred. The ambulance bay is temporarily out of service until the electric door motor and beam that holds up the ceiling and can be inspected and cleared of damage and the space can finish drying out. Right now the heat is cranked up to 90 degrees in all spaces that were damaged, dehumidifiers are placed throughout the building and crews are working to identify the areas of saturation that are not drying out and will have to be removed.

Ordinance 19-52 authorizes up to \$100,000 in emergency funding divided into two phases. The first phase is mitigation to stop further spread of water and microbial blooms. I have asked for a sole source contract with Custom Carpet Cleaners due to the time sensitive nature of this work. The second phase will include some demolition and rebuilding and we will be able to follow procurement code and collect bids for phase 2.

Homer Volunteer Fire Department is operating out of the building; overnight staff are housed in offices and the Emergency Operations Center has been turned into office space. However, without a kitchen, offices and bunks, or a functioning ambulance bay operations are hampered adding urgency to the need to restore the building to functional status after mitigation is complete. HVFD is still providing services to the public, so there should be no disruption in response. Under Homer City Code, the City has 60 days to spend authorized funds. It is our hope that work will come in below the \$100,000 deductible, but there is no way to tell this early. I will bring you a progress report, scope of work and better cost estimate at the next meeting on November 25th.

Thank you for your prompt and thoughtful consideration of this matter.

Enc: photos of damage

1.08.040 Emergency ordinances.

- a. To meet a public emergency the Council may adopt ordinances effective on adoption. Every emergency ordinance must contain a finding by the Council that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The Council must print and make available copies of adopted emergency ordinances.
- b. An emergency ordinance may not be used to levy taxes, to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its services.
- c. Emergency ordinances are effective for 60 days. [Ord. [90-37](#) § 2, 1990. Code 1967 § 2-100.4].

October 25, 2019

City Council
City of Homer
491 E. Pioneer Avenue
Homer, AK 99603

Dear, Homer City Council:

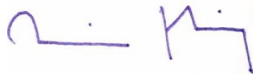
We recently submitted a proposal to you regarding a concept for an innovation program operating out of Homer's HERC 1 building. In response to the proposal, a number of you have reached out to me with your thoughts and questions. We appreciate your questions as you conduct due diligence on our proposal and its associated project.

I have spent much of the past week attending to a family health issue and have been unable to provide you with answers to your questions. In light of my inability to answer all of your questions before the next meeting of the City Council, I am withdrawing Grow Economy's proposal at this time.

Although I am withdrawing our proposal, we look forward to answering your important questions thoroughly. We also look forward to the possibility of submitting our proposal again in the future after we have resolved your questions and any related concerns.

We appreciated your time and your thoughtful consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeremiah Riley'.

Jeremiah Riley, J.D.
Grow Economy, Chairman