



Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603
www.cityofhomer-ak.gov

City of Homer Agenda

City Council Regular Meeting
Tuesday, May 26, 2020 at 6:00 PM
City Hall Cowles Council Chambers via Zoom
Webinar ID: 205 093 973 Password: 610853

Dial 1-669-900- 6833 or 1-253-215 8782; (Toll Free) 888-788-0099 or 877- 853-5247

CALL TO ORDER, PLEDGE OF ALLEGIANCE

AGENDA APPROVAL (Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 2.08.040.)

MAYORAL PROCLAMATIONS AND RECOGNITIONS

- a. Mary Epperson Day, June 6, 2020

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA (Items listed below will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- a. Homer City Council Unapproved Regular Meeting Minutes of May 11, 2020. City Clerk. Recommend adoption.
- b. Memorandum 20-061 from Special Projects and Communications Coordinator Carroll Re: 2021-2026 CIP; FY2022 Legislative Request Development Schedule. Recommend approval.
- c. Resolution 20-048 A Resolution of the Homer City Council Establishing the City of Homer Property Tax Mill Levy at 4.5 Mills for 2020. City Manager. Recommend adoption.
- d. Resolution 20-049 A Resolution of the City Council of Homer, Alaska Establishing a 2020 Mill Rate of 9.962541 Mills for the Ocean Drive Loop Special Service District. City Manager. Recommend adoption.

VISITORS

- a. Unified Command Report (10 Minutes)

ANNOUNCEMENTS / PRESENTATIONS / REPORTS (5 Minute limit per report)

- a. Committee of the Whole Report
- b. Worksession Report
- c. Mayor's Report
- d. Borough Report
- e. Library Advisory Board
 - i. [Library Advisory Board Report](#)
- f. Planning Commission
 - i. Planning Commission Report

PUBLIC HEARING(S)

- [a.](#) Ordinance 20-19, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 19 to add Chapter 19.01 Closures of Use Areas to Reflect the City Manager’s Authority to Close City Parks, Campgrounds, and Public Places in an Emergency or other Exigent Circumstances. City Manager. Introduction April 13, 2020, Public Hearing and Second Reading April 27, 2020.

Memorandum 20-045 from Public Works Director as backup

Ordinance 20-19(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 19 to add Chapter 19.01 Closures of **Public** Use Areas to Reflect the City Manager’s Authority to Close City Parks, Campgrounds, and Public Places in an Emergency or other Exigent Circumstances **City Owned Public Use Areas upon Written Findings that it’s in the Public’s Interest to do so.** City Manager.

- [b.](#) Ordinance 20-21, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code by Repealing 2.08.100 Teleconference Participation in Meetings, 2.08.110, Teleconference Procedures, 2.08.120 Teleconference Limitations, and Reenacting 2.08.100 Teleconference and Web-Hosted Meetings. City Clerk. Recommended dates: Introduction May 11, 2020, Public Hearing and Second Reading May 26, 2020

Ordinance 20-21(S), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code by Repealing **Amending** 2.08.100 Teleconference Participation in Meetings, 2.08.110, Teleconference Procedures, 2.08.120 Teleconference Limitations, and Reenacting 2.08.100 Teleconference and Web-Hosted Meetings **to Allow for Exceptions in Emergency Circumstances and in Notification of Intent to Teleconference for Good Cause Shown. Lord/Venuti**

Memorandum 20-064 from City Clerk as backup
 Memorandum 20-056 from City Clerk as backup

ORDINANCE(S)

- a. Ordinance 20-24, An Emergency Ordinance of the City Council of Homer, Alaska Amending the 2020 Budget by Appropriating Funds in the Amount of \$255,000 for the Purpose of Overtime, Emergency, and Standby Personnel Costs Associated with COVID-19 Preparation and Response. City Manager.

Memorandum 20-063 from City Manager as backup
Memorandum 20-065 from Finance Director as backup

- b. Ordinance 20-25, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating the First Payment for COVID-19 Related Expenditures under the CARES Act in the Amount of \$3,854,686. Mayor/Smith. Recommended Dates Introduction May 26, 2020, Public Hearing and Second Reading June 8, 2020.

CITY MANAGER'S REPORT

- a. City Manager's Report

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- a. Resolution 20-050, A Resolution of the City Council of Homer, Alaska Delaying Certain Non-Critical Capital Projects and Encouraging Conservative Operational Spending with the Intent to Reassess Capital and Operating Expenses after the First and Second Fiscal Quarters with Developing Financial Scenarios for FY2020 and FY2021. Lord/Smith.
- b. Resolution 20-051, A Resolution of the City Council of Homer, Alaska Authoring Acceptance of Coronavirus Relief Funds in the Amount of \$7,899,085.29 for Costs that are Necessary Expenditures Incurred due to the Public Health Emergency with Respect to the Coronavirus Disease 2019 (COVID-19), from the Alaska Department of Commerce, Community, and Economic Development, and Authorizing the City Manager to Execute the Grant Agreement. City Manager. Recommend adoption.

Memorandum 20-062 from City Manager as backup

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

COMMENTS OF THE CITY MANAGER

COMMENTS OF THE MAYOR

COMMENTS OF THE CITY COUNCIL

ADJOURNMENT

Next Regular Meeting is Monday, June 8, 2020 at 6:00 p.m., Worksession 4:00 p.m. Committee of the Whole at 5:00 p.m. All meetings scheduled to be held virtually from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 20-15 a Regular Meeting of the Homer City Council was called to order on May 11, 2020 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: ADERHOLD, EVENSEN, HANSEN-CAVASOS, LORD, SMITH,
VENUTI

STAFF: CITY MANAGER YODER
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON

AGENDA APPROVAL (Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 2.08.040.)

The following changes were made: **Consent Agenda** Resolution 20-044, A Resolution of the City Council of Homer, Alaska Recommending the Kenai Peninsula Borough Enact Ordinance 2020-24 which would Provide for a Vote By Mail System for Elections Borough Wide. Aderhold/City Clerk. Written public comment **Reports** Planning Commission Written Report **City Manager's Report** Memorandum from City Clerk Re: Commission and Board Meeting Suspension, Police Station Building Update, and 4th quarter expenditure report and **Pending Business** Resolution 20-008(S-2), A Resolution of the Homer City Council Designating Homer Spit Amended Lot 31, Known as Seafarer's Memorial, as Green Space and Adopting a Land Management Policy that Preserves Lot 31 for Wildlife and as a Natural Agent for Erosion Mitigation. Evensen/Hansen-Cavasos. Written public comment.

LORD/VENUTI MOVED TO APPROVE THE AGENDA AS AMENDED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA (Items listed below will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- a. Homer City Council Unapproved Regular Meeting Minutes of April 27, 2020. City Clerk. Recommend approval.
- b. Resolution 20-042, A Resolution of the City Council of Homer, Alaska Awarding the Contract for the Public Works Gravel Supply for 2020, 2021, and 2022 to the Firm of R/C Land Improvement

of Anchor Point, Alaska and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption.

Memorandum 20-057 from Public Works Superintendent as back up

- c. Resolution 20-043, A Resolution of the City Council of Homer, Alaska, Approving A Lease Assignment from Icycle Seafoods, Inc. to Ocean Beauty Icycle, LLC, and Authorizing the City Manager to Execute the Appropriate Documents for the Continuation of the Current Twenty Year Lease with Term Ending December 31, 2036 with Options for Two Consecutive Five Year Renewals for Lot 41 & 42, as Shown on the Subdivision Plat 89-34 Entitled Homer Spit Amended ADL 18009, at an Initial Annual Base Rent of \$69,876.96. City Manager. Recommend adoption.

Memorandum 20-059 from Port Director/Harbormaster as backup

- d. Resolution 20-044, A Resolution of the City Council of Homer, Alaska Recommending the Kenai Peninsula Borough Enact Ordinance 2020-24 which would Provide for a Vote By Mail System for Elections Borough Wide. Aderhold/City Clerk. Recommend adoption.

Moved to Resolutions item d. Aderhold.

Item d. was moved to Resolutions Item d. Aderhold.

City Clerk Jacobsen read the consent agenda and recommendations.

LORD/ADERHOLD MOVED TO APPROVE THE RECOMMENDATIONS OF THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- a. Unified Command Update (10 Minutes)

Lorne Carroll, Public Health Nurse, shared the a COVID-19 situational update, that currently there are 4.1 million confirmed cases and 290,000 deaths globally, and in the United States is just over 1 million confirmed cases reported and 80,000 reported deaths, and 233,000 recovered. As of noon in Alaska we're at 379 cases, 10 deaths, and 324 have recovered. Kenai Peninsula has 24 cases, with two in Anchor Point, four in Homer and three recovered in Homer. He shared about the national guidance regarding reporting of COVID -19 deaths, and fishing industry mandates with the goal of decreasing transmission.

Derotha Ferraro, South Peninsula Hospital PIO, reported SPH has submitted 548 COVID-19 tests. 505 were negative, four were positive and 39 are pending. 17 antibody tests have been sent to the Mayo Clinic, none have resulted in positive to date. The hospital remains prepared to care for one or an influx of COVID-19 patients as necessary. She shared about the accommodations being made and ability to quickly expand as needed.

Jenny Carroll, City of Homer PIO, reviewed Phase Two of the Reopening Alaska plan and recent mandates. She highlighted general guidelines including continued social distancing, cloth face coverings, regular hand washing, telephone and online ordering and pickup, pre-shift screenings and symptomatic or ill employees not allowed to work, and allowance for walk-ins provided a log is kept with sufficient information to be able to contact the visitor. She also touched on capacity limitations for various businesses as outlined in the plan.

Fire Chief Mark Kirko reported on the efforts of the Incident Management Team working in a Unified Command Structure that includes the City, SPH, the Public Health Office in the parameters of the State EOC and plan. The priority is keeping everyone as safe as possible through information sharing and details to work with safe practices handed down from the State's Incident Management Team. He commented regarding the efforts being made to help with the reopening locally of City operations.

ANNOUNCEMENTS / PRESENTATIONS / REPORTS (5 Minute limit per report)

a. Committee of the Whole Report

Councilmember Lord reported Council met and discussed CARES Act funding that is pending, Resolution 20-044, further action regarding economic impacts on City operations and budget questions, a City Manager Hiring update, and scheduling for their May 18th executive session and worksession focused on the seawall.

b. Mayor's Report

Mayor Castner reported on the Fly-Over of the US Air Force and National Guard jets, CARES Act funding noting there are limitations on what the funds can be used for and the City is waiting on its first of three payments. He addressed the lessening of health mandates and encouraged people to remember the virus is still out there, and remember it all summer long. He commented regarding businesses reopening and the safety of employees.

c. Borough Report

Borough Assembly President Kelly Cooper reported the Assembly is working to refinance their 2010 school bonds for a potential savings of \$699,000 and they can be reissued as tax exempt bonds. She cosponsored an ordinance to establish a Resilience and Security Advisory Commission in response to the 2019 Comp Plan and primary goals to guide our response to changing climate, support energy and food security, improve efficiency of buildings and transportation, and increase lifetime of our land fill. The 2019 Swan Lake Fire cost \$46 million to suppress and the SBA declared the Peninsula an economic injury zone with an estimated loss of up to 20% of the annual revenue. An ordinance has been introduced regarding Borough Elections to provide for a hybrid vote by mail election, time between regular election and runoff, and remove proposition statements. Per the agreement with Alaska Human Rights Commission they specified they'd have an ADA compliant election process in place by the end of 2020. The Assembly is working diligently on the KPB budget, receiving presentations from Service Areas and Departments, and public hearings on May 19 and June 2. They're expecting a \$10 million in revenues for FY2021. The proposed budget reflects a 3% decrease from the prior year's budget, no tax increases have been suggested, and proposed school district funding is \$50 million, \$2.5 million below

the cap. They are expecting to spend about \$16 million of their fund balance and have a plan for a three year recovery.

d. Planning Commission

Mayor Castner noted a written report from the Planning Commission was provided in the supplemental packet.

PUBLIC HEARING(S)

ORDINANCE(S)

- a. Ordinance 20-21, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code by Repealing 2.08.100 Teleconference Participation in Meetings, 2.08.110, Teleconference Procedures, 2.08.120 Teleconference Limitations, and Reenacting 2.08.100 Teleconference and Web-Hosted Meetings. City Clerk. Recommended dates: Introduction May 11, 2020, Public Hearing and Second Reading May 26, 2020

Memorandum 20-056 from City Clerk as backup

LORD/VENUTI MOVED TO INTRODUCE ORDINANCE 20-21 BY READING OF TITLE ONLY.

Discussion points noted the change doesn't address who would run the meeting in a circumstance where only the Mayor was participating telephonically, limits on teleconferencing, and process regarding connectivity. It's more nuanced, than what is being proposed, and they'd like to see a substitute at the next meeting.

VOTE: YES: VENUTI, ADERHOLD, LORD, EVENSEN, HANSEN-CAVASOS
NO: SMITH

Motion carried.

- b. Emergency Ordinance 20-22, An Emergency Ordinance of the City Council of Homer, Alaska, Amending the 2020 Budget by Appropriating Funds in the Amount of \$80,000 from the General Fund Fund Balance for the Purpose of COVID-19 Preparation and Response. City Manager. Recommended dates: Introduction and Public Hearing May 11, 2020

Memorandum 20-058 from City Manager as backup

LORD/ADERHOLD MOVED TO ADOPT EMERGENCY ORDINANCE 20-22 BY READING OF TITLE ONLY.

Mayor Castner commented with the emergency order there was a directive that the costs be isolated and we were supposed to create a separate account. The Council appropriated \$50,000 and administration decided to account for stuff in one category and salaries in another, the account ran over \$80,000 and now Council is being asked to fix it.

Councilmember Lord said she's under the impression the overtime hours are being tracked and she expects to have numbers from administration in terms of salaries and overtime that have coded to

COVID-19. There is already personnel overtime in the budget and where there are unexpected overtime costs in general, such as a water main break, it's a point of discussion we have, but not something Council manages.

Councilmember Smith noted there is information in the packet about what the \$80,000 being requested is for, and he doesn't believe any of that money has been spent yet. He shares the concern about the overtime money being spent for COVID-19 related activities and labor and that's something they should be appraised of prior to the expenditure of the money, and appropriate the money beforehand, then once we bump up against that ceiling, additional funds can be requested, rather than finding out about it after the fact.

Finance Director Walton explained that personnel costs that are COVID related are being tracked accordingly, both for regular time and overtime. It was interpreted that the emergency ordinance appropriating \$50,000 covered direct expenditures and not personnel costs. Personnel costs were addressed in the amendment to the personnel regs to allow exempt employees to receive overtime and emergency hires when an emergency is declared.

Councilmember Lord noted there is \$280,000 budgeted in FY20 for overtime costs in the general fund and she'd like an update on where we are with overtime and personnel costs.

Mayor Castner emphasized the need for clear accounting of spending specific to COVID, including personnel, social distancing and so on, to defend when we apply for funding and make allocations to reimburse the funds.

Councilmember Lord concurred and suggested they get a regular financial update in the City Manager's report.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER'S REPORT

a. City Manager's Report

Interim City Manager Yoder commented in addition to his written report is the 4th Quarter report from December 31, 2019 that was provided as a laydown and in the report the general fund total revenue through 2019 was in excess of what was budgeted. We're fortunate to have budgeted conservatively last year with more revenue and less expenditures. We want to continue to follow up monthly. In doing some research today on industry impacts, hotels are down considerably for May and June, but holding steady for July and August. At this point it looks like things may pick up, but it could easily change.

Mr. Yoder also reported Northern Enterprises got permission from the State to lease more land so they'll be extending their tideland lease, the grant for the Fire Hall generator has been approved so we're moving forward on that, and that challenges with opening camp grounds and recreation that are being worked through.

PENDING BUSINESS

- a. Resolution 20-008(S-2), A Resolution of the Homer City Council Designating Homer Spit Amended Lot 31, Known as Seafarer's Memorial, as Green Space and Adopting a Land Management Policy that Preserves Lot 31 for Wildlife and as a Natural Agent for Erosion Mitigation. Evensen/Hansen-Cavasos.

Memorandum 20-052 from Deputy City Planner as backup

Resolution 20-008(S-3), A Resolution of the Homer City Council Designating Homer Spit Amended Lot 31, ~~Known as~~ **Adjacent to** Seafarer's Memorial, as Green Space and Adopting a Land Management Policy that Preserves Lot 31 for Wildlife and as a Natural Agent for Erosion Mitigation. Evensen/Hansen-Cavasos.

Mayor Castner noted there is a motion on the floor from April 27th for the adoption of Resolution 20-008(S-2) by reading of title only.

EVENSEN/LORD MOVED TO SUBSTITUTE RESOLUTION 20-008(S-3) FOR 20-008(S-2).

Councilmember Evensen explained the changes made were in response to concerns raised at the last meeting and incorporate suggestions from Planning.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LORD/ MOVED TO AMEND LINE 42 TO ADD AFTER UNDEVELOPED LAND LEFT "AT THE END OF"

Councilmember Lord noted its appreciating there's actually substantial open space that's excellent habitat along the spit.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LORD/ADERHOLD MOVED TO AMEND LINES 58-61 TO DELETE THE CURRENT WHEREAS AND REPLACE WITH: WHEREAS, EROSION IS A CRITICAL CONCERN ALONG THE HOMER SPIT, AND CURRENT BEACHES, VEGETATION, AND INFRASTRUCTURE WILL BE CONSIDERED AND ASSESSED AS PART OF THE GENERAL INVESTIGATION STUDY FOR HOMER SPIT EROSION MITIGATION AND SUBSEQUENT SPIT EROSION MAINTENANCE AND MANAGEMENT PLAN THE CITY IS ACTIVELY PURSUING WITH THE US ARMY CORPS OF ENGINEERS.

Councilmember Lord explained it felt important to bring that into the resolution regarding erosion and the spit, since it's ongoing.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LORD/ADERHOLD MOVED TO AMEND LINES 69-73 AFTER BE IT FURTHER RESOLVED, THAT ADD “A SURVEY SHALL BE COMPLETED TO ESTABLISH THE CURRENT SPATIAL EXTENT OF THE CURRENT PARKING AREA ON LOT 31 AND” AND AT THE END DELETE BEYOND REGULAR PARKING SPACE MAINTENANCE, WHICH IS SPATIALLY LIMITED TO PRESENT 45 PARKING SPACES.

Councilmember Lord commented this is in regard to giving more guidance to staff and better clarify what they're talking about. Also that a survey is going to be important to establish those boundaries and not prescribe the number of parking spaces or how it's managed as parking, that information is pending a parking study for the entire spit.

Councilmember Smith shared his agreement with the need for the survey and with removing the reference to 45 parking spaces.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Aderhold noted the written comments provided by Port and Harbor Commissioner Mark Zeiset and read the questions he posed into the record for discussion. The questions addressed whether the resolution restricts Homer from dealing with beach erosion along the spit, can the greenspace be updated to include a proper trail for kids and the elderly, could there be benches or picnic tables and trash receptacles added, and who will manage and fund the greenspace.

Councilmember Evensen noted the concern about the path has been addressed through the Land and Water Conservation Fund Grant that's noted in the resolution. Regarding the funding concern, the purpose of this is to keep the land intact and preserve it, he doesn't see a need to have a large cost involved with this.

Councilmember Smith noted an aerial photo he provided that shows the trails that are already established by people making their way to the beach which doesn't necessarily preserve critical habitat. He agrees we should have some level of conservation in the area but thinks the resolution is somewhat of an overreaction. The Planning Commission looked at the CUP application and recognized the value of the land, took into account what the public said about it, and ruled it wasn't in the best interest to develop the property as proposed. He takes some exception to suggesting the property is something that it isn't. He feels there's already a process in place to protect the area, and shared some of the history of Planning Commission actions in that area.

Councilmember Evensen reviewed the history of the resolution that was first brought forward in January, he feels it's been well vetted and is a strategic move to incorporate the Spit Comp Plan and addresses erosion mitigation. He feels it's a desperate measure to save the area at the end of the spit. In reference to the aerial photo, he explained that it doesn't show the birds that use that land as habitat. He thinks it's a great step forward, it will get better with time and gives us a more defined purpose for it.

Councilmember Lord shared that is a birding spot and without this resolution we'd be in the same spot. What would move us forward is looking at a management plan that includes the acknowledgment of the public interface there, it's a highly trafficked space in a busy area during the summer. In reference to Mr. Zeist's comments about trash cans, signage, and places to sit, you have to acknowledge the people and manage the interaction to the benefit of all. True preservation and celebration of that space would require further input from PARCAC and some level of funding and actual management of the public space at the end of the spit.

Councilmember Aderhold concurred and added to preserved as habitat, there needs to be funding allocated toward it and make it what the purpose of the resolution indicates.

VOTE: YES: EVENSEN, VENUTI, HANSEN-CAVASOS, ADERHOLD, LORD
NO: SMITH

Motion carried.

Mayor Castner called for a break at 8:06 p.m. and called the meeting back to order at 8:12 p.m.

NEW BUSINESS

RESOLUTIONS

- a. Resolution 20-045, A Resolution of the City Council of Homer, Alaska Recognizing and Celebrating Graduating High School Seniors and Committing City Support to their Graduation Ceremonies and Celebrations During the COVID-19 Pandemic. Lord/Hansen-Cavasos.

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 20-045 BY READING OF TITLE ONLY.

Councilmember Lord congratulated Councilmember's Smith and Hansen-Cavasos who have graduating seniors this year, and shared her appreciation for the work the school district and students have done in working through ideas about how to navigate their graduation. She noted the efforts by the City through Mike Illg and Community Recreation, and also Public Works.

Mayor Castner also noted the cooperation from the Police Department for compensations with the parade, and he regrets he won't be dealing cards for their Senior Party this year. Senior graduation is a big deal, he congratulated the graduates and wished them well, and encouraged everyone to listen to class valedictorian Ruby Allen's speech on KBBI.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Resolution 20-046, A Resolution of the City Council of Homer, Alaska Addressing the Impacts COVID-19 has on City Finances, Requesting Additional Financial Support to Restore Shortfalls in Anticipated 2020 Revenues from the State of Alaska and Federal Government, and Thanking State and Federal Officials for their Response to the Pandemic. Aderhold.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 20-046 BY READING OF TITLE ONLY.

Councilmember Aderhold commented the goal of the resolution is to allow them to make statements if they need to testify to the State Legislature or Congressional Delegation regarding the pandemic. She felt they needed something on the books with a statement they to use as backup.

There were comments supporting and appreciating Councilmember Aderhold's work drafting the resolution.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Resolution 20-047, A Resolution of the City Council of Homer, Alaska Supporting an Adjustment to the 2020 Halibut Charter Fleet Regulations. Mayor/Venuti.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 20-047 BY READING OF TITLE ONLY.

ADERHOLD/LORD MOVED TO SUSPEND THE RULES TO ALLOW PUBLIC TESTIMONY AT THIS TIME.¹

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Ben Martin, city resident, commented in support of Resolution 20-047. He shared the concern of the fishery that the current 14 day quarantine state mandate will the reduced tourism to fishing communities around the state, and they're looking for ways to incentivize Alaska residents to travel around the state and use charters. This action will suspend the 2020 regulations that were put in place and revert back to catching two fish of any size and no annual limit restrictions for a limited time.

Greg Sutter commented in support of Resolution 20-047, he shares the same sentiments and added information about deadlines to submit support. Operator bookings are down and relaxing the regulations will help get Alaskans out on the boats.

VENUTI/LORD MOVED TO AMEND LINE 31 TO REPLACE THE WORD MODIFICATION WITH LIBERALIZATION.

Councilmember Venuti shared that in-state fishing reservations have gone down and this is an important time to support our fisherman.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

¹ Council suspended the rules to allow the public who registered to comment but were unable to connect through the web based meeting under public comments.

Councilmember Lord noted lines 23 and 24 and agrees that the bookings are reduced and won't turnaround quickly, and questioned if there is tracking of the seasonal quota fill for the charter fleet. Mayor Castner replied the commercial fishermen agree the quota would not be reached under the circumstance. There was brief discussion regarding fishery quotas.

LORD/ADERHOLD MOVED TO AMEND LINES 8 AND 32 TO ADD IN RESPONSE TO COVID-19 RESTRICTIONS.

There was brief discussion regarding using the word restriction.

LORD/ADERHOLD MOVED TO AMEND THE AMENDMENT TO READ IN RESPONSE TO COVID-19 HEALTH MANDATES.

There was no discussion.

VOTE (secondary amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion of the amendment.

VOTE (primary amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- d. Resolution 20-044, A Resolution of the City Council of Homer, Alaska Recommending the Kenai Peninsula Borough Enact Ordinance 2020-24 which would Provide for a Vote By Mail System for Elections Borough Wide. Aderhold/City Clerk.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 20-044 BY READING OF TITLE ONLY.

Councilmember Aderhold noted the written comments Council received both for and against the resolution. She shared the history that lead to the development of the ordinance proposed by the Kenai Peninsula Borough, beginning with the development of the Election Stakeholders Group that was formed in February 2019. The group was formed in response to a complaint filed by a disabled voter who was unable to vote independently at a Borough election. The group addressed issues related to voting and the end result was a list of recommendations to the Kenai Peninsula Borough. The number one recommendation was to change to a Vote by Mail Hybrid System (VBMS), and this resolution supports the Borough taking the next step in that direction. VBMS allows voters to vote by mail or in person at vote centers around the Borough. The Borough currently uses a vote by mail system in several remote locations and this would formalize it and make it Borough wide. She noted the report from Resource Data outlines the rigorous process for verifying voted ballots. She shared that she's always been a proponent for voting on Election Day, but through the course of the Election Stakeholders Group work she came to believe that for approving accessibility for voters and voter turnout in general, this is the way to go.

Questions were raised regarding the signature verification process, the Borough's readiness to proceed in this year's election, and security.

City Clerk Jacobsen explained how signatures are collected by the Division of Elections through voter registrations and Election Day voter registers and saved to assist in signature verification. She was unsure about collecting signatures through PFD applications, but added that other verifiers, such as a voter's birth date, driver's license number, last four of social security number, or a witness signature may also be used.

Councilmember Aderhold expressed her agreement that our election system needs to be secure and her confidence that the Borough will be ready, which is why they've introduced based on their readiness. She noted the security information in the Resource Data report that explains how they use stand-alone systems that are not connected to other networks.

Councilmember Lord commented in support of the resolution. We always have been and will continue to be on guard for voter fraud. She's voted absentee many times and she appreciates the work that's gone into this. She's done research trying to understand where we are on voter fraud nationally, it exists and the instances of voter fraud are not as robust as some feel they are. This will help people who are housebound, have disabilities, are traveling, or working remotely have the ability to vote consistently and in a secure way. She applauds the work of the Borough moving in this direction, and clarified this is the City supporting the Borough moving in this direction.

Councilmember Venuti noted her support as well and shared the benefits to young voters who may have limited opportunities to get to their polling location on Election Day, or want to have their ballot at home to talk through the issues at hand. She believes it will increase the numbers of young people that vote. She also commented about potential difficulties in getting election workers at the polling locations during the pandemic.

Councilmember Aderhold noted this is the Borough going in this direction, but we will part of it and the City elections will be a vote by hybrid system as well.

ADERHOLD/LORD MOVED TO AMEND LINE 54 ADD AFTER VBMS ADD “, A HYBRID SYSTEM THAT ALLOWS A VOTER TO EITHER VOTE BY MAIL OR IN PERSON AT A VOTE CENTER ESTABLISHED IN EACH MUNICIPALITY”.

Councilmember Aderhold noted this clarifies what a vote by mail hybrid system is and it allows for voting by mail, using one of the drop boxes, or in person.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Smith commented in principle he agrees with doing what we can to increase voter participation. He'd like to see a few things done before implementing this, one is cleaning up the voter rolls and we have a verification process in place. He reviewed information from Anchorage elections

related to turnout and cost. He isn't convinced of the overall benefit and that this will make the difference in generating this desire to participate.

VOTE: YES: VENUTI, ADERHOLD, LORD, EVENSEN, HANSEN-CAVASOS
NO: SMITH

Motion carried.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Yoder reported Special Projects and Communications Coordinator Carroll is working on an EDA Grant for communications out at the port that will require a 20% match from the City. As we look at trying to open campgrounds and the library, the Emergency Operation Center is doing a great job in reviewing the mandates and making sure we're following the right processes.

COMMENTS OF THE MAYOR

Mayor Castner reported on an update from the House Majority that the funding is \$568 million and he suspects the Governor will send us money soon. He asked people to be cautious now that the sun is out, fishing is better, all the good stuff, but the virus is still out there. He encourage increasing the measure of personal responsibility, make a personal protection plan and be safe.

COMMENTS OF THE CITY COUNCIL

Councilmember Evensen congratulated our high school graduates. A unique and different graduation and commencement can also a very special thing. He hopes the graduates take time to appreciate and celebrate their accomplishments, and celebrate the uniqueness of it.

Councilmember Venuti noted flags are at half-mast in honor of former Lt. Governor Byron Mallott who passed away this week. She shared that the Kachemak Bay Campus will be open in the fall and encouraged students who may need to take classes to check it out. She encouraged the community to be careful and to wear masks to help keep themselves and others safe.

Councilmember Aderhold commented this past weekend should have been Shorebird Festival Weekend. She hopes people have been getting out and seeing the migrants moving through. She discovered out by the Deep Water Dock there is a memorial to dead seabirds that died last year in the bird die off in the Chukchi Sea. The memorial has a representation for every bird that was marked as dead. It's a good reminder of the seabirds that are dying in our marine eco-system and their connection to the food chain.

Councilmember Smith shared when he was at AML in Juneau a few years ago, Lt. Governor Mallott spoke at one of the sessions and it was apparent how he cared deeply for the State, and he appreciates his service. The graduates are embarking on an adult life now, and it's an important rite of passage. There's a lot of uncertainty on what the fall is going to bring, but it's about embracing what you do have and enjoying what's presently before you. He trusts things are going to play out just right. In listening to the community, COVID-19 is different things to different people because it can have a very different effect on whoever contracts it. He wants us to be respectful to those differences and somehow make the community safe for everyone to be out in. It may mean we need to compromise in the way we go out in public and interact, and he thinks that's perfectly reasonable.

Councilmember Lord echoed the condolences and note of appreciation for Lt. Governor Mallott, she also had the pleasure of meeting him and hearing him speak. She appreciates his service to the State, the Tlingit People, and his community. The Mayor of Nome, Richard Beneville, died and she offered condolences to his community. She's been spending time delivering flowers and listening to the soundtrack from Hamilton, and it incorporates all the things she loves, hip-hop, political history, and musicals. It's been an interesting time to listen and think about our nation, what we stand for, and what we're trying to do. We're a nation founded on extreme differences of opinion that are valid and important, so we have to be able to have civil discourse as neighbors and community members, and still help each other out. She's proud of our local government, it's truly a community.

Councilmember Hansen-Cavasos noted she works for Homer Medical and commended the South Peninsula Hospital health care staff for their great and efficient work. She became ill and was very worried and nervous, she didn't want to be a statistic but knew she had to get tested. She was tested for strep and went back to test for COVID. The staff was primo, respectful of her privacy and she felt very taken care of. She tested negative and got better. She's proud of our high school seniors for taking all of this with grace as they move toward graduation. She share a happy belated Mother's Day, and her appreciation for her mother.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 9:32 p.m. The next Regular Meeting is Tuesday, May 26, 2020, at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held virtually by Zoom Webinar from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____



City of Homer

www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

Memorandum 20-061

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: JENNY CARROLL, SPECIAL PROJECTS AND COMMUNICATIONS COORDINATOR
DATE: MAY 19, 2020
SUBJECT: 2021-2026 CIP; FY2022 LEGISLATIVE REQUEST DEVELOPMENT SCHEDULE

Please see the attached schedule for developing the 2021-2026 Capital Improvement Plan (CIP). The schedule is set up to engage Department heads, advisory commissions, local non-profit organizations and agencies in the process of recommending, updating and prioritizing projects for inclusion in the 2021-2026 CIP.

Unanticipated closures due to COVID-19 may change this development schedule, but I will work to accommodate Commission schedules for public input if the proposed schedule changes.

Afterward, I will compile the public's recommendations into a draft CIP for your consideration at an August 24, 2020 worksession and eventual approval at the September 21, 2020 City Council meeting.

City Council approval of the CIP development schedule is the first step in the process.

Recommendation: Approve 2021-2026 CIP Schedule and FY2022 Legislative Request Development Schedule.



CITY OF HOMER
2021-2026 CAPITAL IMPROVEMENT PLANNING PROCESS

FY 2022 LEGISLATIVE REQUEST DEVELOPMENT SCHEDULE

ACTION	TIMEFRAME
City Council Approval of CIP Schedule	May 26, 2020
Solicit New/Revised Project Information from City Departments, Local Agencies and Non-profits	June 1, 2020
Input for New Draft Requested By	June 12, 2020
Prepare and Distribute Draft CIP to City Advisory Groups for Review and Input:	Meeting Dates:
<p style="text-align: center;">Planning Commission</p>	July 15
<p style="text-align: center;">Parks, Art, Recreation & Culture Advisory Commission</p>	June 18, August 20
<p style="text-align: center;">Port & Harbor Advisory Commission</p>	July 22
<p style="text-align: center;">Economic Development Advisory Commission</p>	TBD
Administrative Review and Compilation	August 12 - August 19
City Council Worksession to Review Proposed Projects	August 24
Introduction of Resolution on CIP-Legislative Request Public Hearing on CIP-Legislative Request	September 7
Public Hearing on CIP-Legislative Request Adoption of Resolution by City Council	September 21
Administration Forwards Requests for Governor’s Budget	September 30
Distribution of CIP & State Legislative Request	October 2
Compilation/Distribution of Federal Request	October 2020 & January 2021

CITY OF HOMER
HOMER, ALASKA

City Manager

RESOLUTION 20-048

A RESOLUTION OF THE HOMER CITY COUNCIL ESTABLISHING THE
CITY OF HOMER PROPERTY TAX MILL LEVY RATE AT 4.5 MILS FOR
2020.

WHEREAS, Homer City Code 9.04.040 states that the City Council must establish a mill rate no later than June 15th of each year; and

WHEREAS, Council set the mil rate at 4.5 mils for 2020 with the adoption of budget Ordinance 19-51(A); and

WHEREAS, The 4.5 mill rate established by Ordinance 19-51(A) will be maintained.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby establishes the City of Homer property tax mill levy rate at 4.5 mils for 2020 and authorizes the City Manager to so inform the Kenai Peninsula Borough.

PASSED AND ADOPTED by the Homer City Council this 26th day of May, 2020.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: Estimated real property tax revenue \$3,075,573, Account No. 100-0005-4101.

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

3 City Manager

4 **RESOLUTION 20-049**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ESTABLISHING A 2020 MILL RATE OF 9.962541 MILLS FOR THE
8 OCEAN DRIVE LOOP SPECIAL SERVICE DISTRICT.
9

10 WHEREAS, The City of Homer may by ordinance, establish, alter, and abolish differential
11 tax zones to provide and levy property taxes for services not provided generally in the City, or
12 a differential levy than that generally provided in the City; and
13

14 WHEREAS, The City Council adopted Ordinance 11-49(S) to create the Ocean Drive Loop
15 Special Service District to provide special services to the properties along the seawall to
16 include operation, maintenance, repair, reconstruction, improvement, insurance,
17 administration and other related activities conducted in the course of making and keeping the
18 seawall operational for its intended erosion control purpose; and
19

20 WHEREAS, The District is funded by a property tax levied on the properties in the Special
21 Service District; and
22

23 WHEREAS, HCC 15.10.020 provides that “The City Council shall annually set the mill levy
24 pursuant to Section 9.04.040”; and
25

26 WHEREAS, HCC 9.04.040 states that the City Council must establish a mill rate no later
27 than June 15TH of each year; and
28

29 WHEREAS, The mill rate established herein is in addition to the general real property
30 tax mil rate.
31

32 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby establishes a
33 2020 mill rate of 9.962541 mills for the Ocean Drive Loop Special Service District and authorizes
34 the City Manager to so inform the Kenai Peninsula Borough.
35

36 PASSED AND ADOPTED by the Homer City Council this 26th day of May, 2020.
37

38 CITY OF HOMER

39
40 _____
41 KEN CASTNER, MAYOR
42

43 ATTEST:

44

45

46 _____

47 MELISSA JACOBSEN, MMC, CITY CLERK

48

49 Fiscal Note: Revenue \$25,000, Acct. 808-375-4518

LIBRARY ADVISORY BOARD

REPORT TO HOMER CITY COUNCIL

May 20, 2020

Homer Public Library will be working with the city to gradually phase in the reopening of the library building. In the meantime, community library services continue, including:

- Curbside pickup is in full swing. People are using the library's online catalog or contacting the front desk to put an item on hold. Library staff then contact them to schedule a pickup time.
 - People also can contact the front desk to schedule time on the library computers, printers, photocopiers and scanners. There are reservation slots available at 10, 1 and 3. The library also has laptops available for checkout.
 - Storytime on the Radio on KBBI continues and was featured in an AP story that was picked up throughout the nation – from the Anchorage Times to the New York Times.
 - Preventing “summer slide” is more important than ever so Summer@HPL – our summer reading and learning program -- kicked off May 18. With activities and challenges for all ages, materials are available online or in an activity pack available by calling the front desk. Special thanks to the Friends of the Homer Library and The Homer Foundation for their support of this program.
 - Another summer program, Food for Kids and Teens – started up May 19. A blue tote outside the library next to the bookdrop has food that passersby are free to take.
- And, starting May 20, Bob the Bookmobile, a Friends project, is on the road again, making rounds Mondays and Wednesdays from 10:30-12:30 giving away books to keep!

The next scheduled meeting of the Library Advisory Board is Tuesday, August 4. Before then, we hope to schedule a Special Worksession to continue the work we started with the Library Endowment Fund. We have two vacancies on the LAB -- for a Homer resident member and a student representative.

Respectfully submitted,

Marcia Kuszmaul, Chair
Library Advisory Board

The City of Homer Planning Commission last met virtually in a special meeting via Zoom at 5:30 p.m. on May 20th. One member of the commission had an excused absence, all other members of the Commission, as well as the City Planner and Deputy City Clerk participated. The commission held two Public Hearings.

The first hearing was regarding a Conditional Use Permit for walking trail improvements within a stream buffer at 62890 Skyline Drive. This CUP was approved by unanimous consent.

The second hearing was regarding a Conditional Use Permit for more than one building containing a permitted principal use on a lot at 151 W. Bayview Avenue. This CUP was approved by unanimous consent.

The Commission also considered a request to vacate Cheryl Lane. This vacation was approved by unanimous consent.

The Commission also considered a Preliminary Plat for Lillian Walli Estate 2020 Replat Preliminary Plat. This Preliminary Plat was approved by unanimous consent.

The Commission also considered the Vacation of utility and drainage easements for Lillian Walli Estate Subdivision. This Vacation was approved by unanimous consent.

Our next Planning Commission meeting will be held virtually by Zoom on June 3, 2020 at 5:30 p.m.

Respectfully Submitted,

Franco Venuti
Planning Commission Chair

**CITY OF HOMER
PUBLIC HEARING NOTICE
CITY COUNCIL MEETING**

Ordinances 20-19 and 20-21

A **public hearing** is scheduled for **Tuesday, May 26, 2020** during the Regular City Council Meeting. The meeting begins at 6:00 p.m. via a Zoom webinar at zoom.us or Telephone Dial 1-669-900- 6833 or 1-253-215 8782; (Toll Free) 888-788-0099 or 877- 853-5247; use Webinar ID: 205 093 973 and Password: 610853

Ordinance 20-19, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 19 to add Chapter 19.01 Closures of Use Areas to Reflect the City Manager's Authority to Close City Parks, Campgrounds, and Public Places in an Emergency or other Exigent Circumstances. City Manager.

Ordinance 20-21, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code by Repealing 2.08.100 Teleconference Participation in Meetings, 2.08.110, Teleconference Procedures, 2.08.120 Teleconference Limitations, and Reenacting 2.08.100 Teleconference and Web-Hosted Meetings. City Clerk.

**Request forms to submit public comment telephonically are available on the City Clerk's webpage.

**Copies of proposed Ordinances in entirety, are available for review online at <https://www.cityofhomer-ak.gov/ordinances>, and will be provided by request at the Homer City Clerk's Office while City Offices are closed to the public during this COVID-19 pandemic. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: clerk@ci.homer.ak.us

Melissa Jacobsen, MMC, City Clerk

CLERK'S AFFIDAVIT OF POSTING

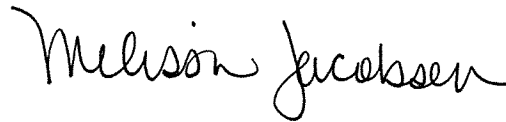
I, Melissa Jacobsen, City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for:

Ordinance 20-19, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 19 to add Chapter 19.01 Closures of Use Areas to Reflect the City Manager's Authority to Close City Parks, Campgrounds, and Public Places in an Emergency or other Exigent Circumstances. City Manager.

Ordinance 20-21, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code by Repealing 2.08.100 Teleconference Participation in Meetings, 2.08.110, Teleconference Procedures, 2.08.120 Teleconference Limitations, and Reenacting 2.08.100 Teleconference and Web-Hosted Meetings. City Clerk.

was posted at City Hall and posted on the City website on Wednesday, May 15, 2020.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 15th day of May, 2020



Melissa Jacobsen, MMC, City Clerk



ORDINANCE REFERENCE SHEET
2020 ORDINANCE
ORDINANCE 20-19

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 19 to add Chapter 19.01 Closures of Use Areas to Reflect the City Manager’s Authority to Close City Parks, Campgrounds, and Public Places in an Emergency or other Exigent Circumstances.

Sponsor: City Manager

1. City Council Regular Meeting April 13, 2020, Introduction
 - a. Memorandum 20-046 from Public Works Director as backup
 - b. Memorandum 20-053 from City Clerk as backup

2. City Council Regular Meeting May 26, 2020, Public Hearing and Second Reading

1 CITY OF HOMER
2 HOMER, ALASKA

City Manager

3
4 ORDINANCE 20-19

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE TITLE 19 TO ADD CHAPTER 19.01
8 CLOSURES OF USE AREAS TO REFLECT THE CITY MANAGER'S
9 AUTHORITY TO CLOSE CITY PARKS, CAMPGROUNDS, AND PUBLIC
10 PLACES IN AN EMERGENCY OR OTHER EXIGENT CIRCUMSTANCES.

11
12 WHEREAS, The City Manager's authority to close public use areas to protect the public
13 during emergencies and other exigent circumstances is not reflected in Homer City Code.

14
15 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

16
17 Section 1. Homer City Code Chapter 19 is amended to add 19.01 Closure of use areas as
18 follows:

19
20 **19.01 Closure of use areas.**

21
22 **The City Manager may close any public use area to the public upon a written**
23 **finding that it is in the public interest to do so.**

24
25 Section 2. This ordinance is of a permanent nature and general character and shall be
26 included in Homer City Code.

27
28 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____, 2020.

29
30 CITY OF HOMER

31
32 _____
33 KEN CASTNER, MAYOR

34 ATTEST:

35
36 _____
37 MELISSA JACOBSEN, MMC, CITY CLERK

38
39 YES:

40 NO:

41 ABSTAIN:

42 ABSENT:

43

44 First Reading:

45 Public Hearing:

46 Second Reading:

47 Effective Date:

48

49

50 Reviewed and approved as to form.

51

52

53 _____
Marvin Yoder, Interim City Manager

54

55 Date: _____

Michael Gatti, City Attorney

Date: _____

1 CITY OF HOMER
2 HOMER, ALASKA

City Manager

3
4 ORDINANCE 20-19(S)

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE TITLE 19 TO ADD CHAPTER 19.01
8 CLOSURES OF **PUBLIC** USE AREAS TO REFLECT THE CITY
9 MANAGER'S AUTHORITY TO CLOSE CITY PARKS, CAMPGROUNDS,
10 AND PUBLIC PLACES IN AN EMERGENCY OR OTHER EXIGENT
11 CIRCUMSTANCES **CITY OWNED PUBLIC USE AREAS**
12 **UPON WRITTEN FINDING THAT IT'S IN THE PUBLICS**
13 **INTEREST TO DO SO.**

14
15 WHEREAS, The City Manager's authority to close **city owned** public use areas to protect
16 the public during emergencies and other exigent circumstances is not reflected in Homer City
17 Code.

18
19 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

20
21 Section 1. Homer City Code Chapter 19 is amended to add 19.01 Closure of Public use
22 areas as follows:

23
24 **19.01 Closure of use areas.**

25
26 **The City Manager may close any city owned public use area to the public upon a**
27 **written finding that it is in the public interest to do so.**

28
29 Section 2. This ordinance is of a permanent nature and general character and shall be
30 included in Homer City Code.

31
32 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____, 2020.

33
34 CITY OF HOMER

35
36 _____
37 KEN CASTNER, MAYOR

38 ATTEST:

39
40 _____
41 MELISSA JACOBSEN, MMC, CITY CLERK
42

- 43 YES:
- 44 NO:
- 45 ABSTAIN:
- 46 ABSENT:
- 47
- 48 First Reading:
- 49 Public Hearing:
- 50 Second Reading:
- 51 Effective Date:

52
53

54 Reviewed and approved as to form.

55
56

57 _____
Marvin Yoder, Interim City Manager

58

59 Date: _____

Michael Gatti, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 20-046

TO: City Council
THROUGH: Marvin Yoder, City Manager
FROM: Jan Keiser, Director of Public Works
DATE: April 6, 2020
SUBJECT: Proposed amendment to Parks, Campgrounds, and Public Spaces Ordinance

Issue: The current ordinance regarding parks, campgrounds and public spaces, Homer City Code Title 19, does not provide the City Manager with the authority to close City public spaces. It is possible the City may want to take this action in the interests of public health during the pandemic or other emergency situations.

Background: In the interests of public health, safety and security, the City may decide to close some or all City campgrounds and parks. Other exigent circumstances might arise in the future where similar needs exist, such as in the cases of earthquakes, floods, etc. It is in the best interests of the City to specifically empower the City Manager with the authority to take this action.

Proposed Solution: Amend the existing ordinance, HCC 19, Parks, Campgrounds and Public Spaces to add a section that identifies the City Manager's authority to close the public spaces during an emergency or other exigent circumstances.

Action Recommended: That the City Council pass the proposed amendment to the City's ordinance, HCC 19.

From: [Kim R. Smith](#)
To: [Department Clerk](#)
Subject: Ordinance 20-19
Date: Monday, May 4, 2020 2:14:22 PM

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

As a 42-year resident of Homer, living within the city limits, I would like to voice my support of Ordinance 20-19 proposed by the City Manager. At these times, vocal sources are spreading their collective free thoughts on government taking away their so-called freedoms. I would encourage you, our council, to listen to science and enact whatever is necessary to protect the health of this community. As a recent survivor of unexpected open-heart surgery, I have spent these last couple of months practicing gratitude and solitude. I am extremely fortunate to have a supportive partner in Steve who has been able to shop for us and check our mail and continue to work for and in our town. Viewing and reading the vitriol, ignorance and the inhumanity of certain individuals and groups is unbelievably saddening as well as terrifying. Our town is filling up with visitors as our community spread and infection rate rises. I would encourage you all to stand with strength and belief in your decisions to protect our residents. Do what is necessary based on scientific data and the recommendations of the entities involved in public health. And most certainly, enact any ordinance necessary to protect our collective well-being.

With appreciation and respect for your public service,
Kim Smith

ORDINANCE REFERENCE SHEET
2020 ORDINANCE
ORDINANCE 20-21

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code by Repealing 2.08.100 Teleconference Participation in Meetings, 2.08.110, Teleconference Procedures, 2.08.120 Teleconference Limitations, and Reenacting 2.08.100 Teleconference and Web-Hosted Meetings.

Sponsor: City Clerk

1. City Council Regular Meeting May 11, 2020 Introduction & Public Hearing
Memorandum 20-056 from City Clerk as backup

2. City Council Regular Meeting May 26, 2020
Memorandum 20-064 from City Clerk as backup

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

City Clerk

3
4 **ORDINANCE 20-21**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE REPEALING HOMER CITY CODE
8 2.08.100 TELECONFERENCE PARTICIPATION IN MEETINGS,
9 2.08.110, TELECONFERENCE PROCEDURES, 2.08.120
10 TELECONFERENCE –LIMITATIONS, AND REENACTING 2.08.100
11 TELECONFERENCE AND WEB-HOSTED MEETINGS.
12

13 WHEREAS, Emergency Ordinance 20-17 was adopted March 23, 2020 to allow the Homer
14 City Council to meet immediately by teleconference due to the outbreak of COVID-19; and
15

16 WHEREAS, Over the years Homer City Code 2.08.110-120 has become more restrictive
17 in conditions that allow for telephonic participation; and
18

19 WHEREAS, Alaska Statutes 44.62.310 Government meetings public, allows for
20 attendance and participation at meetings by members of a governmental body by teleconferencing
21 without restrictions on the types of meetings held in this manner; and
22

23 WHEREAS, The Homer City Council has met successfully through web-based meetings
24 during the COVID-19 pandemic.
25

26 NOW THEREFORE, THE CITY OF HOMER ORDAINS:
27

28 Section 1. Homer City Code 2.08.100 Teleconference participation in meetings,
29 2.08.110, Teleconference procedures, and 2.08.120 Teleconference–Limitations are hereby
30 repealed.
31

32 ~~2.08.100——Teleconference participation in meetings.~~

33 ~~a. This section through HCC 2.08.120 govern the telephonic participation of the Mayor~~
34 ~~and members of the Council at all meetings of the City Council, including all other~~
35 ~~bodies that are comprised of the Mayor and members of the Council, such as, but not~~
36 ~~limited to, the Board of Adjustment and an Ethics Board.~~
37

38 ~~b. The preferred procedure for City Council meetings is that the Mayor and all Council~~
39 ~~members should be physically present at the designated time and location within the~~
40 ~~City for the meeting. However, physical presence may be waived and the Mayor and any~~
41 ~~member(s) may participate in a Council meeting by teleconference, subject to the~~
42 ~~procedures and limitations provided in this section through HCC 2.08.120.~~
43

44 c. A person participating by teleconference shall, while actually on the teleconference,
45 be deemed to be present at the meeting for all purposes. The person shall make every
46 effort to participate in the entire meeting.

47
48 d. If the Mayor participates telephonically, the Mayor may vote telephonically to break
49 a tie as permitted in HCC 2.08.040(h), but the Mayor Pro Tem, or the senior Council
50 member in the Mayor Pro Tem's absence, shall preside over and perform all other
51 functions of the Mayor at the meeting.

52
53 e. "Teleconferencing" means a means used for remote participation by an official for a
54 meeting of the City Council which must enable the remote official, for the duration of
55 the meeting, to clearly hear the Mayor, all Council members, the City Clerk and public
56 testimony and to be clearly heard by the Mayor, all Council members, the City Clerk and
57 the public in attendance. [Ord. 19-05(A) § 1, 2019; Ord. 16-58(A) § 1, 2017; Ord. 07-
58 45(A)(S) § 1, 2007. Code 1981 § 1.24.100].

59
60 2.08.110 ——— Teleconference procedures.

61 a. A Mayor or Council member who cannot be physically present for a regularly
62 scheduled Council meeting shall notify the City Clerk at least five days prior to the
63 scheduled time for the meeting of his or her request to participate in the meeting by
64 telephonic means of communication.

65
66 b. Three days prior to the scheduled time for the Council meeting, the City Clerk shall
67 notify the Mayor and Council of the person's request to participate by teleconference.

68
69 c. At the commencement of the Council meeting a telephonic connection will be
70 established with the person or persons intending to participate telephonically. After a
71 telephonic connection is established the Mayor shall call for a vote of the Council on
72 whether the person(s) may or may not participate by telephone. Prior to the vote, the
73 Mayor or Council members may make such inquiries as necessary to make a decision.
74 Only the Council members physically present may vote on the question. If a person
75 participates in the meeting telephonically without a ruling from the Council, it shall be
76 deemed to be with the approval of such participation by the Council, and all actions
77 taken by the Council with the participation of all such persons are valid.

78
79 If telephonic participation is interrupted due to poor connectivity that hinders the
80 active participation of a member in the meeting the Mayor will request a brief recess to
81 allow the person an attempt to reestablish a connection. If the person cannot
82 reestablish a clear connection after a recess, the Mayor shall call for a vote of the
83 Council on whether to terminate telephonic participation. Prior to the vote, the Mayor
84 or Council members may make such inquiries as necessary to make a decision. If a
85 majority of the Council votes to terminate telephonic participation, the record will

86 indicate such and the member participating telephonically shall not be called upon to
87 comment or vote. The Council's determination is final and not subject to veto or appeal.
88

89 ~~d. Subsections (a) and (b) of this section do not apply to special meetings or emergency~~
90 ~~meetings of the City Council called under HCC 1.14.030 and 1.14.050. A Council member~~
91 ~~or Mayor who requests to participate in a special or emergency meeting of the City~~
92 ~~Council must notify the City Clerk before the time scheduled for the start of the meeting.~~
93 ~~The Clerk will notify the Mayor and Council no later than the commencement of the~~
94 ~~meeting. After a telephonic connection is established with the person or persons~~
95 ~~requesting to participate telephonically, a ruling shall be made on the person's~~
96 ~~participation in the meeting as provided in subsection (c) of this section.~~

97
98 ~~e. The means used for a teleconference meeting of the City Council must enable each~~
99 ~~member appearing telephonically to clearly hear the Mayor, all other Council members,~~
100 ~~and public testimony at the meeting as well as be clearly heard by all other Council~~
101 ~~members and members of the public in attendance.~~

102
103 ~~f. The City Clerk shall note in the journal of the proceedings of the City Council all~~
104 ~~members appearing telephonically.~~

105
106 ~~g. To the extent practicable, materials to be considered by the Council shall be made~~
107 ~~available to those attending by teleconference. [Ord. 19-05(A) § 1, 2019; Ord. 07-45(A)(S)~~
108 ~~§ 2, 2007. Code 1981 § 1.24.110].~~

109
110 ~~2.08.120 — Teleconference — Limitations.~~

111 ~~a. All Council members and the Mayor should make all reasonable effort to be physically~~
112 ~~present for every meeting. Teleconference procedures may not be used as a regular~~
113 ~~means of attendance at meetings.~~

114
115 ~~b. Participation by teleconference may be denied whenever the physical presence of~~
116 ~~the individual is considered essential to effective participation in the meeting or to the~~
117 ~~proper conduct of the business to be addressed at the meeting.~~

118
119 ~~c. If teleconferencing is denied the individual will be listed as absent.~~

120
121 ~~d. Each Council member and the Mayor may attend a maximum of three City Council~~
122 ~~meetings by teleconference during the 12-month period commencing November 1st~~
123 ~~each year. If a member participates in any part of a regularly scheduled meeting~~
124 ~~telephonically, it will count towards their maximum allowable telephonic~~
125 ~~participations.~~

127 ~~e. Each Council member and the Mayor may attend additional teleconferences as a~~
128 ~~special exception if expressly approved for good cause in each instance by a vote of the~~
129 ~~Council. Good cause may include, but is not limited to, absence required for work-~~
130 ~~related travel or medical care needed for the individual or the individual's immediate~~
131 ~~family.~~

132
133 f. No Council member or the Mayor shall attend by telephonic means:

- 134
135 1. An executive session of the City Council.
136 2. A hearing on an ethics charge under Chapter 1.18 HCC.

137
138 Section 2. Homer City Code 2.08.100 is reenacted as follows:

139
140 **2.08.100 Teleconference and web-hosted participation in meetings allowed.**

141
142 **The preferred procedure for City Council meetings is that the Mayor and all Council**
143 **members should be physically present at the designated time and location within**
144 **the City for the meeting. However, the Mayor and any or all member(s) may**
145 **participate in a Council meeting by teleconference or web-hosted meeting.**

146
147 Section 3. This ordinance is of a permanent nature and general character and shall be
148 included in Homer City Code.

149
150 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____, 2020.

151
152 CITY OF HOMER

153
154
155 _____
156 KEN CASTNER, MAYOR

157
158
159 ATTEST:

160
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162 _____
163 MELISSA JACOBSEN, MMC, CITY CLERK

164
165 YES:
166 NO:
167 ABSTAIN:
168 ABSENT:

169 Reviewed and approved as to form.
170
171
172 _____
173 Marvin Yoder, City Manager
174
175 Date: _____

Michael Gatti, City Attorney

Date: _____

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**CITY OF HOMER
HOMER, ALASKA**

Lord/Venuti

ORDINANCE 20-21(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE REPEALING **AMENDING** HOMER CITY CODE 2.08.100 TELECONFERENCE PARTICIPATION IN MEETINGS, 2.08.110, TELECONFERENCE PROCEDURES, 2.08.120 TELECONFERENCE –LIMITATIONS, AND ~~REENACTING 2.08.100 TELECONFERENCE AND WEB-HOSTED MEETINGS~~ **TO ALLOW FOR EXCEPTIONS IN EMERGENCY CIRCUMSTANCES AND IN NOTIFICATION OF INTENT TO TELECONFERENCE FOR GOOD CAUSE SHOWN.**

WHEREAS, Emergency Ordinance 20-17 was adopted March 23, 2020 to allow the Homer City Council to meet immediately by teleconference due to the outbreak of COVID-19; and

~~WHEREAS, Over the years Homer City Code 2.08.110-120 has become more restrictive in conditions that allow for telephonic participation; and~~

WHEREAS, Alaska Statutes 44.62.310 Government meetings public, allows for attendance and participation at meetings by members of a governmental body by teleconferencing without restrictions on the types of meetings held in this manner; and

WHEREAS, The Homer City Council has met successfully through web-based meetings during the COVID-19 pandemic; **and**

WHEREAS, Certain circumstances may arise beyond the five day notice period and teleconference participation by a Council member or Mayor may be requested and approved for good cause by a vote of the Council.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 2.08.100 Teleconference participation in meetings, 2.08.110, Teleconference procedures, and 2.08.120 Teleconference –Limitations are hereby repealed **is amended as follows:**

2.08.100 Teleconference participation in meetings.

a. This section through HCC 2.08.120 govern the telephonic **teleconference** participation of the Mayor and members of the Council at all meetings of the City Council, including all other

43 bodies that are comprised of the Mayor and members of the Council, such as, but not limited
44 to, the Board of Adjustment and an Ethics Board.

45
46 b. The preferred procedure for City Council meetings is that the Mayor and all Council members
47 should be physically present at the designated time and location within the City for the
48 meeting. However, physical presence may be waived and the Mayor and any member(s) may
49 participate in a Council meeting by teleconference, subject to the procedures and limitations
50 provided in this section through HCC 2.08.120.

51
52 c. A person participating by teleconference shall, while actually on the teleconference, be
53 deemed to be present at the meeting for all purposes. The person shall make every effort to
54 participate in the entire meeting.

55
56 d. If the Mayor participates ~~telephonically~~ **by teleconference**, the Mayor may vote
57 ~~telephonically~~ to break a tie as permitted in HCC 2.08.040(h), but the Mayor Pro Tem, or the
58 senior Council member in the Mayor Pro Tem's absence, shall preside over and perform all
59 other functions of the Mayor at the meeting.

60
61 e. "Teleconferencing" means ~~a means used for~~ remote participation **by telephone or web-**
62 **based format** by an official for a meeting of the City Council which must enable the remote
63 official, for the duration of the meeting, to clearly hear the Mayor, all Council members, the City
64 Clerk and public testimony and to be clearly heard by the Mayor, all Council members, the City
65 Clerk and the public in attendance. [Ord. 19-05(A) § 1, 2019; Ord. 16-58(A) § 1, 2017; Ord. 07-
66 45(A)(S) § 1, 2007. Code 1981 § 1.24.100].

67
68 2.08.110 Teleconference procedures.

69
70 a. A Mayor or Council member who cannot be physically present for a regularly scheduled
71 Council meeting shall notify the City Clerk at least five days prior to the scheduled time for the
72 meeting of his or her request to participate in the meeting by ~~telephonic~~ **teleconference**
73 means of communication.

74
75 b. Three days prior to the scheduled time for the Council meeting, the City Clerk shall notify the
76 Mayor and Council of the person's request to participate by teleconference.

77
78 c. At the commencement of the Council meeting a ~~telephonic~~ **teleconference** connection will
79 be established with the person or persons intending to participate ~~telephonically~~ **by**
80 **teleconference. If the Council member or Mayor has requested a special exception as**
81 **outlined in HCC 2.08.120 e. or f.,** after a ~~telephonic~~ **teleconference** connection is established
82 the Mayor shall call for a vote of the Council on whether the person(s) may or may not
83 participate by ~~telephone~~ **teleconference**. Prior to the vote, the Mayor or Council members may
84 make such inquiries as necessary to make a decision. Only the Council members physically

85 present may vote on the question. If a person participates in the meeting telephonically **by**
86 **teleconference** without a ruling from the Council, it shall be deemed to be with the approval
87 of such participation by the Council, and all actions taken by the Council with the participation
88 of all such persons are valid.

89
90 ~~If telephonic participation is interrupted due to poor connectivity that hinders the active~~
91 ~~participation of a member in the meeting the Mayor will request a brief recess to allow the~~
92 ~~person an attempt to reestablish a connection. If the person cannot reestablish a clear~~
93 ~~connection after a recess, the Mayor shall call for a vote of the Council on whether to terminate~~
94 ~~telephonic participation. Prior to the vote, the Mayor or Council members may make such~~
95 ~~inquiries as necessary to make a decision. If a majority of the Council votes to terminate~~
96 ~~telephonic participation, the record will indicate such and the member participating~~
97 ~~telephonically shall not be called upon to comment or vote. The Council's determination is~~
98 ~~final and not subject to veto or appeal.~~

99
100 d. Subsections (a) and (b) of this section do not apply to special meetings or emergency
101 meetings of the City Council called under HCC 1.14.030 and 1.14.050. A Council member or
102 Mayor who requests to participate in a special or emergency meeting of the City Council must
103 notify the City Clerk before the time scheduled for the start of the meeting. The Clerk will notify
104 the Mayor and Council no later than the commencement of the meeting. After a telephonic
105 **teleconference** connection is established with the person or persons requesting to participate
106 telephonically **by teleconference**, a ruling shall be made on the person's participation in the
107 meeting as provided in subsection (c) of this section.

108
109 **e. Subsections (a), (b), and (c) of this section do not apply to meetings held while an**
110 **emergency disaster declaration is in effect and the nature of the disaster significantly**
111 **impacts an assembly members ability to attend an assembly meeting other than by**
112 **teleconference or other technological means.**

113
114 ef. The means used for a teleconference meeting of the City Council must enable each member
115 appearing telephonically **by teleconference** to clearly hear the Mayor, all other Council
116 members, and public testimony at the meeting as well as be clearly heard by all other Council
117 members and members of the public in attendance.

118
119 **If teleconference participation is interrupted due to poor connectivity that hinders the**
120 **active participation of a member in the meeting the Mayor will request a brief recess to**
121 **allow the person an attempt to reestablish a connection. If the person cannot reestablish**
122 **a clear connection after a recess, the Mayor shall call for a vote of the Council on whether**
123 **to terminate teleconference participation. Prior to the vote, the Mayor or Council**
124 **members may make such inquiries as necessary to make a decision. If a majority of the**
125 **Council votes to terminate teleconference participation, the record will indicate such and**

126 **the member participating by teleconference shall not be called upon to comment or vote.**
127 **The Council's determination is final and not subject to veto or appeal.**

128
129 ~~fg.~~ The City Clerk shall note in the journal of the proceedings of the City Council **minutes of the**
130 **council meeting** all members appearing telephonically **by teleconference.**

131
132 **gh.** To the extent practicable, materials to be considered by the Council shall be made
133 available to those attending by teleconference. [Ord. 19-05(A) § 1, 2019; Ord. 07-45(A)(S) § 2,
134 2007. Code 1981 § 1.24.110].

135
136 2.08.120 Teleconference – Limitations.

137
138 a. All Council members and the Mayor should make all reasonable effort to be physically
139 present for every meeting. Teleconference procedures may not be used as a regular means of
140 attendance at meetings **except temporarily during events described in subparagraph h. of**
141 **this section.**

142
143 b. Participation by teleconference may be denied whenever the physical presence of the
144 individual is considered essential to effective participation in the meeting or to the proper
145 conduct of the business to be addressed at the meeting.

146
147 c. If teleconferencing is denied the individual will be listed as absent.

148
149 d. Each Council member and the Mayor may attend a maximum of three City Council meetings
150 by teleconference during the 12-month period commencing November 1st each year. If a
151 member participates in any part of a regularly scheduled meeting telephonically **by**
152 **teleconference,** it will count towards their maximum allowable telephonic **teleconference**
153 participations.

154
155 e. Each Council member and the Mayor may attend additional teleconferences as a special
156 exception if expressly approved for good cause in each instance by a vote of the Council. Good
157 cause may include, but is not limited to, absence required for work-related travel or medical
158 care needed for the individual or the individual's immediate family.

159
160 **f. A Council member or the Mayor may request to participate in a meeting by**
161 **teleconference upon notification to the City Clerk before the time scheduled for the start**
162 **of the meeting as a special exception if expressly approved for good cause in each**
163 **instance by a vote of the Council. Good cause may include, but is not limited to, absence**
164 **required for work-related travel or medical care needed for the individual or the**
165 **individual's immediate family.**

166
167 g. No Council member or the Mayor shall attend by telephonic **teleconference** means:

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1. An executive session of the City Council.
2. A hearing on an ethics charge under Chapter 1.18 HCC.

h. Subsections (b), (c), (d), (e), (f), and (g) of this section do not apply to meetings held while an emergency disaster declaration is in effect and the nature of the disaster significantly impacts an assembly members ability to attend an assembly meeting other than by teleconference or other technological means.

Section 2. This ordinance is of a permanent nature and general character and shall be included in Homer City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____, 2020.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

Reviewed and approved as to form.

Marvin Yoder, City Manager

Michael Gatti, City Attorney

Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 20-064

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: MAY 20, 2020
SUBJECT: ORDINANCE 20-21(S) SUMMARY OF CHANGES AND SUGGESTED AMENDMENT

Line 61 changed to clarify definition of Teleconferencing.

Lines 109, 141, and 172 language added to address teleconferencing by all members while an emergency disaster declaration is in place.

Line 160 language added to allow for shorter notice of teleconferencing for good cause shown.

For housekeeping purposes the term “telephone” or “telephonic” is changed to “teleconference” or “by teleconference” throughout, to stay consistent with the definition on line 61.

Beginning on line 78, it’s been amended to read that the council only has to vote when an exception has been requested, those exceptions being teleconferencing beyond the three allowed and giving notification as late as the day of the meeting. If a member has given proper notice and is within the allowed three, it seems that Council shouldn’t have to vote to permit those.

The verbiage on line 90 is moved to line to 119, because it seems to fit better there and should apply in any instance of teleconferencing.

Regarding additional amendments, in discussion during City Attorney review of the amendments there was discussion that;

- It wouldn’t be appropriate to deny a member the opportunity to have their vote not counted and of lines 144-148 being removed, or at a minimum line 148 be amended to change absent to excused.
- When Mayor is participating by teleconference they should still have the ability to preside over the meeting.

It was requested that I add those changes, but felt it goes beyond the discussion during introduction and with the sponsors of the substitute, so I felt it is appropriate for Council to propose the amendments and discuss them at the table.

RECOMMENDATION: Adopt Ordinance 20-21(S) with any additional amendments passed by motion.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

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(f) 907-235-3143

Memorandum 20-056

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: MAY 1, 2020
SUBJECT: TELEPHONIC PARTICIPATION AT MEETINGS

Homer City Code has allowed for limited telephonic participation for many years. In 2007 Ordinance 07-45(A)(S) was adopted and established limitations on telephonic participation, and in 2019 Ordinance 19-05(A) was adopted and applied further restrictions and processes.

Emergency Ordinance 20-17 halted all restrictions and allowed for all members to participate telephonically or by web-hosted meeting format to accommodate self-isolation, social distancing, and State of Alaska health mandates on limited gatherings. This ordinance is effective for 60 days.

It's clear that telephonic participation has created challenges for members calling in as well as the public listening to radio broadcasted meetings on KBBI AM890. This is primarily due to the City's analog phone line and outdated equipment that inhibits a stable connection with the radio station.

Since our first all teleconference meeting, we've worked with a web-hosted meeting format. This has allowed a more stable broadcasting format for KBBI, the opportunity for members to work together effectively, a telephonic format for public comment, an additional option for the public to listen and watch meetings, and the Clerk's office has received a lot of positive feedback from the public. City staff is working on a solution for addressing executive sessions telephonically with a goal of a memo explaining steps for executive sessions in time for the second reading of this ordinance.

The COVID-19 pandemic has forced us out of our normal routines and caused us to look at ways to do business differently, and the City continues to working those efforts. While it will always be preferred that we meet and hear from the public in person to do the City's business, there is no firm end date or roadmap for COVID-19. There needs to be flexibility for Mayor, Council, City staff, and the public to participate at Council meetings in an environment where they feel safe, and without concerns of infecting others if they may be feeling ill.

This does not prohibit this Council or any future Council from amending this process when they feel it's appropriate.

RECOMMENDATION: Adopt Ordinance 20-xx and allow telephonic or web-based participation at meetings.

1 CITY OF HOMER
2 HOMER, ALASKA

City Manager

3
4 EMERGENCY ORDINANCE 20-17(A)
5

6 AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA TO ALLOW FOR TELEPHONIC **OR WEB HOSTED**
8 MEETINGS FOR HOMER CITY COUNCIL TO MITIGATE SPREAD OF
9 NOVEL COVID-19.

10
11 WHEREAS, Due to the outbreak of COVID-19 novel coronavirus, a contagious virus that
12 is spread mainly person to person, nonessential services are closing down and communities
13 are implementing continuity of operations plans to enable ongoing essential operations; and
14

15 WHEREAS, Homer City Code 2.08.110(c) requires that four members present must vote
16 to allow other members to participate telephonically; and
17

18 WHEREAS, In the event it becomes necessary to stand down normal operations of the
19 City of Homer, the Homer City Council will need to have the ability to meet to make necessary
20 decisions on behalf of the City.
21

22 NOW THEREFORE, THE CITY OF HOMER ORDAINS:
23

24 Section 1. The Homer City Council may convene all members telephonically **or web-**
25 **hosted** for a meeting that has been properly noticed pursuant to HCC 1.14.
26

27 Section 2. The City of Homer will work in conjunction with local radio, ~~and~~ telephone
28 **and internet** providers to make the meeting available by broadcast and accommodate public
29 comments through electronic means.
30

31 Section 3. This is an emergency ordinance of general character and will be effective for
32 60 days, in accordance with HCC 1.08.040.
33

34 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 23rd day of March, 2020.
35

36 CITY OF HOMER
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39 _____
40 KEN CASTNER, MAYOR
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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

Reviewed and approved as to form.

Katie Koester, City Manager

Date: _____

Michael Gatti, City Attorney

Date: _____

1 CITY OF HOMER
2 HOMER, ALASKA

Novak

3
4 ORDINANCE 07-45
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA AMENDING HOMER CITY CODE
8 PROVISIONS GOVERNING TELEPHONIC
9 PARTICIPATION IN CITY COUNCIL MEETINGS BY
10 THE MAYOR AND MEMBERS OF THE COUNCIL.
11

12 WHEREAS, AS 44.62.310 authorizes telephonic attendance and participation in
13 meetings of a governmental body by its members; and
14

15 WHEREAS, Homer City Code §§ 1.14.080 and 1.14.090 presently provide for
16 such participation, but are in need of revision and reorganization.
17

18 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
19

20 Section 1. Section 1.14.080 of the city code is hereby renumbered as section
21 1.24.100 and amended to read as follows:
22

23 ~~1.14.080~~1.24.100 Teleconference **participation in meetings.** **a. Sections**
24 **1.24.100 through 1.24.120 govern the telephonic participation of the Mayor and**
25 **members of the Council at all meetings of the City Council, including all other**
26 **bodies that are comprised of the Mayor and members of the Council, such as, but**
27 **not limited to, the Board of Adjustment and an ethics board.**

28 **b.** The preferred procedure for City Council meetings is that **the Mayor**
29 **and** all Council members should be physically present at the designated time and location
30 within the City for the meeting. However, physical presence may be waived ~~by the~~
31 ~~Council and a Council member~~ **and the Mayor and any member(s)** may participate in a
32 Council meeting by teleconference, **subject to the procedures and limitations** as
33 provided in **sections 1.24.100—1.24.120,** this chapter when in the opinion of the Council
34 the physical presence of the Council member is not essential to effective participation or
35 the conduct of business at the meeting. A Council member

36 **c. A person** participating by teleconference shall, **while actually on the**
37 **teleconference,** be deemed to be present at the meeting for all purposes. **The person**
38 **shall make every effort to participate in the entire meeting.** In the event

39 **d. If** the Mayor participates telephonically the Mayor Pro Tem, or, ~~or,~~ **the**
40 **senior Council member** in the Mayor Pro Tem's absence, ~~the senior Council member~~
41 shall ~~run~~ **shall preside over and perform all functions of the Mayor at** the meeting.
42

43 Section 2. Section 1.14.085 of the Homer City Code is renumbered as section
44 1.24.110 and hereby amended to read as follows:

45 1.14.0851.24.110 Teleconference procedures. a. A **Mayor or** Council
46 member who cannot be physically present for a regularly scheduled Council meeting
47 shall notify the City Clerk at least five days prior to the scheduled time for the meeting of
48 his or her request intent to appear at **participate in** the meeting by telephonic means of
49 communication.

50 b. Three days prior to the scheduled time for the Council meeting, the The
51 City Clerk shall notify the Mayor and Council three days prior to the scheduled time for
52 the Council meeting of Council members intending to appear of the person's request to
53 participate by teleconference.

54 c. At the commencement of the Council meeting a telephonic connection will
55 be established with the person or persons intending to participate telephonically.
56 After a telephonic connection is established the Mayor shall call for a vote of the
57 council on whether the person(s) may or may not participate by telephone. Prior to
58 the vote, the Mayor or Council members may make such inquiries as necessary to
59 make a decision. Only the Council members physically present may vote on the
60 question. The Council's determination is final and not subject to veto or appeal. If
61 a person participates in the meeting telephonically without a ruling from the
62 Council, it shall be deemed to be with the approval of such participation by the
63 Council, and all actions taken by the Council with the participation of all such
64 persons are valid. The Council shall determine whether or not the Council member(s)
65 shall participate by teleconference. If the Council determines that the teleconferencing is
66 not required for the conduct of business the Council member(s) shall be notified in the
67 most expedient manner possible.

68 d. Sections a. and b. of this section do not apply to special meetings or emergency
69 meetings of the City Council called under §§ 1.14.030 and 1.14.050 of the Homer City
70 Code. A Council member or Mayor who requests to participate in a special or
71 emergency meeting of the City Council must notify the City Clerk before the time
72 scheduled for the start of the meeting. The Clerk will notify the Mayor and Council
73 no later than the commencement of the meeting. After a telephonic connection is
74 established with the person or persons requesting to participate telephonically, a
75 ruling shall be made on the person's participation in the meeting as provided in
76 subsection c. of this section. Council members may appear at a special meeting or
77 emergency meeting by teleconference and be considered present for all purposes unless
78 the Mayor or the Council members calling the special meeting or emergency request the
79 physical presence of Council members in the advance notice of the meeting.

80 e. The Council may require that all Council members appearing telephonically
81 present at one teleconference site whenever such presence is possible.

82 ~~f.e.~~ The means used to facilitate for a teleconference meeting of the City
83 Council must enable each Council member appearing telephonically to clearly hear the
84 Mayor, all other Council members, and members of the public attending public
85 testimony at the meeting as well as be clearly heard by all other Council members and
86 members of the public in attendance.

87 ~~g.f.~~ The City Clerk shall note in the journal of the proceedings of the City
88 Council all City Council members appearing telephonically.

89 g. To the extent practicable, materials to be considered by the council
90 shall be made available to those attending by teleconference.

91 Section 3. A new section 1.24.120 of the Homer City Code is hereby created to
92 read as follows:

93 1.24.120 Teleconference – limitations. a. All Council members
94 and the Mayor should make all reasonable effort to be physically present for every
95 meeting. Teleconference procedures may not be used as a regular means of
96 attendance at meetings.

97 b. Participation by teleconference may be denied whenever the
98 physical presence of the individual is considered essential to effective participation
99 in the meeting or to the proper conduct of the business to be addressed at the
100 meeting.

101 c. Each Council member and the Mayor may attend a maximum of
102 three City Council meetings by teleconference during the 12 month period
103 commencing November 1 each year.

104 d. Each Council member and the Mayor may attend additional
105 teleconferences as a special exception if expressly approved for good cause in each
106 instance by a vote of the Council. Good cause may include, but is not limited to
107 absence required for extended medical care needed for the individual or the
108 individual's immediate family.

109 e. No Council member or the Mayor shall attend by telephonic
110 means:

- 111 1. an executive session of the City Council,
- 112 2. a hearing on an ethics charge under Chapter 1.18.

113
114 Section 4. Homer City Code subsection 1.24.040(g) concerning bylaws for city council
115 procedure is hereby amended to read as follows:

116 g. Teleconference participation in meetings ~~1. By determination of~~ may
117 be authorized ~~the council, pursuant to chapter 1.14 sections 1.24.100—1.24.120.~~

118
119 Section 5. This ordinance is of a permanent and general character and shall be included
120 in the city Code.

121
122 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of
123 _____, 2007.

124
125
126 CITY OF HOMER

127
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131 _____
132 JAMES C. HORNADAY, MAYOR

132 ATTEST:

133
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135 _____
136 JO JOHNSON, CMC, CITY CLERK

- 137 AYES:
- 138 NOES:
- 139 ABSTAIN:
- 140 ABSENT:
- 141
- 142 First Reading:
- 143 Public Reading:
- 144 Second Reading:
- 145 Effective Date:

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148 Reviewed and approved as to form and content:

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151 _____
152 Walt Wrede, City Manager

Gordon J. Tans, City Attorney

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**CITY OF HOMER
HOMER, ALASKA**

Novak

ORDINANCE 07-45(A)(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA AMENDING HOMER CITY CODE
PROVISIONS GOVERNING TELEPHONIC
PARTICIPATION IN CITY COUNCIL MEETINGS BY
THE MAYOR AND MEMBERS OF THE COUNCIL.

WHEREAS, AS 44.62.310 authorizes telephonic attendance and participation in meetings of a governmental body by its members; and

WHEREAS, Homer City Code §§ 1.14.080 and 1.14.085 presently provide for such participation, but are in need of revision and reorganization; and

WHEREAS, Homer City Code should also be amended to include the definition of teleconferencing.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 1.14.080 of the city code is hereby renumbered as section 1.24.100 and amended to read as follows:

1.24.100 Teleconference participation in meetings. a. Sections 1.24.100 through 1.24.120 govern the telephonic participation of the Mayor and members of the Council at all meetings of the City Council, including all other bodies that are comprised of the Mayor and members of the Council, such as, but not limited to, the Board of Adjustment and an ethics board.

b. The preferred procedure for City Council meetings is that the Mayor and all Council members should be physically present at the designated time and location within the City for the meeting. However, physical presence may be waived and the Mayor and any member(s) may participate in a Council meeting by teleconference, subject to the procedures and limitations provided in sections 1.24.100—1.24.120.

c. A person participating by teleconference shall, while actually on the teleconference, be deemed to be present at the meeting for all purposes. The person shall make every effort to participate in the entire meeting.

d. If the Mayor participates telephonically the Mayor Pro Tem, or the senior Council member in the Mayor Pro Tem's absence, shall preside over and perform all functions of the Mayor at the meeting.

e. "Teleconferencing" means a means used for remote participation by an official for a meeting of the city council which must enable the remote official for the duration of the meeting, to clearly hear the mayor, all councilmembers, the city clerk and

45 public testimony and to be clearly heard by the mayor, all councilmembers, the city clerk
46 and the public in attendance.
47

48 Section 2. Section 1.14.085 of the Homer City Code is renumbered as section
49 1.24.110 and hereby amended to read as follows:
50

51 1.24.110 Teleconference procedures. a. A Mayor or Council member who
52 cannot be physically present for a regularly scheduled Council meeting shall notify the
53 City Clerk at least five days prior to the scheduled time for the meeting of his or her
54 request to participate in the meeting by telephonic means of communication.

55 b. Three days prior to the scheduled time for the Council meeting, the City Clerk
56 shall notify the Mayor and Council of the person's request to participate by
57 teleconference.

58 c. At the commencement of the Council meeting a telephonic connection will be
59 established with the person or persons intending to participate telephonically. After a
60 telephonic connection is established the Mayor shall call for a vote of the council on
61 whether the person(s) may or may not participate by telephone. Prior to the vote, the
62 Mayor or Council members may make such inquiries as necessary to make a decision.
63 Only the Council members physically present may vote on the question. The Council's
64 determination is final and not subject to veto or appeal. If a person participates in the
65 meeting telephonically without a ruling from the Council, it shall be deemed to be with
66 the approval of such participation by the Council, and all actions taken by the Council
67 with the participation of all such persons are valid.

68 d. Sections a. and b. of this section do not apply to special meetings or emergency
69 meetings of the City Council called under §§ 1.14.030 and 1.14.050 of the Homer City
70 Code. A Council member or Mayor who requests to participate in a special or emergency
71 meeting of the City Council must notify the City Clerk before the time scheduled for the
72 start of the meeting. The Clerk will notify the Mayor and Council no later than the
73 commencement of the meeting. After a telephonic connection is established with the
74 person or persons requesting to participate telephonically, a ruling shall be made on the
75 person's participation in the meeting as provided in subsection c. of this section.

76 e. The means used or a teleconference meeting of the City Council must
77 enable each member appearing telephonically to clearly hear the Mayor, all other Council
78 members, and public testimony at the meeting as well as be clearly heard by all other
79 Council members and members of the public in attendance.

80 f. The City Clerk shall note in the journal of the proceedings of the City
81 Council all members appearing telephonically.

82 g. To the extent practicable, materials to be considered by the council
83 shall be made available to those attending by teleconference.
84

85 Section 3. A new section 1.24.120 of the Homer City Code is hereby created to
86 read as follows:

87 1.24.120 Teleconference – limitations. a. All Council members and
88 the Mayor should make all reasonable effort to be physically present for every meeting.
89 Teleconference procedures may not be used as a regular means of attendance at meetings.

90 b. Participation by teleconference may be denied whenever the physical

91 presence of the individual is considered essential to effective participation in the meeting
92 or to the proper conduct of the business to be addressed at the meeting.

93 c. If teleconferencing is denied the individual will be listed as absent.

94 d. Each Council member and the Mayor may attend a maximum of three
95 City Council meetings by teleconference during the 12 month period commencing
96 November 1 each year.

97 e. Each Council member and the Mayor may attend additional
98 teleconferences as a special exception if expressly approved for good cause in each
99 instance by a vote of the Council. Good cause may include, but is not limited to absence
100 required for extended medical care needed for the individual or the individual's
101 immediate family.

102 f. No Council member or the Mayor shall attend by telephonic means:

- 103 1. an executive session of the City Council.
- 104 2. a hearing on an ethics charge under Chapter 1.18.

105
106 Section 4. Homer City Code subsection 1.24.040(g) concerning bylaws for city council
107 procedure is hereby amended to read as follows:

108 g. Teleconference participation in meetings may be authorized pursuant to
109 sections 1.24.100—1.24.120.

110
111 Section 5. This ordinance is of a permanent and general character and shall be included
112 in the city Code.

113
114 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 26th day of
115 November, 2007.

CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

122 ATTEST:

123 [Signature]
124
125
126 JO JOHNSON, CMC, CITY CLERK

127
128 AYES: 4
129 NOES: 1
130 ABSTAIN: 0
131 ABSENT: 1

132
133 First Reading: 10/22/07
134 Public Reading: 11/13 & 11/26/07
135 Second Reading: 11/26/07
136 Effective Date: 11/27/07

137 Reviewed and approved as to form and content:

138

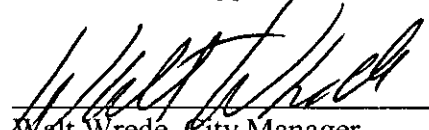
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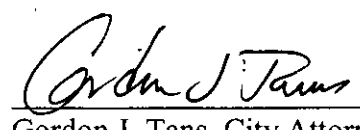
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143



Malt Wrede, City Manager

12/3/07



Gordon J. Tans, City Attorney

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**CITY OF HOMER
HOMER, ALASKA**

Lewis

ORDINANCE 16-58(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 2.08.100 TO CLARIFY THAT THE
MAYOR RETAINS THE RIGHT TO CAST A TIE-BREAKING VOTE
EVEN WHEN ATTENDING A COUNCIL MEETING TELEPHONICALLY.

WHEREAS, The Mayor Pro Tem retains their right to vote as a Council member despite taking on the Mayor's ceremonial duties in the Mayor's absence and thus it is essential that the Mayor retain their right to cast the tie-breaking vote at all Council meetings they attend, even if their attendance is telephonic.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 2.08.100 is amended to read as follows:

a. This section through HCC 2.08.120 govern the telephonic participation of the Mayor and members of the Council at all meetings of the City Council, including all other bodies that are comprised of the Mayor and members of the Council, such as, but not limited to, the Board of Adjustment and an Ethics Board.

b. The preferred procedure for City Council meetings is that the Mayor and all Council members should be physically present at the designated time and location within the City for the meeting. However, physical presence may be waived and the Mayor and any member(s) may participate in a Council meeting by teleconference, subject to the procedures and limitations provided in this section through HCC 2.08.120.

c. A person participating by teleconference shall, while actually on the teleconference, be deemed to be present at the meeting for all purposes. The person shall make every effort to participate in the entire meeting.

d. If the Mayor participates telephonically, the Mayor may vote telephonically to break a tie as permitted in Section 2.08.040(h), but the Mayor Pro Tem, or the senior Council member in the Mayor Pro Tem's absence, shall preside over and perform all other functions of the Mayor at the meeting.

e. "Teleconferencing" means a means used for remote participation by an official for a meeting of the City Council which must enable the remote official, for the duration of the meeting, to clearly hear the Mayor, all Council members, the City Clerk and public testimony and to be clearly heard by the Mayor, all Council members, the City Clerk and the public in attendance.

Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

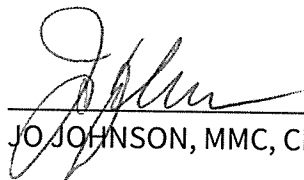
Section 3. This ordinance is of a permanent and general character and shall be included in the City Code.

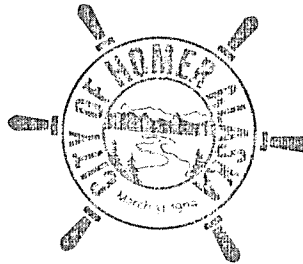
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 9th day of January, 2017.

CITY OF HOMER


BRYAN ZAK, MAYOR

ATTEST:


JO JOHNSON, MMC, CITY CLERK



YES: 5
NO: 0
ABSTAIN: 0
ABSENT: 1

First Reading: 12/05/16
Public Hearing: 1/09/17
Second Reading: 1/09/17
Effective Date: 1/10/17

84 Reviewed and approved as to form.

85

86 Mary K Koester

87 Mary K. Koester, City Manager

88

89 Date: 1-18-17

90

91

92 Fiscal Note: NA

Holly C. Wells
Holly C. Wells, City Attorney

Date: 1-27-17

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**CITY OF HOMER
HOMER, ALASKA**

Erickson

ORDINANCE 19-05(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE 2.08.100-2.08.120 REGARDING
TELEPHONIC PARTICIPATION IN MEETINGS

WHEREAS, Telephonic participation in City Council meetings is an important tool that allows members to participate when traveling or unable to be physically present; and

WHEREAS, In person is the preferred method for participation in meetings as it can be difficult to follow the public testimony and debate by voice only; and

WHEREAS, Every effort should be made to ensure a quality connection by the councilmember and City staff when participating telephonically such as testing the connection prior to the meeting, using a headset, and using a land line whenever possible; and

WHEREAS, Even given those measures, on occasion a telephonic connection can be spotty and interfere in the members ability to participate in the meeting; and

WHEREAS, The Council needs to have a mechanism in place to declare the member absent if it becomes clear throughout the course of the meeting that the telephonic connection is too poor for the member to be able to fully participate.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Homer, Alaska that:

Section 1. Homer City Code 2.08.100 entitled "Teleconference participation in meetings" is hereby amended to read:

2.08.100 Teleconference participation in meetings.

a. This section through HCC 2.08.120 govern the telephonic participation of the Mayor and members of the Council at all meetings of the City Council, including all other bodies that are comprised of the Mayor and members of the Council, such as, but not limited to, the Board of Adjustment and an Ethics Board.

b. The preferred procedure for City Council meetings is that the Mayor and all Council members should be physically present at the designated time and location within the City for the meeting. However, physical presence may be waived and the Mayor and any

42 member(s) may participate in a Council meeting by teleconference, subject to the
43 procedures and limitations provided in this section through HCC 2.08.120.
44

45 c. A person participating by teleconference shall, while actually on the teleconference,
46 be deemed to be present at the meeting for all purposes. The person shall make every
47 effort to participate in the entire meeting.
48

49 d. If the Mayor participates telephonically, the Mayor may vote telephonically to break
50 a tie as permitted in HCC 2.08.040(h), but the Mayor Pro Tem, or the senior Council
51 member in the Mayor Pro Tem's absence, shall preside over and perform all other
52 functions of the Mayor at the meeting.
53

54 e. "Teleconferencing" means a means used for remote participation by an official for a
55 meeting of the City Council which must enable the remote official, for the duration of
56 the meeting, to clearly hear the Mayor, all Council members, the City Clerk and public
57 testimony and to be clearly heard by the Mayor, all Council members, the City Clerk and
58 the public in attendance. [Ord. 16-58(A) § 1, 2017; Ord. 07-45(A)(S) § 1, 2007. Code 1981
59 § 1.24.100].
60

61 **2.08.110 Teleconference procedures.**
62

63 a. A Mayor or Council member who cannot be physically present for a regularly
64 scheduled Council meeting shall notify the City Clerk at least five days prior to the
65 scheduled time for the meeting of his or her request to participate in the meeting by
66 telephonic means of communication.
67

68 b. Three days prior to the scheduled time for the Council meeting, the City Clerk shall
69 notify the Mayor and Council of the person's request to participate by teleconference.
70

71 c. At the commencement of the Council meeting a telephonic connection will be
72 established with the person or persons intending to participate telephonically. After a
73 telephonic connection is established the Mayor shall call for a vote of the Council on
74 whether the person(s) may or may not participate by telephone. Prior to the vote, the
75 Mayor or Council members may make such inquiries as necessary to make a decision.
76 Only the Council members physically present may vote on the question. If a person
77 participates in the meeting telephonically without a ruling from the Council, it shall be
78 deemed to be with the approval of such participation by the Council, and all actions
79 taken by the Council with the participation of all such persons are valid.
80

81 If telephonic participation is interrupted due to poor connectivity that hinders the
82 active participation of a member in the meeting the Mayor will request a brief recess to
83 allow the person an attempt to reestablish a connection. If the person cannot

84 reestablish a clear connection after a recess, the Mayor shall call for a vote of the
85 Council on whether to terminate telephonic participation. Prior to the vote, the Mayor
86 or Council members may make such inquiries as necessary to make a decision. If a
87 majority of the council votes to terminate telephonic participation, the record will
88 indicate such and the member participating telephonically shall not be called upon to
89 comment or vote. The Council's determination is final and not subject to veto or appeal.
90

91 d. Subsections (a) and (b) of this section do not apply to special meetings or emergency
92 meetings of the City Council called under HCC 1.14.030 and 1.14.050. A Council member
93 or Mayor who requests to participate in a special or emergency meeting of the City
94 Council must notify the City Clerk before the time scheduled for the start of the meeting.
95 The Clerk will notify the Mayor and Council no later than the commencement of the
96 meeting. After a telephonic connection is established with the person or persons
97 requesting to participate telephonically, a ruling shall be made on the person's
98 participation in the meeting as provided in subsection (c) of this section.
99

100 e. The means used for a teleconference meeting of the City Council must enable each
101 member appearing telephonically to clearly hear the Mayor, all other Council members,
102 and public testimony at the meeting as well as be clearly heard by all other Council
103 members and members of the public in attendance.
104

105 f. The City Clerk shall note in the journal of the proceedings of the City Council all
106 members appearing telephonically.
107

108 g. To the extent practicable, materials to be considered by the Council shall be made
109 available to those attending by teleconference. [Ord. 07-45(A)(S) § 2, 2007. Code 1981
110 § 1.24.110].
111

112 **2.08.120 Teleconference – Limitations.**

113

114 a. All Council members and the Mayor should make all reasonable effort to be
115 physically present for every meeting. Teleconference procedures may not be used as a
116 regular means of attendance at meetings.
117

118 b. Participation by teleconference may be denied whenever the physical presence of
119 the individual is considered essential to effective participation in the meeting or to the
120 proper conduct of the business to be addressed at the meeting.
121

122 c. If teleconferencing is denied the individual will be listed as absent.
123

124 d. Each Council member and the Mayor may attend a maximum of three City Council
125 meetings by teleconference during the 12-month period commencing November 1st

126 each year. If a member participates in any part of a regularly scheduled meeting
127 telephonically, it will count towards their maximum allowable telephonic
128 participations.

129
130 e. Each Council member and the Mayor may attend additional teleconferences as a
131 special exception if expressly approved for good cause in each instance by a vote of the
132 Council. Good cause may include, but is not limited to, absence required for work
133 related travel or medical care needed for the individual or the individual's immediate
134 family.

135
136 f. No Council member or the Mayor shall attend by telephonic means:

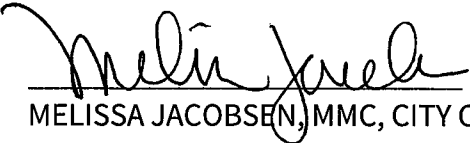
- 137
138 1. An executive session of the City Council.
139
140 2. A hearing on an ethics charge under Chapter 1.18 HCC. [Ord. 07-45(A)(S) § 3, 2007.
141 Code 1981 § 1.24.120].

142
143 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

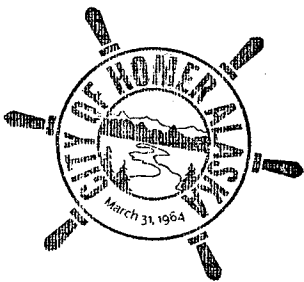
144
145 Section 3. This ordinance is of a permanent and general character and shall be included
146 in the Homer City Code.

147
148 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 28th day of January, 2019.

149
150
151 CITY OF HOMER
152
153 
154 _____
155 KEN CASTNER, MAYOR

156
157 ATTEST:
158
159 
160 _____
161 MELISSA JACOBSEN, MMC, CITY CLERK

162
163 YES: 6
164 NO: 0
165 ABSTAIN: 0
166 ABSENT: 0
167



168 Introduction: 1.14.19
169 Public Hearing: 1.28.19
170 Second Reading: 1.28.19
171 Effective Date: 1.29.19

172
173

174 Reviewed and approved as to form:

175
176 Katie Koester

177 Katie Koester, City Manager

178 Date: 1.31.19
179

Holly Wells

Holly Wells, Attorney

Date: 2.1.19

ORDINANCE REFERENCE SHEET
2020 ORDINANCE
ORDINANCE 20-24

An Emergency Ordinance of the City Council of Homer, Alaska Amending the 2020 Budget by Appropriating Funds in the Amount of \$255,000 for the Purpose of Overtime, Emergency, and Standby Personnel Costs Associated with COVID-19 Preparation and Response.

Sponsor: City Manager

1. City Council Regular Meeting May 26, 2020

Memorandum 20-063 from City Clerk as backup

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

3 City Manager

4 **EMERGENCY ORDINANCE 20-24**

5
6 AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, AMENDING THE 2020 BUDGET BY APPROPRIATING
8 FUNDS IN THE AMOUNT OF \$255,000 FOR THE PURPOSE OF
9 OVERTIME, EMERGENCY, AND STANDBY PERSONNEL COSTS
10 ASSOCIATED WITH COVID-19 PREPARATION AND RESPONSE.

11
12 WHEREAS, On Wednesday, March 18, 2020, Mayor Castner declared a Local Emergency
13 in response to the confirmation of new cases of COVID-19 in Alaska and in support of COVID-19
14 prevention measures being implemented throughout the Borough and the State; and

15
16 WHEREAS, Through Resolution 20-029 Homer City Council ratified the disaster
17 emergency declaration and extended the declaration for a period of 90 days expiring on
18 Sunday, June 21, 2020; and

19
20 WHEREAS, Council amended the 2020 budget through Ordinance 20-16 and Ordinance
21 20-22 for \$50,000 and \$80,000 respectively from the General Fund Fund Balance for the
22 material and service costs associated with COVID-19 preparation and response; and

23
24 WHEREAS, Ordinance 20-16, Ordinance 20-22, and Resolution 20-046 acknowledged
25 these appropriations would not cover regular wages (as those were already approved through
26 the adoption of the City of Homer’s Biennial Budget for 2020-2021) nor overtime wages, but
27 that these expenses are being tracked with the intent for their full reimbursement being sought
28 from the State and Federal assistance; and

29
30 WHEREAS, Homer’s First Responders have utilized stand-by pay, the Homer Volunteer
31 Fire Department has hired emergency temporary employees to respond to the pandemic as
32 authorized by the March 17, 2020 personnel regulations adopted through Resolution 20-028,
33 and other City employees have been reassigned to completely different positions as a result of
34 COVID-19 while regular employees have been documenting hours spent on COVID-19; and

35
36 WHEREAS, All personnel costs incurred as a result of COVID-19 are being tracked for full
37 reimbursement; and

38
39 WHEREAS, In the U.S. Department of Treasury’s April 22, 2020 “Coronavirus Relief Fund
40 Guidance for State, Territorial, Local, and Tribal Governments” document, it states “payroll
41 expenses for public safety, public health, health care, human services, and similar

42 employees whose services are substantially dedicated to mitigating or responding to the
43 COVID19 public health emergency” are nonexclusive examples of eligible expenditures to
44 receive Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) funding; and

45
46 WHEREAS, Amendments made to the City of Homer Personnel Regulations through
47 Resolution 20-028 allow exempt employees to receive overtime pay if an event occurs that
48 triggers the City of Homer to make an Emergency or Disaster Declaration; and

49
50 WHEREAS, Through the pay period ending on Sunday, May 10, 2020, \$110,172 has been
51 spent on unanticipated personnel costs associated with overtime as a result of COVID-19
52 preparation and response; and

53
54 WHEREAS, Additional overtime expenses are occurring and will persist at least through
55 the City of Homer’s Emergency Declaration period if not longer; and

56
57 WHEREAS, These overtime expenses are necessary in order for staff to perform both
58 regular tasks and the City’s response to the pandemic.

59
60 NOW, THEREFORE, The City of Homer Ordains:

61
62 Section 1: The FY 2020 budget is hereby amended by appropriating funds in the amount
63 of \$255,000 for the purpose of overtime, emergency, and standby personnel costs associated
64 with COVID-19 preparation and response:

65

66 Account No.	Description:	Amount:
67 157-0936	COVID-19 Response	\$255,000

68

69 Section 2: This appropriation will cover unanticipated overtime, emergency, and
70 standby expenses already incurred as a result of the pandemic as well as current and future
71 overtime, emergency, and standby expenses as anticipated by staff for the next 60 days. A non-
72 emergency ordinance will be brought forward to Council within the next 60 days to approve
73 overtime, emergency, and standby expenses projected for the rest of the year.

74
75 Section 3: The Finance Department will continue to manage the project account for
76 COVID-19 Response in order to track all project related expenses with the intent for their full
77 reimbursement being sought from the State and Federal assistance.

78
79 Section 4: This is a budget amendment ordinance, is not permanent in nature, and shall
80 not be codified.

81
82 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 26 th day of May, 2020.

83

CITY OF HOMER

KEN CASTNER, MAYOR

84
85
86
87
88 ATTEST:

89
90 _____
91 MELISSA JACOBSEN, MMC, CITY CLERK
92

93 YES:

94 NO:

95 ABSTAIN:

96 ABSENT:

97
98 First Reading:

99 Public Hearing:

100 Second Reading:

101 Effective Date:

102
103 Reviewed and approved as to form.
104

105 _____
106 Marvin Yoder, Interim City Manager

Michel Gatti, City Attorney

107
108 Date:_____

Date:_____



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Marvin Yoder, Interim City Manager
DATE: May 21, 2020
SUBJECT: Backup to Ordinance 20-24

The City expenses relating to the COVID-19 emergency fall into three categories:

- 1) **The expenses directly authorized in the Emergency Ordinances.** The first ordinance authorized \$50,000 and the second for \$80,000. These funds have been used specifically for supplies, equipment, services, and materials that were required due to the emergency.
- 2) **Personnel costs outside the adopted 2020 City Budget.** These came out of a specific account (COVID-19 Response Account No. 157-0936) separate from our normal budget and included overtime and additional manpower needs. A month ago, FEMA guidance indicated that expenditures already in an approved budget were not eligible. There were some exceptions noted but it was decided to distinguish between the additional funds and the approved funds. Finance Director Walton will provide a breakdown of regular personnel costs in the upcoming supplemental packet.
- 3) **More direction on reassignment of personnel.** The guidance allowed for budgeted personnel costs to be charged to COVID expense if the job was “substantially different” than the job anticipated in the budget. The EOC and Finance requested employees submit FEMA forms to detail out the COVID tasks they are performing; all employees are filling these out if reporting COVID hours including personnel who have been reassigned to different positions.

All of these expenses have been tracked separately and Council will have a full accounting of these expenses. Finance Director Walton is happy to answer any questions Council has on this topic.



City of Homer

www.cityofhomer-ak.gov

Finance Department

491 East Pioneer Avenue
Homer, Alaska 99603

finance@cityofhomer-ak.gov

(p) 907-235-8121

(f) 907-235-3140

Memorandum 20-065

TO: Mayor Castner and Homer City Council
THROUGH: Marvin Yoder, Interim City Manager
FROM: Elizabeth Walton, Finance Director
DATE: May 20, 2020
SUBJECT: COVID Related Personnel Costs

The purpose of this memo is to provide a breakdown of COVID related personnel costs.

There are two categories associated with COVID related personnel costs.

- **First Category:** Additional personnel costs incurred as a response to the COVID pandemic. These costs are unbudgeted and are recorded outside of the operating budget.
- **Second Category:** Budgeted personnel costs associated with the COVID pandemic. These costs include regular hours that were dedicated towards COVID tasks. Some of these costs can be reimbursed through the usage of CARES funding.

First Category - Additional Personnel Costs Incurred due to COVID Response:

Breakdown of Costs thru PPE 5/10:

Standby	\$13,961
Overtime	\$110,172
<u>Emergency Hires</u>	<u>\$17,029</u>
Total Cost	\$141,162

Breakdown of Projected Costs for next 60 days:

Standby	\$7,000
Overtime	\$80,000
<u>Emergency Hires</u>	<u>\$26,838</u>
Total Additional Authority	\$113,838

Total Additional Personnel Costs: \$255,000

Second Category – Budgeted Personnel Costs Recorded to COVID response:

This category is a moving target and a determination still remains on how to utilize CARES funding to cover budgeted personnel costs.

There have been numerous interpretations of the language in municipalities across the State, with some stating that the CARES funding can be used to fully cover the budgeted labor costs associated with first responders. Others are interpreting the language very tightly and are using CARES funding to cover labor costs only if the employee experienced a “substantially different” job.

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
April 22, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.¹

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost

¹ See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures²

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.³
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

² In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

³ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

**Coronavirus Relief Fund
Frequently Asked Questions
Updated as of May 4, 2020**

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).¹ Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

Eligible Expenditures

Are governments required to submit proposed expenditures to Treasury for approval?

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online

¹ The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

May a State receiving a payment transfer funds to a local government?

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

May a unit of local government receiving a Fund payment transfer funds to another unit of government?

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

Are States permitted to use Fund payments to support state unemployment insurance funds generally?

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

The Guidance states that the Fund may support a “broad range of uses” including payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers’ compensation coverage. Is the cost of this expanded workers compensation coverage eligible?

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

May Fund payments be used for COVID-19 public health emergency recovery planning?

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

Are expenses associated with contract tracing eligible?

Yes, expenses associated with contract tracing are eligible.

To what extent may a government use Fund payments to support the operations of private hospitals?

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

May recipients create a “payroll support program” for public employees?

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

May Fund payments be used to assist impacted property owners with the payment of their property taxes?

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

Questions Related to Administration of Fund Payments

Do governments have to return unspent funds to Treasury?

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

What records must be kept by governments receiving payment?

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act

May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government’s general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary

expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

May governments retain assets purchased with payments from the Fund?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

ORDINANCE REFERENCE SHEET
2020 ORDINANCE
ORDINANCE 20-25

An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating the First Payment for COVID-19 Related Expenditures under the CARES Act in the Amount of \$3,854,686.

Sponsor: Mayor/Smith

1. City Council Regular Meeting May 26, 2020 Introduction & Public Hearing

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

3 Mayor/Smith

4 **ORDINANCE 20-25**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ACCEPTING AND APPROPRIATING THE FIRST PAYMENT FOR
8 COVID 19 RELATED EXPENDITURES UNDER THE CARES ACT IN
9 THE AMOUNT OF \$3,854,686.00.

10
11 WHEREAS, The State of Alaska received \$562.5 million in federal funding
12 under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) that
13 is directed to Alaska’s municipalities for direct relief designed to help meet
14 each community’s costs associated with coping with the novel virus; and

15
16 WHEREAS, The City of Homer’s allocation, broken into three payments, is currently
17 scheduled to be:

- 18 1) \$3,854,686 during May, 2020
19 2) \$2,015,663 on or about July 1, 2020
20 3) \$2,015,663 on or about October 1, 2020; and

21
22 WHEREAS, Funds from this program may not be used to replace lost revenues to the City; and

23
24 WHEREAS, The Homer City Council believes there is an immediate need to supply some
25 measure of fiscal relief to the small businesses operating in, and collecting sales tax for, the
26 City of Homer; and

27
28 WHEREAS, Funds from this program may be used to provide small business grants to
29 businesses that suffered interruptions caused by the required State restrictions and mandates
30 related to the Coronavirus; and

31
32 WHEREAS, Funds from this program may also be used to reimburse the City for actual
33 and anticipated additional costs of municipal operations that are newly crafted to meet the
34 required State restrictions and mandates related to the Coronavirus.

35
36 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

37
38 Section 1. The Homer City Council hereby accepts and appropriates the first payment
39 of municipal CARES Act funding in the amount of \$3,854,686.00 to be used as follows:

- 40
41 A) \$3,000,000.00 is appropriated to fund a program of equally-sized small business
42 grants to be quickly distributed to those qualified businesses in Homer.

- 43 B) \$30,000.00 is appropriated to pay for the administrative costs of the small business
- 44 grant program.
- 45 C) \$130,000.00 is appropriated to reimburse the City's advance of emergency funding
- 46 that was used to meet the demands of the first few weeks of Coronavirus response
- 47 and altered municipal operations.
- 48 D) \$500,000.00 Is appropriated to repay the City for approved staffing expenses
- 49 associated with the COVID 19 mandates and closures and operations of the City's
- 50 Unified Command.
- 51 E) The balance is to be placed in a dedicated account to be kept ready to be used for
- 52 additional COVID 19 related expenses through additional appropriation by the
- 53 Homer City Council.

54 Revenue:

55	<u>Description</u>	<u>Amount</u>
56	FY 2020 CARES Act Municipal Assistance	\$3,854,686

58
59

60 Transfer:

61	<u>Description</u>	<u>Amount</u>
62	COVID 19 Response Fund	\$3,660,000
63	Dedicated Cash Account	\$194,686.00

64
65

66 Section 2. This ordinance is a budget ordinance only, is not permanent in nature and
67 shall not be codified.

68

69 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____
70 _____, 2020.

71

CITY OF HOMER

72
73

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79 ATTEST:

80

81 _____

82 MELISSA JACOBSEN, MMC, CITY CLERK

83

84 YES:

85 NO:
86 ABSTAIN:
87 ABSENT:
88
89 First Reading:
90 Public Hearing:
91 Second Reading:
92 Effective Date:
93
94 Reviewed and approved as to form.
95
96 _____
97 Marvin Yoder, City Manager
98
99 Date: _____

Michael Gatti, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

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citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Marvin Yoder, Interim City Manager
DATE: May 21, 2020
SUBJECT: City Manager's Report for May 26th City Council Meeting

Three Month Operations Estimates

There was a follow up request from the last Council meeting to provide projections for three months' worth of operations and personnel costs; a full accounting of personnel costs are being addressed separately by Finance Director Walton. Emergency Ordinance 20-22 provides spending authority for up to 60 days/two months for the expenses outlined in Memorandum 20-058. Departments that have provided input concerning operating expenditures over the next three months include: Public Works (through Ord. 20-22), Port and Harbor, Library, and City Manager's Office through PIO Carroll. Aside from Public Works, these departmental expenses are detailed below. Please keep in mind needs to respond to COVID-19 and associated and expenditures are subject to change.

Port and Harbor

One unbudgeted expense is a cost for preventative/protective modifications to the Harbormaster's Office customer service counter in the lobby. Harbormaster Hawkins sees re-opening the lobby for customer service included in Port and Harbor's future next steps for their ongoing phased reopening plan and, while the timeline on that is unknown, he wants to get a jump on making these important changes soon in order to be prepared. In order to meet the needs of social distancing, Port and Harbor will be installing a full length clear screen as a physical barrier and widening the counter so both the customer and the staff have space to work. He has asked the company who built the counter in 2015 to provide a quote for making the improvement which has not been received yet.

City Manager's Office/PIO

Newspaper ads, PSA's, Signs \$1,200

Library

Improvements necessary for public access \$6,900

April 2018/2019 vs April 2020 General Fund Comparables

Enclosed please find the April 2018, 2019, and 2020 General Fund Comparables which demonstrate the City is still not going too far off "normal." Please note there may be a reduction in expenditures after the CARES Act funds are received depending on how Council wishes to use these incoming dollars to offset City expenses.

March and April 2019/2020 Port and Harbor Comparables

<u>Revenues</u>	Budget to Actual YTD*	<u>Expenditures</u>	Budget to Actual YTD*
March, 2019	12%	March, 2019	41%
March, 2020	15%	March, 2020	13%
April, 2019	18%	April, 2019	46%
April, 2020	20%	April, 2020	16%

**Percentage is percentage of total fund revenues/expenditures at that time. For example, in March 2019, 12% of the budgeted revenues had come in at that point as opposed to March 2020 which had 15%.*

Connecting with Council, KBBI

Public Information Officer Carroll and team have been getting the message out on how the public can connect with City Council during the pandemic. Newspaper ads detailing this information have been published and the information is also shared on the City's website and Facebook pages as well as during the weekly calls the EOC/PIOs have with KBBI and through Peninsula radio stations as an EPSA read by Councilmember Lord. I encourage the body and community to listen to these weekly calls (currently held each Thursday right around 9am) as they provide some of the most up to date information regarding the State and City's response to COVID-19 and questions the community is curious about.

Seawall Worksession Follow-up

On Monday, May 18th, Homer City Council held a worksession to consider different aspects concerning the Seawall. Council requested staff follow up with questions one and two outlined in Engineer Meyer's May 14th, 2020 memo. Additional information was also requested on the possibility of insuring the Seawall, clarity on how an assessment district is initiated, an outline of a possible Special Assessment District (SAD) process for a major Seawall improvement, clarity on the already completed \$45k in maintenance work compared to the anticipated \$100k additional maintenance work, and clarity on whether the current mil rate could be raised and if not raised, what the maintenance budget supported by ODLSA property owner contributions an annual contribution from the City would look like. As a result of the worksession, a homeowner currently residing in the ODLSA neighborhood contacted City Clerk Jacobsen to learn more about how to initiate a SAD process for the proposed Armor Stone improvement to the Seawall. This would require the City to identify the property owners that may be affected in the future and notify them of the City intentions. If a SAD application is not received, the City would go ahead and contact property owners possibly included in the new SAD. Staff will provide Council with a memo detailing follow-up responses and possible timelines at the next Council meeting.

2020 Council Priorities

At the start of the year, Council adopted priorities for the year. With just about six months remaining, I would like to suggest a future worksession with the body to review these goals. While COVID has gotten the City off the "normal operations" track, it does not mean all the hard work established beforehand disappears. The Council's priorities are posted on the City website here: <https://www.cityofhomer-ak.gov/citymanager/2020-council-initiated-priorities> and are also provided as an enclosure with additional backup information used during Council's retreat.

Emergency Medical Services (EMS) Appreciation Week

May 17th through the 23rd marks the 46th annual EMS Appreciation Week. According to the National Association of Emergency Medical Technicians, "In 1974, President Gerald Ford authorized EMS Week to celebrate EMS practitioners and the important work they do in our nation's communities... EMS Week brings together local communities and medical personnel to honor the dedication of those who provide the day-to-day lifesaving services of medicine's 'front line.'" I would like to take a moment to say thank you to the paramedics, emergency medical technicians,

emergency medical responders, and other professionals providing prehospital and out-of-hospital emergent, urgent or preventive medical care to our community. Especially during a worldwide pandemic, we sincerely appreciate your dedication and hard work.

New Police Station

The new police station is ahead of schedule. It is likely to be finished and delivered before HPD can move in. The hold up on moving in is dispatch. ProComm Alaska has been contracted to do the dispatch move. When the City issued the contract we agreed on a date for the move to be in July. ProComm has many jobs scheduled and their schedule is very tight. They can't show up until July. The other thing slowing the move down is the pandemic. Some of the contractors associated with the dispatch move have to come up from Washington State and they don't want to travel until the quarantine requirements are eased. HPD has also had an issue with Motorola being delayed with the new console due to the pandemic. Chief Robl estimates being in the new building by August 1st.

Flexibility is Key

In addition to thanking our EMS staff, I would also like to thank Department Heads and City Council for their flexibility as the City responds to COVID-19. As the City follows the State's direction, we have to be quick on our toes in responding to the Reopen Alaska Responsibly Plan and associated mandates issued by the Governor. Homer remaining a "COVID-Smart" community depends on our adaptability as we see new guidelines come out and possible spikes in our community as restrictions are eased. What may be acceptable today could completely change by tomorrow – an experience First Responders are accustomed to that many non-emergency staff have learned over the last couple of months. Winston Churchill said "Attitude is a little thing that makes a big difference." We must support each other and keep our spirits up to persist through the challenges that are before us.

Enclosures:

1. City of Homer General Fund April Monthly Comparison
2. Memorandum 20-015: "Follow up to January 11th, 2020 Planning Retreat"
3. May 19, 2020 Letter regarding 2019 Commercial Passenger Vessel Tax Allocations and "City of Homer Ramp 2 Restroom Project" summary sheet
4. Active Projects Spreadsheet Updated as of May 19th, 2020
5. ADN Article: "New Natural Gas Deal by Hilcorp and Enstar Could Bring Rate Savings"
6. May 13 and May 18, 2020 email notices from Alaska Municipal League
7. May 21 COVID Testing and Case Reporting Memo PIO Carroll
8. May 20 VBMS Follow up Memo from City Clerk Jacobsen

City of Homer
General Fund
Monthly Comparison

General Fund	Actual April 2018	Actual April 2019	Actual April 2020
<u>Revenues</u>			
Property Taxes	4,558	14,668	23,944
Sales and Use Taxes	125,340	205,926	129,884
Other Income	60,730	175,783	91,384
Total Revenues	190,628	396,377	245,212
<u>Expenditures & Transfers</u>			
Administration	119,199	76,050	97,265
Clerks	55,299	73,624	39,122
Planning	28,909	27,538	20,426
Library	72,057	72,958	58,330
Finance	47,227	49,696	51,213
Fire	68,208	98,770	69,954
Police	252,465	274,736	233,531
Public Works	148,162	233,238	209,771
Airport	14,616	12,130	13,825
City Hall, HERC	17,891	12,647	23,397
Non-Departmental	25,000	25,000	94,000
Total Operating Expenditures	849,033	956,387	910,834
Transfer to Other Funds			
Leave Cash Out	-	-	-
Total Transfer to Other Funds	-	-	-
Total Transfer to Reserves	-	-	-
Total Expenditures & Transfers	849,033	956,387	910,834
Revenues Over (Under) Expenditures	(658,404)	(560,010)	(665,621)



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

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Memorandum 20-015

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: January 22, 2020
SUBJECT: Follow up to January 11th, 2020 Planning Retreat

Thank you for your engagement and participation in the Council Planning Retreat. Significant headway was made in identifying Council priorities for 2020 through the selection of projects proposed by individual members. The Council worked to determine the scale of each project (large, medium, medium-policy focused, and small), prioritize them in order of importance, and identify champions to be involved in specific projects until completion. I have attached the retreat summary from Facilitator Amundson that outlines the work that was accomplished, including a chart outlining the Council's priorities for 2020.

Much work was done on January 11th, however there remain some topics that the group was not able to get to. The questions are listed below with suggestions from Administration on follow up.

-How is the Council going to track projects?

By Administration continuously updating the Active Projects chart and presenting the information within the Manager's Report during the first Council meeting of the month.

-How will new projects/initiatives be added?

Council will review the Active Projects chart while considering the staff time and resources associated with the proposed project. Administration will make a recommendation as to if current efforts need to be rerouted in order to meet the demands of the new project or if the new project would be possible to incorporate and accomplish within the given year.

-What threshold needs to be reached to initiate Council review and approval of proposals to move forward because of the high amount of City resources required to develop the proposal?

This is a difficult question to answer. I ask that as Councilmembers approach me with projects, they consider the size and scope of their project, and engage in that dialogue as ideas develop. The Council Initiated Proposal Template that Susie asked each one of you to fill out for the retreat is a great starting place to think through the aspects of a proposal that will facilitate that conversation.

-How will Council ensure everyone is represented through the priorities identified by the body?

Encourage members who were not able to have their priorities represented in the 2020 goals to work with Administration on adding new proposals to the Active Project Chart and/or becoming champions for identified 2020 Council Goals.

I want to congratulate Council on the work you did to establish your goals for 2020. This provides a great starting place for the identified champions to work with each other and with Administration on advancing those priorities. Please know, I still need active direction from Council and participation on next steps, including proposed legislation, to advance the identified goals.

I look forward to working with you in 2020 on moving these important projects forward. It is my hope you will be able to look back on 2020 and see the significant accomplishments you have made on behalf of your community by working strategically together.

Recommendation: Formally adopt Council-Initiated 2020 Priorities.

Enc:

Council Initiated Proposal Template

Active Project Chart updated 1/22/2020

Mayor and City Council Planning Retreat Summary and 2020 Goals prepared by Susie Amundson

Council proposals organized by Council-Initiated 2020 Priorities

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	
Date + Champion (date and who is submitting)	
Type of Project (e.g., capital, policy, physical, plan/study)	
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	
Needs Statement (why does the community need this?)	
Proposed Outcomes (tangible, concrete, specific end results)	
Activities Scope (which steps are needed to complete project?)	
City Resources (preliminary estimate of resources needed)	
Size Category (estimate) (large, medium, small)	

Council Initiated/Involved Projects

Project	Primary Impacted Departments/Divisions	Status	Category	% Complete	Next Steps	Sponsor/Champion
Green Infrastructure Study	Administration, Public Works	Draft complete. Out for comment. June 2020 final due. Pilot project incorporated into Police Station	Medium	90	Analyze for implementation	Lord
Energy Conservation at City Buildings (lighting)	Public Works	Most facilities' lighting has been converted	Medium	80		Stroozas
Ice Plant Feasibility Study	Port and Harbor	Reviewing draft	Small	75	Analyze for implementation	Stroozas
New Police Station	HPD, Public Works, IT	Estimated completion date: June 1, 2020	Large	40		Mayor/Council
Fund Balance Policy, City-wide	Administration, Finance	Needs Council direction	Medium	25		Mayor
Traffic Calming Policy	Administration, HPD, Public Works	Research collated	Medium	20	Draft policy for dept review	Lord
HERC Demolition Cost est.	Public Works	Proposals went out 12.19 for hazmat survey	Medium	10	Funding demo	Mayor/Council
Large Vessel Harbor General Investigation Study	Administration, Port and Harbor (and ADOT, Army Corps)	Soliciting proposal for program lead; Council will consider ordinance for City match on 1-27-20	Large	5	Procure professional oversight; get DOT onboard as partner	Lord/Smith
Spit ADA Parking Improvements	Port and Harbor, Public Works	Funded in 2020 budget	Medium	0		Aderhold
Spit Parking Study	Port and Harbor, Public Works	Funded in 2020 budget	Medium	0		Lord
Re-opening HAWSP	Administration, Finance	Council will consider resolution on 1-27-20	Medium	0	Schedule worksession; refer to Planning Comm.	Smith/Mayor
Wayfinding Plan/Committee	Administration	Drafting RFP: will issue in Feb.	Medium	5	Advertise RFP.	Venuti/Smith
Medical Zoning District	Planning	Planning Commission is refining boundaries; Council issued moratorium on new CUPs	Medium	35	Neighborhood meeting planned in early March. SPH will present at next meeting on expansion plans.	Smith
Right of Way Clearing Policy	Administration, Public Works	Working group met twice	Medium	20	Request legal opinion on covenants draft language that could be included in policy document	Lord/Aderhold
Spit Parking Expansion	Public Works, Port and Harbor	CUP denied - P&H Commission considering Reso 20-008(S) to designate as green space	Medium	On hold	Consider for removal if resolution passes	Evensen

Updated 1/22/2020

Please note:

*It is of great benefit for Admin Initiated projects to have the sponsorship of a Councilmember(s).

*Future chart will have 'Date Initiated' column

*The proposed categories (small, medium, and large) are intended to gauge workload for city staff and the attorney to develop or implement and do not reflect level of priority.

*Color-coding indicates how close to completion a capital project is; Red (0-24%), Yellow (25-74%), Green (75-100%)

CITY OF HOMER
MAYOR AND CITY COUNCIL PLANNING RETREAT

Saturday, January 11, 2020: 8:30 am to 12:30 pm
Kenai Peninsula College – Kachemak Bay Campus #209

Facilitator: Susie Amundson

Objectives of Retreat

- To determine the City Council’s priorities and workflow for 2020 in order to ensure City resources are used efficiently to provide high-quality services to Homer citizens
- Establish a protocol for introducing council-initiated projects
- Set up a communication method/tool between Administration and Council for reporting on City Council prioritized projects.

City of Homer Champions

- | | |
|---------------------------|---|
| • Ken Castner, Mayor | • Heath Smith, Council |
| • Donna Aderhold, Council | • Caroline Venuti, Council |
| • Joey Evensen, Council | • Katie Koester, City Manager |
| • Rachel Lord, Council | • Storm Hansen-Cavasos, Council (not present) |

Agenda of the Retreat

The agenda allowed for participants to enjoy opening warm-ups, discuss the science of teams, take stock of current active projects, scope each other’s council-initiated proposals, and determine the 2020 (and beyond) council-initiated priorities. A group discussion also focused on how to introduce emerging council-initiated proposals throughout the year and when to ask the council for review and approval of a proposal requiring city resources beyond a small project.

Council-Initiated Projects and Priorities for 2020

Each participant presented three proposals to the group, fielded questions, and discussed the feasibility of the proposed project and the level of effort needed from the City for it. From the whole of the proposals, participants were able to recognize synergy and partnerships regarding projects, discuss the interrelatedness of projects (e.g., Climate Action Plan related to the Storm Water Management Plan and Implementation), and declare themselves as champions for specific projects. Page 2 contains a table that outlines the projects into the categories of large, medium, small, and policy and will serve as the priorities this year. A number of projects will just address one phase or part of a phase in 2020.

No clear decisions were made regarding the process for introducing council-initiated proposals that emerge throughout the year nor the threshold to be reached when Council needs to review and approve proposals to move forward because of the high amount of city resources required to develop a proposal. I encourage you to judiciously weigh other proposed projects with your prioritized ones throughout the year and to keep in mind this quote by Michael Porter “The essence of strategy is choosing what not to do.”

I appreciate you including me in your work to determine your priorities for 2020. Please let me know if I can help with anything moving forward. Also, thank you for your dedicated, enthusiastic, and unflagging efforts to provide a vibrant, safe, and appealing Homer community for our citizens and visitors.

Susie Amundson, PhD, OTR, FAOTA
susie.wisatwork@gmail.com | 509-998-1009

Council-Initiated 2020 Priorities

Large	<p>HERC Demolition/ Community Recreation Center (Champions: Aderhold, Lord, Venuti)</p>		<p>Storm Water Management Plan and Implementation (Champions: Castner, Lord, Aderhold)</p> <p>[sidewalk/road improvements; water and sewer; green space; wayfinding; climate action plan]</p>			
Medium	<p>Climate Action Plan (Champions: Aderhold, Evensen)</p> <p>[1%]</p>	<p>Wayfinding/Streetscape Champions: Venuti, Evensen</p> <p>[new banners, beautification effort to Spit]</p>		<p>Public Conversation re: Community Incorporation (Champions: Evensen, Venuti)</p>		
Policy Focus*	<p>Water and Sewer Policy (Champions: Lord, Aderhold)</p>	<p>Reserve Funding (water and sewer) (Champions: Castner, Lord)</p>	<p>Election Code (Champions: Smith, Aderhold)</p>	<p>City Council Operating Manual (Champion: Aderhold)</p>	<p>Procurement (construction) Policy (Champion: Castner)</p>	
Small	<p>Funding for Large Vessel Harbor Study (Champions: Lord, Smith)</p>					

*Note: Council prioritized in order from left to right.

City of Homer Council-Initiated 2020 Priorities

HERC Demolition/Community Recreation Center

Champions: Aderhold, Lord, Venuti

Council-Initiated Proposals Submitted at Retreat:

- New City Recreation Center (Venuti)
- Concurrent Multi-Use Community Center and HERC Planning (Lord)
- Map out a time line for all things HERC—Rec Center (Smith)
- HERC next steps and Multi-use Community Center study (Aderhold)

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	New City Recreation Center
Date + Champion (date and who is submitting)	Councilmember Venuti 2020
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Capital
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	To provide a safe, accessible building that will provide a space for indoor recreation activities for the citizens of Homer and house offices of Homer community Recreation.
Needs Statement (why does the community need this?)	Currently recreational services are spread out in many indoor facilities creating many accessibility and logistical issues, citizens are asking for a safe, accessible building to replace the aged HERC buildings.
Proposed Outcomes (tangible, concrete, specific end results)	New ADA compliant recreational building that provides safe, healthy choices of recreation for all ages of Homer residents.
Activities Scope (which steps are needed to complete project?)	The demolition of the existing buildings on the city owned property off Pioneer; bond campaign and voter approval; construction.
City Resources (preliminary estimate of resources needed)	Public works to manage project; administration to work on compliance and legal issues; council to do design approval and building construction campaign.
Size Category (estimate) (large, medium, small)	large

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Concurrent Multi-Use Community Center and HERC Planning
Date + Champion (date and who is submitting)	1/6/2020 Rachel Lord
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Ultimately one or two capital projects (2021-22), with plan and design in 2020
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Provide for a multi-use community center, utilizing the HERC site
Needs Statement (why does the community need this?)	The community has identified gym space as a top priority for filling a substantial recreation gap in Homer. The City currently holds the HERC building in warm-status, providing limited opportunities with quickly deteriorating conditions. The HERC Task Force (2019) clearly stated that the building either required demolition or large and expensive upgrades. To best serve the community, this project emphasizes moving forward on both the planning (including timelines for construction) of a multi-use community center and the ultimate fate for the HERC building, utilizing the HERC property as the location.
Proposed Outcomes (tangible, concrete, specific end results)	A functional building that provides an indoor gym space that can be used for basketball, pickleball, volleyball, and other compatible activities and provides some additional community meeting space. Potentially modest offices to lease? Opportunities to partner with private recreation organizations/ Offices and space for City Parks & Rec, including maintenance.

Activities Scope (which steps are needed to complete project?)	Cost estimates (in-progress for HERC demolition), community-wide planning effort for a new facility with Council-established cost cap (i.e. no more than \$X) to constrain to reality, generating ideas for funding, long-term look at the full 4+ acres at that site for the most strategic opportunities for the community and City building needs.
City Resources (preliminary estimate of resources needed)	\$\$\$
Size Category (estimate) (large, medium, small)	Large

Map out a time line for all things HERC—Rec Center

- Demolition
- Funding (are there any grants for asbestos remediation?)
- Consider full scope of all recreation opportunities currently available to the community.
- How much is enough? (library)
- Needs to be an integration of not a replacement to.
- Any new facility must be affordable and sustainable.
- If the HERC site is in fact the future location of such a facility planning will need to also commence on providing the public works maintenance crew with a suitable space to carry on with their duties.
- Recreational outlets are a core contributor to life balance and enjoyment. While the city plays a critical role in facilitating reasonable levels of access it must also be measured in its manifestation. Our current funding structure is limiting.

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	HERC next steps and Multi-use Community Center study
Date + Champion (date and who is submitting)	1/6/2020, Donna Aderhold
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	HERC: plan and capital (demolition); Community Center: reconnaissance / preliminary feasibility study
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Ultimate goal is demolition of the HERC and construction of a permanent multi-use community center that replaces the HERC and meets Homer’s needs based on the 2015 PARC Needs Assessment; the 2020 conceptual goal is to make firm demolition plans for the HERC and conduct the first phase of the community center as presented in the CIP.
Needs Statement (why does the community need this?)	HERC demolition and community center development and construction are on parallel paths because loss of the HERC would result in loss of important recreational opportunities in Homer if a replacement facility is not in the works at the same time. During 2019, after much deliberation and consideration, council determined that, as much as we’d like to preserve the old middle school and modify it for community use, the costs of doing so are too great and we need to plan the building’s demolition. Because the HERC provides important recreational activities (e.g., pickleball, Zumba, Native Youth Olympics training, and skateboarding), council needs to plan a new center that provides space for these activities and other community space opportunities as outlined in the 2015 PARC Needs Assessment. Council adopted the community center as one of its legislative priorities during the CIP process in 2019 and council consistently hears from constituents about the need for a community center.
Proposed Outcomes	The ultimate goal is construction of a multi-use community center that meets the needs of Homer and the surrounding

(tangible, concrete, specific end results)	area as we demolish the HERC. The proposed outcomes for 2020 include finalizing plans (and initiating?) demolition of the HERC and a feasibility study that outlines the size and type of a new facility, functional spaces based on community need, conceptual floor and site plans, estimated total construction cost and ongoing operational costs, and possible funding mechanisms.
Activities Scope (which steps are needed to complete project?)	2020 scope would include the following: (1) review outcome of HERC demolition study and make final plans for demolition, (2) develop scope of work and budget for community center reconnaissance/feasibility study, (3) issue RFP and award contract for study, and (4) receive and review study, determine next steps and timeline (#4 may not occur in 2020 depending on when contract awarded and schedule for study). Following the 2020 scope, council will need to fund HERC demolition, decide on community center construction budget, funding mechanisms, and issue contract(s) for design and construction.
City Resources (preliminary estimate of resources needed)	Multiple city departments will be involved in the project: city manager and special projects coordinator, city attorney, planning, recreation, and public works.
Size Category (estimate) (large, medium, small)	Large

City of Homer Council-Initiated 2020 Priorities

Storm Water Management Plan and Implementation

Champions: Castner, Lord, Aderhold

Council-Initiated Proposals Submitted at Retreat:

- Storm Water Master Plan with Pipe Replacing the Open Ditches (Castner)
- Storm Water Management Plan, Phase II (Lord)
- Including Sidewalk Requirements in Homer City Code (Lord)
- Build sidewalk for Main Street (Lord)
- Amending the Comprehensive Plan and Code to include Habitat Reserve and Green Space Dedication/Allocation as Emerging Development Need (Evensen)

Mayor Castner

In 2020 I would like to see a storm water master plan with pipe replacing the open ditches.

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Stormwater Management Plan, Phase II
Date + Champion (date and who is submitting)	1/6/2020 Rachel Lord
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Plan
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	To develop a comprehensive stormwater management plan for the City that provides adequate and safe drainage of stormwater to protect city infrastructure and water quality, as outlined as a top priority in the City's CIP, and building off of the nearly complete stormwater assessment project funded in part by ADEC.
Needs Statement (why does the community need this?)	A tremendous amount of water flows (and seeps) through the City of Homer. Large precipitation events, especially during the winter months, have resulted in flooding and damage to City and private infrastructure. Managing stormwater flows is critical to protecting assets and maintaining water quality. The opportunity to improve sidewalks and walkability is also tied to improved stormwater management along City streets.
Proposed Outcomes (tangible, concrete, specific end results)	A comprehensive stormwater management plan with realistic milestone dates and budget for implementation, as well as prioritized stormwater management areas taking into account large wintertime precipitation events.
Activities Scope (which steps are needed to complete project?)	Unsure? Develop scope of work from the information within the new stormwater report and additional work required as outlined in the CIP and put out to bid, with Council funding?
City Resources (preliminary estimate of	Public works, \$\$\$\$

resources needed)	
Size Category (estimate) (large, medium, small)	Large

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Title of Proposed Project (descriptive title)	Including sidewalk requirements in HCC
Date + Champion (date and who is submitting)	1/6/2020 Rachel Lord
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	The goal of this project is to amend City Code to require sidewalks on new roads built within the City.
Needs Statement (why does the community need this?)	Especially within more urban areas of Homer, walkability and public safety are high priorities for the community. By requiring sidewalks on new roads built within the City, possibly within only certain zoning districts, the City will ensure that we are pro-actively emphasizing a safe, walkable community.
Proposed Outcomes (tangible, concrete, specific end results)	Ordinance with amended City Code requiring sidewalks
Activities Scope (which steps are needed to complete project?)	Memo to planning commission with direction from Council, recommendations back to Council, public hearing & vote
City Resources (preliminary estimate of resources needed)	Planning Department time

Size Category (estimate) (large, medium, small)	Medium
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COUNCIL-INITIATED PROPOSAL

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Title of Proposed Project (descriptive title)	Build sidewalk for Main Street
Date + Champion (date and who is submitting)	1/6/2020 Rachel Lord
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Design/engineering, Capital
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Using HART funds, this project will provide ADA-compliant sidewalks, curb and gutter on Main Street from Pioneer Ave to Bayview Park.
Needs Statement (why does the community need this?)	As a top priority in the City's CIP for many years, this project will ensure increased pedestrian safety, accessibility, and enhance the quality of life for residents and visitors alike.
Proposed Outcomes (tangible, concrete, specific end results)	Sidewalks!
Activities Scope (which steps are needed to complete project?)	Phase I: develop the designs and cost estimates Phase II: build
City Resources (preliminary estimate of resources needed)	Public Works time, HART funds. Estimated cost from CIP is \$943,055
Size Category (estimate) (large, medium, small)	Medium?

COUNCIL-INITIATED PROPOSAL

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Title of Proposed Project (descriptive title)	Survey / Idea Generation re. Amending the Comprehensive Plan (and Code) to include Habitat Reserve and Green Space Dedication / Allocation as Emerging Development Need
Date + Champion	February 2020 – Evensen
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy & Program, with preliminary discussion for concepts and easiest (most pragmatic) way forward
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Leverage economic development plan for Homer with practical concepts for competitive economic growth using green space reserve concepts, which are currently missing within Homer and critically in areas immediately surrounding Homer.
Needs Statement (why does the community need this?)	Residents and visitors cite lack of green space and wildlife habitat (e.g., the 'over-developed Homer Spit') as negative qualities of our Hamlet, which ironically is positioned in an otherwise pristine setting worldwide. Lack of coherence between picturesque wildlife habitats and our Cityscape (which lacks significant green space, habitat reserve) negatively affects growth and seasonal economics of Homer.
Proposed Outcomes (tangible, concrete, specific end results)	I. Definitions and strategy surrounding Reserve space within City. II. Proportional quantity of Green Space as City Development Goal (Comp. Plan).
Activities Scope (which steps are needed to complete project?)	Planning preparations/scoping Feedback & strategy from City Departments & Chamber
City Resources (preliminary estimate of resources needed)	Planning Dept. preparations, feedback/strategy from various City Departments via City Manager
Size Category (estimate)	Small (idea generation/strategy stage)

Medium-1st priority

City of Homer Council-Initiated 2020 Priorities

Climate Action Plan

Champions: Aderhold, Evensen

Council-Initiated Proposals Submitted at Retreat:

- Climate Action Plan Next Steps (Aderhold)

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Climate Action Plan Next Steps
Date + Champion (date and who is submitting)	1/6/2020, Donna Aderhold
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy, program, plan
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Reinitiate work on Homer’s Climate Action Plan to compare the city’s current carbon footprint with that calculated 10 years ago, evaluate actual carbon footprint with goals set in the plan, determine best methods to further reduce the city’s carbon footprint based on the plan; and work with the Kachemak Bay National Estuarine Reserve (KBNERR) on climate mitigation, adaptation, and resilience strategies for Homer.
Needs Statement (why does the community need this?)	Twelve years ago Homer was the first city in Alaska to adopt a Climate Action Plan. Following adoption of the plan, a consultant calculated Homer’s carbon footprint and outlined additional specific measures Homer could take to reduce its carbon footprint. Homer has adopted numerous actions outlined in the plan and follow-up documents and continued to collect data on energy use at all facilities and by vehicle fuel consumption. Now is a good time to assess where we are and determine next steps to further reduce our carbon footprint. In addition, KBNERR has conducted workshops on climate adaption and resilience (city staff attended the workshops) and there are actions the city may benefit from based on the outcomes of the workshops. The green infrastructure study currently in development is an example of a resilience strategy that was discussed during the workshops.

	In addition, communities around Alaska are in various stages of climate action plan development and adoption, including the Municipality of Anchorage. The University of Alaska Anchorage is seeking a grant to help Alaska municipalities with climate actions and Homer has the opportunity to participate in the grant (Donna participated in a climate action discussion with Anchorage, UAA, The Alaska Center, and others following the fall Alaska Municipal League meeting during which the grant opportunity was discussed).
Proposed Outcomes (tangible, concrete, specific end results)	<ul style="list-style-type: none"> -Calculation of Homer’s current carbon footprint and comparison to the previous calculation. -Consolidation of all climate action documents in one prominent place on the city’s website (currently documents are scattered and some are not available, such as appendices to the plan). -Evaluation of what we’ve accomplished and additional steps the city can take to reduce its carbon footprint. -Adoption of green infrastructure recommendations from the current study. -Determination of additional mitigation, adaptation, and resilience steps the city could adopt.
Activities Scope (which steps are needed to complete project?)	<ol style="list-style-type: none"> (1) Consolidate energy use data and calculation of all data. (2) Compare energy use over time—before climate action plan, as climate action measures completed and new buildings (e.g., harbormaster’s office) constructed, current. (3) Participate with UAA and other communities in climate action grant. (4) Update and make publicly available climate action measures the city has completed/implemented. (5) Council discuss and decide on next carbon footprint reduction steps to take. (6) Contract with KBNERR to develop report on climate mitigation, adaptation, and resilience workshops and measures. (7) Adopt green infrastructure recommendations based on report under development.
City Resources (preliminary estimate of resources needed)	City manager and special projects coordinator, planning department and commission, public works department
Size Category (estimate) (large, medium, small)	Medium

City of Homer Council-Initiated 2020 Priorities

Wayfinding/Streetscape

Champions: Venuti, Evensen

Council-Initiated Proposals Submitted at Retreat:

- Redistricting/Rezoning of “Town Centers” Visitor Corridor (Evensen)
- New Pioneer Avenue Banners (Venuti)
- Wayfinding Streetscape Planning for City of Homer (Venuti)

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project	Redistricting/Rezoning of “Town Centers” Visitor Corridor
Date + Champion	February 2020 – Evensen
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy & Program, with preliminary discussion for concepts and easiest (most pragmatic) way forward. Interaction with State (DOT) regarding roadways.
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Strategic development goal to unify high-traffic visitor streets into singular District for inclusive grouping economically, which in turn provides path forward for effective beautification (incl. property clean-up) and increased economic prosperity, and ease of implementation for funded Streetscape & Way-Finding Project.
Needs Statement (why does the community need this?)	Residents and visitors cite ugly, seemingly un-zoned qualities of our City, particularly on the heavily traveled road to and from the Spit. This negative attribute limits the potential of numerous small businesses, and likely holds back the regional growth of property value. Combining the street regions together according to usage/function allows Planning to more effectively set policy, standards (cf. Comprehensive Plan) and when needed eases maintenance/enforcement.
Proposed Outcomes (tangible, concrete, specific end results)	Establishment of functional commercial zone for visitors and high-volumes of street-based traffic.
Activities Scope (which steps are needed to complete project?)	Planning preparations/scoping Feedback & strategy from City Departments & Chamber
City Resources (preliminary estimate of resources needed)	Planning Dept. preparations, feedback/strategy from various City Departments via City Manager
Size Category (estimate)	Medium

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	New Pioneer Avenue Banners
Date + Champion (date and who is submitting)	Councilmember Venuti 2020
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Physical
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	The banners will be visible and noticed by citizens and visitors instantly, they will share the beauty of Homer while adding life and color to the City's Pioneer Avenue.
Needs Statement (why does the community need this?)	Current banners are well worn and need replacement.
Proposed Outcomes (tangible, concrete, specific end results)	We will have banners changed for the seasons of winter and fall to add to the summer banners.
Activities Scope (which steps are needed to complete project?)	Parks and Recreation will oversee the design and inform the city council.
City Resources (preliminary estimate of resources needed)	There was funding put into the 2020-2021 budget for this. \$10,000 (1560385 funding source)
Size Category (estimate) (large, medium, small)	Small

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Wayfinding Streetscape Planning for City of Homer
Date + Champion (date and who is submitting)	Councilmembers Venuti and Smith December 2019
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Plan/study
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Create a Wayfinding Streetscape (WFSS) Committee that will be the communication link between user groups, city staff and a consultant to provide realistic streetscape amenities that will give Pioneer Ave. a welcoming, safe feel with pedestrian/driver signage to encourage walking and shopping.
Needs Statement (why does the community need this?)	Streetscape planning and Wayfinding will have a high return on investment as it will result in increasing business activity which generates tax revenue.
Proposed Outcomes (tangible, concrete, specific end results)	The downtown Homer businesses will be part of a vibrant, attractive and accessible area that will be a catalyst for economic development.
Activities Scope (which steps are needed to complete project?)	Create a RFP for hiring of a consultant that will work with the WF/SS committee to get public input at meetings and create focus groups.
City Resources (preliminary estimate of resources needed)	Funding from HART fund. Staff support (special projects) and council work sessions.
Size Category (estimate) (large, medium, small)	Medium

City of Homer Council-Initiated 2020 Priorities

Public Conversation regarding Community Incorporation

Champions: Evensen, Venuti

Council-Initiated Proposals Submitted at Retreat:

- Voluntary Expansion of City Limits at Request of Residents (aka Annexation) (Evensen)

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Voluntary Expansion of City Limits at Request of Residents (aka Annexation)
Date + Champion	January 2020 – Evensen
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy, Program, with preliminary Plan/Study Phase (Planning) to consider Areas of Diamond Ridge, Fritz Creek, McNeil, 'Far East', etc.
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Unite Homer area residents into singular, more effective City organization with increased benefits for both Residents and City (including permanently fixed property taxes within added zones, expanded services, increased volume of Homer's tax base, better (more controlled) City planning and practicality for implementation of policy, and increased political and fiscal clout at State level.
Needs Statement (why does the community need this?)	Many residents are interested in joining COH simply for voting rights/applicability; others would benefit from public safety services and water/sewer (which is crucial regionally stemming from poor, even toxic, water quality of residential wells).
Proposed Outcomes (tangible, concrete, specific end results)	I. Feasibility & Benefits Exercise/Study: Simple tax base study to answer fundamental questions of economics for various annexation scenarios. II. Strategy for Positive Outcome (resulting in request by residential majority for given area). III. Implementation Plan (large-scale City program).
Activities Scope (which steps are needed to complete project?)	Planning preparations/scoping Feedback & strategy from City Departments
City Resources (preliminary estimate of resources needed)	Planning Dept. preparations, feedback/strategy from various City Departments via City Manager

Size Category (estimate)	Large
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Medium, Policy Focus-1st priority

City of Homer Council-Initiated 2020 Priorities

Water and Sewer Policy

Champions: Lord, Aderhold

Council-Initiated Proposals Submitted at Retreat:

- Strategic plan for the water/sewer utility, including smart use of HAWSP (Lord)

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Strategic plan for the water/sewer utility, including smart use of HAWSP
Date + Champion (date and who is submitting)	1/6/2020 Rachel Lord
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Plan & Policy
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	A strategic examination of our water and sewer system to provide a roadmap for expansion and operations that work to reduce rates and provide excellent service, while establishing guidelines and policies for HAWSP projects that benefit the taxpayers and ratepayers.
Needs Statement (why does the community need this?)	Homer's water and sewer system is expensive. The extensive infrastructure coupled with a relatively low population density results in high rates to cover the cost of operations. In order to benefit all customers to the highest amount possible, Council should prioritize strategically examining the water/sewer system to look at opportunities, costs, and benefits to expansion, incentivizing infill, long-term maintenance costs, and other relevant issues facing the utility.
Proposed Outcomes (tangible, concrete, specific end results)	A policy that re-opens HAWSP, taking into account the overall system; policy suggestions for incentivizing infill; a reserve policy for the utility; a map of the City with goals for expanding services over time in a way that doesn't negatively impact rates.
Activities Scope (which steps are needed to complete project?)	Possible Task Force, or series of Council work sessions to ask questions/discuss. RFP for a consultant? Establish funding sources for planning work. Use policy questions raised in 2016 re: HAWSP to begin Council-level discussions again, ask what would be "ideal" utility rates

	(help with business recruitment, housing costs, etc), how do different scenarios pencil out using our current rate formula (i.e. with different levels of infill, with system expansion, with both infill & expansion, with increased consumption), how are utility reserves utilized, what big projects are on the horizon and how will they possibly be funded, how might climate change & increased summer drought potential possibly impact water storage at the reservoir? Etc.
City Resources (preliminary estimate of resources needed)	Water/Sewer and Finance staff time, \$\$
Size Category (estimate) (large, medium, small)	Large

City of Homer Council-Initiated 2020 Priorities

Reserve Funding (Water and Sewer)

Champions: Castner and Lord

Council-Initiated Proposals Submitted at Retreat:

- Responsibility of the water and sewer customers in funding an unsubstantiated tariff increase to fund a reserve that has no established guidelines for expenditures (Castner)
- Fund Policies (Lord)
- Establish a well founded, responsible, attainable, and sustainable reserve (Smith)

Mayor Castner

In 2020 I would like to get resolution on the responsibility of the water and sewer customers in funding an unsubstantiated tariff increase to fund a reserve that has no established guidelines for expenditures.

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Fund Policies
Date + Champion (date and who is submitting)	1/6/2020 Rachel Lord
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Establish policies surrounding fund balance, CARMA, CIP, and reserve accounts vetted by the community and established in code.
Needs Statement (why does the community need this?)	In 2019, the Mayor led Council and staff towards not only a 2-year budget but also a reorganization of City accounts. Additionally, ongoing questions exist regarding the appropriate size and use of different reserve accounts. While some work has happened (primarily with the GF fund balance), there are still many outstanding policy questions for Council to address. Having publically vetted sideboards to the City's financial pots of money is critical for a transparent and responsible government.
Proposed Outcomes (tangible, concrete, specific end results)	Policies surrounding the following accounts, which outline the purpose, any specific restrictions or requirements of that account, and the target floor/ceiling amounts in each: GF CARMA, GF CIP, GF Reserves, Utility Reserve, Port/Harbor Reserve,
Activities Scope (which steps are needed to complete project?)	Summaries of each pot of money, how it's currently used, how much is in it, possible history of its balance brought to Council along with a suite of questions to work through on each? A series of worksessions for Council to plug through, with Port & Harbor Commission input on the Harbor

	accounts, followed by Ordinances (or a single ordinance?) introduced for public hearing(s) before a final vote(s) and codification prior to our FY2022-24 budget cycle.
City Resources (preliminary estimate of resources needed)	Finance, City Managers office, Public Works Director (W/S), Port & Harbor Director
Size Category (estimate) (large, medium, small)	Large

Establish a well founded, responsible, attainable, and sustainable reserve.

- This needs to be resolved.
- The city's residents have an expectation that we maximize the utility of their tax dollars to the benefit of the community at large. Reasonable reserve ceilings/floors must be established as to not create any “dead money” or create conditions unfavorable to providing acceptable service standards.

City of Homer Council-Initiated 2020 Priorities

Election Code

Champions: Smith, Aderhold

Council-Initiated Proposals Submitted at Retreat:

- Clarify our election code (Smith)

Clarify our election code.

- Candidate qualifications.
- Clerks methods of verification.
- Add process for a contest prior to the election.
- Amend process of contesting an election.
- Consider moving seating new council date to Jan. as state and federal officials do.
 - Provides time for runoff (can coincide with state save \$?)
 - Provides time for contest
 - Can still attend AML as council member elect
 - Reduces budget “shock”
 - *Consider moving our budget off the calendar year (effectively passing the next budget June of 2021 vs December).*
 - *This will provide time for new council members to be up to speed when chomping off a two year budget.*
 - *Likely in the best interest of council and community.*

Medium, Policy Focus-4th priority

City of Homer Council-Initiated 2020 Priorities

City Council Operating Manual

Champions: Aderhold

Council-Initiated Proposals Submitted at Retreat:

- Homer City Council Operating Manual Updates (Aderhold)

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Homer City Council Operating Manual Updates
Date + Champion (date and who is submitting)	1/6/2020, Donna Aderhold
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Revise the Homer City Council Operating Manual to flow more logically, aid user friendliness, and include useful information (e.g., our “norms”) currently not included.
Needs Statement (why does the community need this?)	Newly elected officials must come up to speed on Homer city code, behaviors that are required of elected officials by law (federal, state, and city code), and the “norms” of how elected officials interact with each other, city staff, city attorney, and commissions and other appointed bodies. Homer’s City Council Operating Manual is the go-to location for elected officials and city staff. Improving its ease of use and completeness would benefit the city overall and newly elected officials in particular because we have the potential for multiple new members in any given year. Our “norms” are unwritten, which potentially makes it difficult for a newly elected official to follow them and easy for elected officials and city staff to forget them.
Proposed Outcomes (tangible, concrete, specific end results)	The proposed outcome is a revised operating manual that includes the following: <ul style="list-style-type: none"> • A table of contents that makes information easy to find • Style and language consistency throughout (city clerks made vast improvements in recent years, and

	<p>there is more that could be done)</p> <ul style="list-style-type: none"> • Plain language that references city code where appropriate but does not necessarily quote city code (this would result in fewer needed updates to the manual when code changes) • Inclusion of new text that discusses information such as interactions between council members, mayor and council members, and mayor/council members and the city manager, staff, the city attorney, and commissions and other appointed bodies • Other information as identified by council, city clerks, and the city attorney
<p>Activities Scope (which steps are needed to complete project?)</p>	<ol style="list-style-type: none"> (1) Meet with clerks and city attorney to discuss operating manual revisions and develop an outline of proposed changes (2) Present proposed changes to council for review and discussion (3) Draft changes (4) Present draft of revised changes to council (5) Further revisions based on council discussion (6) Present final to council for adoption
<p>City Resources (preliminary estimate of resources needed)</p>	<p>City attorney and clerks</p>
<p>Size Category (estimate) (large, medium, small)</p>	<p>Small</p>

City of Homer Council-Initiated 2020 Priorities

Procurement (Construction) Policy

Champions: Castner

Council-Initiated Proposals Submitted at Retreat:

- City to adopt a familiar and established process for managing construction projects (Castner)
- Codifying project account management, and reporting standards to council (Smith)

Mayor Castner

In 2020 I would like the City to adopt a familiar and established process for managing construction projects, including a hard dollar limit of promoting or accepting change orders that exceed the authorized scope of the project without review by the City Council.

Codifying project account management, and reporting standards to council.

- In house administrative measures can change as its occupiers do.
- Codification measures provide mandated timely reporting and consistent oversight.

City of Homer Council-Initiated 2020 Priorities

Funding for Large Vessel Harbor Study

Champions: Lord, Smith

Council-Initiated Proposals Submitted at Retreat:

- Port Expansion Progress (Lord)
- Secure funding for the general investigation study for the large vessel port/harbor(Smith)

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Port Expansion Progress
Date + Champion (date and who is submitting)	1/6/2020 Rachel Lord
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Design/engineering, plan
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	This project serves to highlight Council's role in helping to lead the Port Expansion project, a top priority in our CIP, which will ultimately greatly benefit the marine trades, all vessel fleets, and tourism industries in Homer with expanded port and harbor capacity.
Needs Statement (why does the community need this?)	The new facility will fill the unmet needs of large commercial vessels in Cooke Inlet and beyond, as well as opening up much needed space in the small boat harbor.
Proposed Outcomes (tangible, concrete, specific end results)	A funded general investigation study which will provide all of the pieces necessary to begin construction of the project upon completion.
Activities Scope (which steps are needed to complete project?)	Community meeting(s) to ensure widespread buy-in, Council/staff meetings with State and Federal stakeholders, Council worksession(s) to establish funding sources and steps for project success.
City Resources (preliminary estimate of resources needed)	\$\$\$
Size Category (estimate) (large, medium, small)	Large

Secure funding for the general investigation study for the large vessel port/harbor.

- A timely commitment to our portion will leverage our position as we petition the State to build this into their upcoming budget(s).
- Potential source for this \$750,000 would be a loan fund that is currently showing a balance of over \$900K and has sat unused for years. The remainder could be considered for use for HERC demolition? Finance is still Sherlocking this fund...more to come.
- The contributions of the Port and Harbor to the city's prosperity cannot be understated. It is a major part of our economic engine. The success of this project will have an enormous positive impact on our sales tax revenue and likely create growth in many economic sectors. This should be viewed as way the city can contribute to our ever elusive ways to effectively impact “economic development.”



City of Homer

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Office of the City Manager

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May 19, 2020

Mayor Charlie Pierce
Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669
Delivered electronically

SUBJECT: 2019 Commercial Passenger Vessel Tax Allocations

Dear Mayor Pierce:

I am writing to confirm that the City of Homer wishes to receive the 2019 Commercial Passenger Vessel Tax Allocations from the Borough. It is our understanding that you will be sponsoring an ordinance that would make the Borough's share of these tax receipts for vessel landings in Homer available to the City. The City appreciates that and understands that the amount to be passed through for calendar year 2019 is \$35,445.

The City of Homer recognizes that these funds must be used for port and harbor improvements that directly benefit cruise ship passengers. The City agrees to comply with the provisions contained in AS 43.52.200 – 43.52.295 and former SB 256 and HB 310. It is the City's intention to apply 2019 funds from the Borough and the state to reimburse the Port and Harbor Enterprise fund for the construction of Ramp 2 restroom.

This project was completed in February 2019. Located at the center of the retail area on the Homer Spit and at the launching point for many recreational day trips, Ramp 2 restroom has been heavily used (and greatly appreciated) by cruise ship passengers when they are in port.

Using the funds in this manner has been previously approved by the Borough and the State. The City of Homer greatly appreciates the opportunity to pool these funds to be able to make meaningful improvements for passengers and leverage funds. In this project, the City's Commercial Passenger Vessel Tax Allocations leveraged Federal Land and Water Conservation Fund dollars for a 1:1 match.

Thank you in advance for your time and consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,

Marvin Yoder
Interim City Manager

City of Homer Ramp 2 Restroom Project

The new Ramp 2 Restroom was opened for public use early in February, 2019. The restroom serves a cruise ship passenger staging area in the Port and Harbor from which many shore-side excursions launch.



The City of Homer funded the design. The City utilized Commercial Passenger Vessel (CPV) Tax Program grant funds as 1:1 matching funds to leverage a Land and Water Conservation Fund grant for \$473,405 in construction funding.



The original restroom, below, built in 1974, was 45 years old when demolished in August 2018.



The new restroom utilizes the existing foundation and utility connections, but new design efficiencies adds extra stalls, and reduces energy use and maintenance costs. Another important improvement is that the new facility is fully ADA accessible.

Council Initiated/Involved Projects

Date Initiated	Project	Primary Impacted Departments/Divisions	Status	Category	% Complete	Next Steps/Notes	Sponsor/Champion
March 2019 (Reso 19-018)	Green Infrastructure Study	Administration, Public Works	Report in final stages of being completed. Due to granting agency by June 2020. Pilot project incorporated into Police Station with interpretative signage by end of June.	Medium	90	Final report to be completed by end of May 2020. Take photos by end of May. Staff figuring out how to handle public education component under protocols of COVID-19.	Lord
Feb 2017 (Reso 16-128 SA)	New Police Station	HPD, Public Works, IT	Police station construction ahead of schedule however there most likely will be a delay for move in because of COVID. See May 26, 2020 Manager's Report.	Large	90	Estimated move in date is by August 1, 2020.	Mayor/Council
Feb 2011 (Ord 11-02 SA)	Energy Conservation at City Buildings (lighting)	Public Works	The light conversion project is complete except for 7 interior lights at the harbor master office. That could be complete in a week, except for all the interruptions and extra challenges due to the COVID issues.	Medium	90	Installation will be completed by end of June.	Stroozas
May 2019 (Ord 19-17)	Ice Plant Feasibility Study	Port and Harbor	Received engineer/consultant recommendations but project put on hold. Will be addressed at P&HAC meeting in June.	Small	75	Staff to evaluate the cost/benefits of implementing each recommendation. Main goal will be to implement the low cost things that promise returns/savings and set the bigger items on a longer timeline (after pandemic).	Stroozas
Nov 2019 (Ord 19-49 SA)	Medical Zoning District	Planning	Emergency ordinance 20-15 suspended work on this project. Staff will submit draft ordinance detailing code changes for attorney review.	Medium	75	Once attorney review is complete, at least one public hearing will be held.	Smith
Reso 20-012 (A), Memo 20-015	Reopening HAWSP	Administration, Finance	Council discussed PC recommendations and fiscal health of fund on March 9, 2020.	Medium	65	Revise/update HAWSP Policy Manual.	Castner/Lord
Oct 2019 (Reso 19-073 S)	Right of Way Clearing Policy	Administration, Public Works	Incoming PW Director reassessing ROW policy. Requesting moratorium be extended further.	Medium	60	Review revised policy with Council.	Lord/Aderhold
Sept 2019 (Ord 19-38 A S)	HERC Demolition	Public Works	City Engineer hoping to provide estimates to Council second meeting in June.	Medium	35	Receive results from lab and report from enviro. assessor regarding cost to remove haz mat materials	Mayor/Council
Aug 2019 (Ord 19-35 S)	Fund Balance Policy, City-wide	Administration, Finance	Needs Council direction	Medium	25		Mayor
Dec 2019 (Ord. 19-54 S2 A2)	Wayfinding Plan/Committee	Administration	Project on hold. Staff developing RFP for internal review.	Medium	60	Assess staff capacity to usher project through posting, selection of contractor and development of plan which requires staff availability and public engagement.	Venuti/Smith
Sept 2019 (Memo 19-153)	Traffic Calming Policy	Administration, HPD, Public Works	Project on hold.	Medium	35	Research collated. Admin staff currently working on draft policy in preparation for PW, HPD review.	Lord
Memo 20-015	Climate Action Plan Progress Report	Administration, Public Works	Project on hold.	Medium	20	Drafting analysis of CO2 usage at City buildings.	Aderhold
Jan 2018 (Ord 18-03)	Large Vessel Harbor General Investigation Study	Administration, Port and Harbor (and ADOT, Army Corps, KP&EDA)	Further detail provided in April 22, 2020 City Manager's Report	Large	5	Confirm with KP& EDA funding application status.	Lord/Smith
Dec 2019 (Ord 19-51 A)	Spit ADA Parking Improvements	Port and Harbor, Public Works	Project could be set in motion within a couple of weeks - asphalt factory is up and running so there is adequate supply.	Medium	0	Funded through ADA CARMA budget amendment.	Aderhold
Dec 2019 (Ord 19-51 A)	Spit Parking Study	Port and Harbor, Public Works	Project on hold until 2021 as detailed in May 11, 2020 City Manager's Report	Medium	0	Reevaluate Jan. 2021.	Lord

Updated 5/19/2020

Please note:

*It is of great benefit for Admin Initiated projects to have the sponsorship of a Councilmember(s).

*Color-coding indicates how close to completion a capital project is; Red (0-24%), Yellow (25-74%), Green (75-100%)

*The proposed categories (small, medium, and large) are intended to gauge workload for city staff and the attorney to develop or implement and do not reflect level of priority.

ANCHORAGE DAILY NEWS

Energy

New natural gas deal by Hilcorp and Enstar could bring rate savings

✎ Author: Elwood Brehmer, Alaska Journal of Commerce ⌚ Updated: 6 days ago 📅 Published 6 days ago

Southcentral natural gas customers could collectively save \$53.6 million under the latest contract between Enstar Natural Gas Co. and Hilcorp Alaska.

According to a letter containing the amended contract terms filed with the Regulatory Commission of Alaska, Enstar customers should save approximately 7 percent in gas costs from June 1 through March 2023, when the utility's prior contract with the Cook Inlet producer was set to expire.

The new terms also extend the agreement through March 2033. According to Enstar's filing, Hilcorp "reliably delivered" 82 percent of the utility's gas in 2019 and is expected to cover 80 percent this year.

Enstar could purchase anywhere from 64 percent to 97 percent of its annual gas requirement under the new terms. The utility expects its demand to remain at roughly 33.6 billion cubic feet, or bcf, per year through 2025.

The contract has a base firm quantity of 25 bcf per year.

Enstar officials noted that multiple Cook Inlet producers have filed for bankruptcy in recent years. Furie Operating Alaska had its gas production halted in early 2019 when a production line froze, causing Enstar and other utilities to purchase gas elsewhere and draw on stored reserves for several months. Furie filed for Chapter 11 bankruptcy last August.

"This gas supply certainty is vital at a time of growing scarcity," the letter states.

Enstar supplies gas to approximately 148,000 customers.

Gas will be sold at \$7.55 per thousand cubic feet, or mcf, in the first year of the contract but will vary afterwards. According to Enstar's filing, the price for gas in subsequent years will be set through a calculation based on three price indices published by the Bureau of Labor Statistics. However, the price cannot increase more than 1.5 percent or decrease more than 1 percent in any given year, meaning the deal has an effective price ceiling of \$8.89 per mcf in 2033.

Prior contracts between the two had fixed price inflation rates of 2 percent to 4 percent, but “Enstar does not believe that an inflexible, always-positive inflation factor appropriately reflects how production costs increase and decrease over time,” the letter states.

The agreement amends and extends a contract signed in 2016. At the time most gas contracts in Cook Inlet were five years or less.

In 2018, the first year of that deal, Hilcorp sold to Enstar for an average price of \$7.56 per mcf.

State Sens. Josh Revak, Shelley Hughes and Senate President Cathy Giessel all urged RCA to approve the contract in comments to the commission.

Hughes and Revak noted the combination of price reductions and long-term supply as needed benefits during a highly uncertain economic period and Giessel highlighted that it will ensure Alaska is developing and utilizing its own resources.

“When Alaska gas is on relative price parity with imports, this use of our own resource will support the direct and indirect jobs in the resource development industry that in turn support our communities,” Giessel wrote in her comments.

A public comment period for the contract is open through May 20 on the RCA website.

[Because of a high volume of comments requiring moderation, we are temporarily disabling comments on many of our articles so editors can focus on the coronavirus crisis and other coverage. We invite you to write a letter to the editor or reach out directly if you'd like to communicate with us about a particular article. Thanks.]

About this Author

Elwood Brehmer

Elwood Brehmer is a reporter for the Alaska Journal of Commerce. Email him: elwood.brehmer@alaskajournal.com

From: Nils Andreassen <nils@akml.org>
Sent: Wednesday, May 13, 2020 10:02 AM
To: Rachel Friedlander <rfriedlander@ci.homer.ak.us>
Subject: CARES Act Funding - Progress

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



Update on CARES Act Funding

The Legislative Budget and Audit Committee met this week and approved the Governor's proposed distribution plan for CARES Act funding to local governments. This was not without conflict, and we drafted a [thank you to legislators](#) in response.

Distribution, then, should look something like [this](#) (starting on page 4 there is a list of amounts by community; ignore May 1 date that was hoped for):

- \$257,548,754 will be distributed first, apportioned to communities based on Community Assistance formula (this is not your Community Assistance payment*)
- \$107,723,302 will accompany that first distribution, based on economic activity - unincorporated communities will not receive this or future distributions
- \$101,650,415 will be available for distribution on July 1
- \$101,650,415 will be available for distribution on October 1

** Make sure you are still submitting everything you need for your regular Community Assistance payment, which would still be released after July 1. That payment will be reduced because of the veto to fund recapitalization.*

The first distribution of \$365,272,056 will likely wait on OMB and DCRA to finalize grant agreement processes. So you should expect to see, we think, first a grant agreement or contract that commits you to following the Treasury guidance in how you spend these funds. It will also indicate that if Treasury determines an ineligible

expenditure and recoups this from the State of Alaska, then the State will try to recoup that from the responsible local government. We're actively working on all of this and hope that everything will be in place in the next two weeks.

Note that access to July 1 or October 1 funds will be based on ability to spend at least 80% of earlier distributions.

In terms of allowable expenditures, and the guidance you will need to follow, please see the documents that Treasury has released so far:

- <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>
- <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>

One of the keys to this guidance, in my mind, is that while it states clearly that allowable expenses are based on things that aren't in your current budget, it considers any change in purpose of what's been budgeted as an allowable expenditure. So you may have had certain staff already budgeted in this fiscal year, but instead of working on what you'd planned for them, their time was reallocated to responding to the public health emergency. And there's a presumption that all public safety employees are allowable expenditures. Funds can be used in support of schools, hospitals, nonprofits, businesses, and individuals in need.

We'll work with a number of partners to host calls and webinars that walk through what allowable expenditures might look like for local governments. We know that these funds can not replace lost revenue, and they won't make up for vetoes, but still there is a lot of room to work on cost recovery and supporting your community during this time.

AML will also implement a program to support members during this time. First, we will partner with BDO and Landye Bennett to host a CARES Act hotline where we're able to try and answer questions about allowable expenditures, documentation, and overall accounting for these funds. Also, AML will hire a staff member who can support members in reporting and compliance.

I want to emphasize that we fought hard for these funds and we're so glad to see progress this week. Our fundamental hope is that this will help our members in their time of need. We still have work to do, including in DC to advocate for support for lost revenue replacement.

In some ways, that fight was just the first step. The real work begins as funds are distributed and spent, and reporting begins. I think not only will you have monthly reporting to OMB and DCRA, but we should expect legislative scrutiny over the use of these funds. Lawmakers will want to ensure that their action this week was justified. While I believe it was, cities and boroughs are going to have to be really clear about necessary and allowable expenditures, how they are supporting residents and businesses that are experiencing economic hardship, and how local government services are being retooled in response to a public health emergency.

Again, we'll follow up soon with more information about how we interpret Treasury guidance and what kinds of expenses may be considered allowable and necessary. It's great to see the ideas that we've seen from a number of members who have really thought through the opportunity here and how they might address local government and community needs.

Thanks, everyone!

Nils Andreassen
Executive Director

Recent Letter to the White House



AML | One Sealaska Plaza, Suite 200, Juneau, AK 99801

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Rachel Friedlander

From: Nils Andreassen <nils@akml.org>
Sent: Monday, May 18, 2020 4:00 PM
To: Rachel Friedlander
Subject: CARES Act Funding - Grant Agreements

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



DCRA Releases CARES Act Grant Agreements

DCRA published information related to CARES Act funding, and distributed grant agreements to members on Friday.

Here is DCRA's resource page:

<https://www.commerce.alaska.gov/web/dcra/LocalGovernmentResourceDesk/COVID19.aspx>

To apply for the COVID-19 Relief funding, please complete the following documents and submit them to resourcedesk@alaska.gov. Email resourcedesk@alaska.gov if you have any questions.

- [COVID-19 Community Grant Agreement](#)

We hope you'll review this Agreement carefully. We have heard that funds could be distributed very quickly, even by later this week.

I know that everyone is looking forward to receiving these funds quickly, but I also wanted to flag some of the concerns I have raised...

While it looks like this is DCRA's standard agreement, I would argue that there should be consideration for waiving some of these provisions (it looks like the Commissioner has this power). Ultimately, we want communities to have what they need during this crisis, without adding restrictions or additional compliance measures. Here are a couple points:

- There should be no requirement for a scope of work. The Treasury guidance is sufficient. How will this fit into OMB's reporting? If it doesn't, what review will be completed and for what purpose? If the scope of work doesn't trigger a decision that these are allowable expenditures, then it isn't necessary.

- Withholding 10% - for most it is coming out in three payments, why would you withhold an additional amount of 10% outside the RPL process? – also it wouldn't comply with Treasury's guidance that these funds be expended by the end of the year; this would mean that the State has to pay that back to Treasury as unspent. (We're talking about \$56 million.)
- Article 6, reports – these are already due to OMB, and we should try to avoid duplication or additional reports to DCRA.
- Article 12, recordkeeping – this standard should be set by OMB, and not left separately to the Department to determine additional requirements.
- Article 13 – this should be clear that sub-awards are permissible without these provisions, and that this only applies to hiring someone else to distribute funds on the grantees behalf; the point is to get these funds out to others, without any of these restrictions
- Article 26, insurance – This should be waived. There are already requirements for this provision in other DCRA agreements, and it shouldn't be tied to funds meant to help during a crisis.
- Article 38, single audit – I just want to flag that this will increase the costs of compliance for any that didn't have to do this before, with less money then going in support of the public health emergency

I don't know how much progress we'll see in changes to these, but it seems important to highlight the questions we have. We're talking about emergency distributions meant to meet public health and economic needs of Alaskans. I don't want to see members miss out on any of this funding or have additional burdens while they are focused on response and recovery.

Nils Andreassen
Executive Director



AML | One Sealaska Plaza, Suite 200, Juneau, AK 99801

[Unsubscribe rfriedlander@ci.homer.ak.us](mailto:rfriedlander@ci.homer.ak.us)

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City of Homer

www.cityofhomer-ak.gov

Administration

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Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
THROUGH: Mark Kirko, Incident Commander and Marvin Yoder, Interim City Manager
FROM: Jenny Carroll, Public Information Officer
DATE: May 21, 2020
SUBJECT: COVID-19 Testing and Case Reporting

To date, Unified Command has been issuing a Press Release for every positive COVID-19 case reported in Homer. The purpose for issuing the press releases is to help residents understand the prevalence of Covid-19 in the area and to share related public health and safety messages.

Information about testing and cases comes from various data sources and are collected by the Division of Public Health's Section of Epidemiology, or EPI. Testing data comes from a variety of sources: Alaska Public Health Nurse investigations, commercial labs, the Alaska State Public Health Labs (ASPHL), hospital and medical facility labs and from labs contracted to work with specific industries supplying workforce to Alaska. The data on positive confirmed cases comes from patient investigations.

Because of this, gaining information about a positive case can take time, and always, the information that is allowed to be put out is governed by HIPAA patient privacy laws and Alaska Statute. EPI, DHSS and health care facilities are HIPAA compliant agencies. Cases numbers can be reported for communities (census designated places) of 1,000 and larger and personal health information may be release (age, etc.) for communities (CDPs) around 15,000 pop or larger.

To protect the privacy and confidentiality of patients, they do not report personally identifying information, including locations of cases if the town or area has less than 1,000 residents. While many may want to know geographic information at a granular level (i.e. is it in Homer; is it in Fritz Creek or Diamond Ridge and if so, what neighborhood?), exact locations combined with other information that DHSS reports could inadvertently identify a person.

This was the situation surrounding the two cases reported on May 16 and 17. They were originally reported as Homer cases. But as EPI recognized that the cases were actually on the southern Kenai Peninsula in small population census areas, they reclassified the two cases from Homer to Kenai Peninsula, Other. This will be their process statewide for reporting data from small population areas on their dashboard, but they will aim to provide slightly more specific geography on cases in their press releases by specifying "the Kenai Peninsula Other cases were on SKP".

Homer is a service hub for the SKP, so that information is great to know. More than knowing exactly where the case is located in the SKP, it is important to know that the State has a robust public health investigation and contact tracing system in place. If you are traced as a close contact to a positive covid-19 case, you will be contacted by a Public Health Nurse.

Given the complexities of gaining case information from an expanding number of test facilities and sources, HIPAA limitations on case information, that Unified Command often does not have additional information to add to the State's daily case count press releases and that the Kenai Peninsula Borough reports on cases in their jurisdiction, Homer Unified Command will no longer be issuing a press release for *every* positive test in the Homer area.

The State of Alaska DHSS issues daily case count press releases and they maintain a detailed case count dashboard on their website, which the City of Homer COVID-19 webpage exhibits for consistent updates on local case counts. South Peninsula Hospital reports their testing counts on their website daily too. We encourage people following daily counts to sign up for DHSS's press release emails and to visit those respective websites for full and accurate information. You can sign up for the press releases at:

https://public.govdelivery.com/accounts/AKDHSS/subscriber/new?topic_id=12

When Homer Unified Command is made aware of local cases through our partnerships with local testing locations, public health nurses, the Borough and the State, we will assess the information and whether a press release would be helpful for sharing more specific information about a particular case or set of cases and/or to assist the community in understanding how and to what extent Covid-19 is spreading in the area and to reinforce community and/or industry specific preventative and mitigation measures.

The most important take away is that COVID-19 is in Alaska, and we need to keep promoting and practicing mitigation measures for the health and safety of our loved ones and neighbors, and for the sake of our economy. Homer Unified Command will continue its public safety messaging through many established channels to keep people aware and informed.

If you have further questions about the Press Release process moving forward, or how the State reports testing and cases please contact me or Chief Kirko and we will either be able to answer your question or connect you with someone who can. The State also developed a great set of FAQ's which you can read at <https://coronavirus-response-alaska-dhss.hub.arcgis.com/datasets/cases-and-testing-frequently-asked-questions>.



City of Homer

www.cityofhomer-ak.gov

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(f) 907-235-3143

Memorandum

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: MAY 19, 2020
SUBJECT: VOTE BY MAIL SYSTEM (VBMS) DISCUSSION FOLLOW-UP

This memo provides follow-up information from questions raised at the May 11th meeting during discussion of Resolution 20-044 supporting the Kenai Peninsula Borough (KPB) Ordinance 2020-24 re: VBMS on the process to update the voter rolls and signature verification.

As I explained at the last meeting, the voter registration list maintenance is the responsibility of the Division of Elections (DOE). The process is outlined in Alaska Statutes 15.07.130 and it entails a yearly mail out to registered voters:

- whose mail from the division has been returned to the division in the two years immediately preceding the examination of the register;
- who have not contacted the division in the two years immediately preceding the examination of the register; or
- who have not voted or appeared to vote in the two general elections immediately preceding the examination of the register.

If a registered voter hasn't contacted the DOE and hasn't voted in an election within the preceding 4 calendar years and proper notices are sent to the voter, their registration will be inactivated unless the voter responds to the notice within the designated time. Per the statute, the DOE director shall cancel a voter's inactive registration in accordance with the procedures set out in 42 U.S.C. 1973gg-6 (sec. 8, National Voter Registration Act of 1993) after the second general election that occurs after the registration becomes inactive if the voter does not contact the division or vote or appear to vote.

Regarding the signature verification process, I contacted Kenai Peninsula Borough Clerk Blankenship and confirmed that Permanent Fund Dividend applications are not used for signature verification. It's good to note that PFD applications are more frequently submitted and signed electronically. There is a process where election registers are scanned by the DOE into their VRMS system and may be used for signature verification. Page 31 of the KPB Vote by Mail Feasibility Study suggests processes the KPB may choose to verify signatures.

In my conversation with Borough Clerk Blankenship she confirmed for the 2020 election verification process will remain the same as prior years, requiring the voter's signature, the signature of a witness who's at least 18 years old, and at least one identifier. Those verifiers include a State of Alaska voter number, driver's license number, birthdate, or the last four of their SSN.

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

Lord/Smith

3
4 **RESOLUTION 20-050**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
7 DELAYING CERTAIN NON-CRITICAL CAPITAL PROJECTS AND
8 ENCOURAGING CONSERVATIVE OPERATIONAL SPENDING WITH
9 THE INTENT TO REASSESS CAPITAL AND OPERATING EXPENSES
10 AFTER THE FIRST AND SECOND FISCAL QUARTERS WHILE
11 DEVELOPING FINANCIAL SCENARIOS FOR FY2020 AND FY2021.
12

13 WHEREAS, The Mayor of the City of Homer declared a local emergency in response to
14 the Covid-19 pandemic on March 18, 2020; and
15

16 WHEREAS, The Homer City Council ratified the declaration of local emergency and
17 extended it for 90 days; and
18

19 WHEREAS, The Honorable Michael Dunleavy, Governor of Alaska, has issued health
20 mandates to respond to the Covid-19 pandemic, which have resulted in tremendous economic
21 strain and hardship on many individuals, families, and businesses in Homer; and
22

23 WHEREAS, 44% of City revenue is budgeted from sales taxes, with another 28% of
24 revenue budgeted from property taxes in FY2020; and
25

26 WHEREAS, Under Homer City Code 9.16.010, dedicated City sales tax also provides
27 revenue for the police station project, the Homer Accelerated Roads and Trails fund (HART),
28 and the Homer Accelerated Water and Sewer Project fund (HAWSP); and
29

30 WHEREAS, The bulk of City sales tax revenues come in during the second and third fiscal
31 quarters of the year, in line with the typically busy Homer tourist season; and
32

33 WHEREAS, The City's 2018 audited General Fund balance was \$6,425,584 and beginning
34 in FY20 \$4,153,169 was assigned as an "emergency fund" that is equal to four months' revenue
35 to be maintained by Council for use only in the event of emergencies, with the remaining
36 balance designated as 'Unassigned Fund Balance'; and
37

38 WHEREAS, City activities are also tracked within the Water and Sewer Special Revenue
39 Fund, the Harbor Enterprise Fund, Reserve Funds, Debt Service Funds, and Internal Service
40 Funds all of which may be impacted by economic uncertainty associated with Covid-19; and
41

42 WHEREAS, The Kenai Peninsula Borough is the tax collection agency for the City of
43 Homer and is on a fiscal year calendar and as such is currently in their budget process through
44 which their Administration, under the “Summary Data – Governmental Functions” section of
45 Mayor Pierce’s proposed FY 21 Annual Budget, has estimated nearly 21% reduction in tax
46 revenues (sales and property taxes) with an estimated 15% reduction in sales tax returns as a
47 result of Covid-19 restrictions; and

48
49 WHEREAS, It is in the best interest of the City to act proactively and plan for long-term
50 fiscal responsibility across funds and within operations throughout this crisis to continue
51 providing City services and maintain the City’s workforce through economic uncertainty to the
52 greatest extent possible; and

53
54 WHEREAS, The direction provided in this resolution is proactive in nature. Its intent is
55 to protect the fiscal health of the City and the City’s ability to continue providing essential
56 services into what is currently an uncertain future. This direction will be followed with staff
57 reevaluating all capital projects and operational expenses under these new parameters.

58
59 NOW, THEREFORE BE IT RESOLVED that the City Manager will work with Departments
60 to assess approved capital projects and will only proceed with projects that are currently
61 underway, have majority of funds from other sources (i.e. state or federal grants), are
62 necessary for public safety and welfare, or are recommended to still occur while delaying other
63 non-critical capital projects.

64
65 BE IT FURTHER RESOLVED that the City Manager will work with Departments to stretch
66 operational dollars and spend budgeted funds conservatively and prudently.

67
68 BE IF FURTHER RESOLVED that the City Council will reassess guidance on capital and
69 operational spending after the first and second fiscal quarters’ revenue is booked;

70
71 BE IT FURTHER RESOLVED that the City Council requests the following information from
72 Administration for a worksession prior to the first meeting in June:

- 73 ○ Updates on all current fund balances and accounts, including reserve accounts,
74 debt service accounts, the General Fund, Enterprise Fund, and Water Sewer
75 Special Revenue Fund.
- 76 ○ An update on the 2019 audit and timeline.
- 77 ○ Modeled projections of City revenues for FY20 and FY21 with sales tax revenues
78 reduced by 15% and 40% and property tax revenues reduced by 10% and 20%.
- 79 ○ Estimates of Fund Balance spending to fill the above projected revenue
80 reductions.

81
82
83

84 PASSED AND ADOPTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of
85 _____, 2020.

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CITY OF HOMER

KEN CASTNER, MAYOR

93 ATTEST:
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95
96

97 MELISSA JACOBSEN, MMC, CITY CLERK

98
99

Fiscal note: N/A

100

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 20-051

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING ACCEPTANCE OF CORONAVIRUS RELIEF FUNDS IN THE AMOUNT OF \$7,899,085.29 FOR COSTS THAT ARE NECESSARY EXPENDITURES INCURRED DUE TO THE PUBLIC HEALTH EMERGENCY WITH RESPECT TO THE CORONAVIRUS DISEASE 2019 (COVID-19), FROM THE ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT.

WHEREAS, The Homer City Council wishes to provide the above described funds for the community of Homer; and

WHEREAS, The City is pleased to have been awarded Coronavirus Relief Funds in the amount of \$7,899,085.29 from the Alaska Department of Commerce, Community, and Economic Development for COVID-19 related expenditures.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, accepts the Coronavirus Relief Funds Grant in the amount of \$7,899,085.29 and authorizes the City Manager to execute the grant agreement and all other appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 26th day of May, 2020.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A



City of Homer

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(f) 907-235-3148

MEMORANDUM 20-062

TO: Mayor Castner and Homer City Council
FROM: Marvin Yoder, Interim City Manager
DATE: May 21, 2020
SUBJECT: CARES Grant Agreement

It appears the Governor and the Legislature are nearing a deal on transferring Federal Dollars to the Municipalities. This will be a large influx of cash and the City should be prepared to appropriate these funds to the benefit of the community businesses and individuals. This Grant Agreement is required in order for the City to receive the funds.

The council will be tasked with identifying programs required to meet the goals of the funding and the needs of our community in a fiscally responsible way. The Council will appropriate the money and receive regular progress reports.

Several things to note:

- 1) The CARES guidance uses term such as “substantially dedicated”, “substantially different use”, “Local government discretion” which at first glance would lead us to believe that there are few restrictive regulations. We will research to the best of our ability to sort this out so there is little or no ambiguity.
- 2) There is a monthly reporting requirement.
- 3) There is a requirement that we spend 80% of the funds before the second check will be released on July 1st. The federal funding lists 2 batches to make up the total amount, one is CAP Funds and the other is called Direct Cost. Our first payment is scheduled to be \$3,854.686 with \$1.839.023 in CAP Funds. There was a question posed as to whether the City must spend 80% of the total or just of the CAP Funds.
- 4) The City is required to submit an application to the State (attached). Approval of the grant is required in order to receive the funds.

City Staff is continuing to seek guidance from the CARES guidance documents, the State of Alaska and the Alaska Municipal League. We will make every effort to follow the established guidelines and to meet the needs of Homer businesses, individuals and the City that were negatively affected by COVID-19 emergency.

The Council should consider setting priorities. There are a number of approved destinations for these funds. I recommend a worksession to consider priorities.

The money can be used for: Reimbursement to the City for the added expense to cope with the emergency, grants to businesses, grants to individuals, grants to non-profits, reimbursement to the City for those employees whose job duties were substantially changed, infrastructure that assists in the recovery, planning efforts that assist the recovery effort.

From: [Kenealy, Lynn M \(CED\)](#)
To: [Department City Manager](#)
Subject: URGENT: CARES Act Funding Grant Agreement and Information
Importance: High

City Manager Katie Koester
City of Homer

Dear City Manager Katie Koester,

This email contains information regarding the Federal CARES Act funding for COVID-19 relief to communities. Your community has been allocated money for COVID-19 relief from this fund, should you choose to accept this funding for coverage of allowable expenditures. You are not required to accept these funds, and should only accept the funds if you have or anticipate having qualified COVID-19 related expenditures.

Payments from this fund may only be used to cover necessary expenditures incurred due to the COVID-19 public health emergency; were not accounted for in your budget prior to March 27, 2020; and were incurred from March 1—December 30, 2020. If you have questions about allowable expenditures, please see the attached documents for details, or call your [Local Government Specialist](#), for more information. You can find your Local Government Specialist here: <https://dced.maps.arcgis.com/apps/webappviewer/index.html?id=39d62deddd2b49c3b9a1aff48ffcaa76>

You will find attached the following documents attached to a follow-up email. Additionally, these documents can be found online at: <https://www.commerce.alaska.gov/web/dcra/LocalGovernmentResourceDesk/COVID19.aspx>.

- Grant Agreement
- Resolution (tribal and all other)
- Sample Reporting Form
- Federal Guidance
- Federal FAQs

Should you choose to accept this money, the funds will be distributed upon receipt and acceptance of your Grant Application. After distribution, you will be required to submit monthly reports similar to the Sample Reporting Form attached. Some communities will be eligible for second and third payments. For those eligible communities, upon receipt of evidence of expenditure of 80% of each batch of funding, the next batch of funding will be distributed.

Your entity has been allocated the following amounts:

First Payment: \$3,867,758.79
Second Payment: \$2,015,663.25
Third Payment: \$2,015,663.25

Total: \$7,899,085.29

Any funds not utilized on allowable COVID-19 expenditures must be returned. Additionally, you must comply with all provisions of the attached Grant Agreement.

Please note, you may use these funds in preparation for future public health emergencies with respect to COVID-19, for instance, a potential second wave of the virus.

If you choose to accept this funding, please complete the attached Grant Agreement, signed by the highest ranking member of your organization (manager, mayor, president, etc.). Applications will be accepted via email. Please email the completed application to resourcedesk@alaska.gov at your

soonest convenience.

A resolution accepting this funding from the decision-making body is required in order to release funding. Please find a sample resolution attached. *All sovereign entities are required to complete and submit the Waiver of Sovereign Immunity form in addition to the Grant Agreement in order to release funding.*

If you do not intend to apply for this funding, please inform us by responding to this email, to avoid further correspondences.

Lynn Kenealy

*Local Government Resource Desk
DCRA, DCCED, SOA*

*550 West 7th Ave, Suite 1640, Anchorage, AK 99501
907-269-8122*

www.commerce.alaska.gov/web/dcra/LocalGovernmentResourceDesk.aspx



**DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC
DEVELOPMENT
DIVISION OF COMMUNITY AND REGIONAL AFFAIRS**

**CORONAVIRUS RELIEF FUND
Grant Agreement**

Grant Agreement Number		Vendor Number	Amount of Federal Funds	
GAE	Appropriation Unit	Lapse Date	Project Title Section 601(a) of the Social Security Act as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-136)	
Grantee			Department Contact Person	
Name			Name Lynn Kenealy	
Street/PO Box			Title Local Government Specialist	
City/State/Zip			Street/PO Box 550 West 7th Ave, Suite 164	
Contact Person			City/State/Zip Anchorage, AK 99501	
Phone	Fax		Phone 907-269-8122	Fax 907-269-
Email			Email ResourceDesk@alaska.gov	

AGREEMENT The Alaska Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs (hereinafter ‘Department’) and **Insert Name of Locality** (hereinafter ‘Grantee’) agree as set forth herein.

Section I. The Department shall pay the Grantee the identified amounts under the terms outlined in this Agreement. The amount of the payment is based upon expenses incurred, which are authorized under this Agreement. In no event shall the payment exceed **\$ Insert total amount of grant.**

Section II. The Grantee shall only use the funds provided under this Agreement to reimburse itself, or to pay necessary expenses incurred, as a result of the public health emergency stemming from the Coronavirus Disease 2019 (COVID-19).

Section III. The Grantee may only use the funds provided under this Agreement for expenses that were not accounted for in its most recently approved budget as of March 27, 2020; and that were incurred during the period of March 1, 2020 and December 30, 2020. Unexpended funds must be returned to the State on or before March 30, 2021.

Section IV. The Agreement consists of this page and the following:

- | | |
|---|--|
| <p style="text-align: center;"><u>ATTACHMENTS</u></p> <p>Attachment A: Scope of Work</p> <p>Attachment B: Payment Method</p> <p>Attachment C: Standard Provisions</p> | <p style="text-align: center;"><u>AMENDMENTS</u></p> <p>Any fully executed amendments to this Agreement</p>
<p style="text-align: center;"><u>APPENDIX</u></p> <p>Appendix A: State Laws and Regulation</p> |
|---|--|

Grantee	State of Alaska Approvals
Signature	DCEED Signature
Printed Name and Title	Printed Name and Title
Date	Date
	OMB Signature
	Printed Name and Title
	Date

Reviewed by: _____

Attachment A Scope of Work

1. Authorized Use of Grant Funds

The purpose of the grant funds is to provide Grantee with funding available under Section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

Expenditures must be used for actions taken to respond to the public health emergency declared by the Governor on March 11, 2020. Such actions may include expenditures incurred to allow Grantee to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Grant payments may be used only to cover costs that were not accounted for in the Grantee’s budget most recently approved as of March 27, 2020. A cost meets this requirement if either: (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the Grantee, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by the Grantee in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account. A cost is “incurred” when the Grantee has expended funds to cover the cost.

Expenditures using Fund payments must be “necessary.” Funds provided to Grantee as a direct payment from the State of Alaska pursuant to this grant agreement must adhere to official federal guidance issued or to be issued on what constitutes a necessary expenditure. Any funds expended by a political subdivision or its grantee(s) in any manner that does not adhere to official federal guidance shall be returned to the State of Alaska.

Any funds provided pursuant to this grant agreement cannot be used as a revenue replacement for lower than expected tax or other revenue collections.

Funds received pursuant to this grant agreement cannot be used for expenditures for which a local government entity has received any other emergency COVID-19 supplemental funding (whether state, federal or private in nature) for that same expense.

2. Grant Budget

Payment Allotments	Payment Amounts
Payment 1	
Payment 2	
Payment 3	
Total Grant Funds	

3. Grant Management

Signatory authority for execution of the Grant Agreement and subsequent amendments is granted to the chief administrator. For grants appropriated to a municipality, the mayor is the chief administrator unless the municipality operates a managerial form of government; then the city manager/administrator acts as the chief administrator. For unincorporated communities, the highest- ranking official will act as chief administrator.

The chief administrator may delegate authority for executing the Grant Agreement and amendments to others within the Grantee's organization via the Signatory Authority Form. The chief administrator also designates financial and performance progress reporting authority via the Signatory Authority Form. Such delegation is limited to others within the Grantee's organization unless otherwise approved by the Department.

The Grantee must establish and maintain separate accounting for the use of this Grant. The use of Grant funds in any manner contrary to the terms and conditions of this Grant Agreement may result in the subsequent revocation of the Grant and any balance of funds under the Grant. It may also result in the Grantee being required to return such amounts to the State.

4. Reporting

The Grantee shall submit a completed COVID-19 Expenditures by Community Report Form provided by the Office of Management and Budget each month, during the life of the Grant Agreement. COVID-19 Expenditures by Community Report Forms are due to the Office of Management and Budget thirty (30) days after the end of the month being reported. The report period is the first of the month through the last day of the month. The final COVID-19 Expenditures by Community Report must be submitted within thirty (30) days following completion of the grant.

Attachment B Payment Method

1. Advance Payment

Payments will be made to Grantees in advance of demonstrated need to respond to the public health emergency in three separate payments. Second and third payments will only be made when at least 80% of the prior payments have been expended. Payments by the State of Alaska to Grantee do not constitute approval of funds expended by Grantee. By making payment to Grantee, the State of Alaska makes no representations, express or implied, that Grantee has complied with the federal requirements governing Coronavirus Relief Funds.

Should earned payments during the terms of this Grant Agreement be insufficient to recover the full amount of the advance, the Grantee will repay the unrecovered amount to the Department when requested to do so by the Department, or at termination of the Grant Agreement.

2. Withholding of Ten Percent (10%)

The Department may withhold ten percent (10%) of the amount in Section I until the Department determines that the Grantee has satisfactorily completed the terms of this Grant Agreement, including all required reporting of the project.

Attachment C

Standard Provisions

Article 1. Definition

“Department” refers to the Department of Commerce, Community, and Economic Development with the State of Alaska.

Article 2. Indemnification

It is understood and agreed that this Grant Agreement is solely for the benefit of the parties to the Grant Agreement and gives no right to any other party. No joint venture or partnership is formed as a result of the Grant Agreement.

The Grantee, its successors and assigns, will protect, save, and hold harmless the Department and the State of Alaska and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the acts or omissions of the Grantee, its subcontractors, assigns, agents, contractors, licenses, invitees, employees, or any person whomever arising out of or in connection with any acts or activities authorized by this Grant Agreement. The Grantee further agrees to defend the Department and the State of Alaska and their authorized agents and employees in any litigation, including payment of any costs or attorney’s fees for any claims or actions commenced thereon arising out of or in connection with acts or activities authorized by this Grant Agreement. This obligation shall not include such claims, costs, damages, or expenses which may be caused by the sole negligence of the Department of the State of Alaska or their authorized agents or employees, provided, that if the claims or damages are caused by or result from the concurrent negligence of (a) the Department and the State of Alaska and their agents or employees, and (b) the Grantee, its agents or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Grantee, or Grantee’s agents or employees.

Article 3. Legal Authority

The Grantee certifies that it possesses legal authority to accept grant funds under the State of Alaska and to execute this Grant Agreement by signing the Grant Agreement document. The Grantee’s relation to the Department and the State of Alaska shall be at all times as an independent Grantee.

Article 4. Waivers

No conditions or provisions of this Grant Agreement can be waived unless approved by the Department in writing. The Department’s failure to insist upon strict performance of any provision of the Grant Agreement, or to exercise any right based upon a breach thereof, or the acceptance of any performance during such a breach, shall not constitute a waiver of any right under this Grant Agreement.

Article 5. Access to Records

The Department and duly authorized officials of the State of Alaska shall have full access and the right to examine, excerpt, or transcribe any pertinent documents, papers, records, and books of the Grantee, and of persons or organizations with which the Grantee may contract, involving transactions related to the project and this Grant Agreement.

Article 6. Reports

The Grantee, at such times and in such forms as the Department may require, shall furnish the Department with such periodic reports as it may request pertaining to the activities undertaken pursuant to this Grant Agreement, including the final close-out report, the costs and obligations incurred in connection therewith, and any other matters covered by this Grant Agreement.

Article 7. Retention of Records

The Grantee shall retain financial and other records relating to the performance of this Grant Agreement for a period of six years from the date when the final financial status report is submitted to the Department, or until final resolution of any audit findings, claims, or litigation related to the grant.

Article 8. Assignability

The Grantee shall not assign any interest in this Grant Agreement and shall not transfer any interest in the same (whether by assignment or novation).

Article 9. Financial Management and Accounting

The Grantee shall establish and maintain a financial management and accounting system that conforms to generally accepted accounting principles.

Article 10. Program Income

Program income earned during the award period shall be retained by the Grantee and added to the funds committed to the award and used for the purpose and under the conditions applicable to the use of award funds.

Article 11. Amendments and Modifications

The Grantee or the Department may request an amendment or modification of this Grant Agreement. However, such amendment or modification shall not take effect until approved, in writing, by the Department and the Grantee.

Article 12. Recordkeeping

The Grantee agrees to keep such records as the Department may require. Such records will include information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays and income. They will also include information pertaining to grant performance and efforts to comply with the provisions of the Grant Agreement.

Article 13. Obligations Regarding Third-Party Relationships

No permission for subcontracting shall create, between the Department or the State of Alaska and the subcontractor, any contract or any relationship.

Any subcontractor that is not the Grantee shall be required by the Grantee to comply with all the provisions of this Grant Agreement.

The Grantee shall bind all subcontractors to each and every applicable Grant Agreement provision. Each subcontract for work to be performed with funds granted under this Grant Agreement shall specifically include a provision that the Department and the State of Alaska are not liable for damages or claims from damages arising from any subcontractor's performance or activities under the terms of the subcontracts.

Article 14. Conflict of Interest

No officer or employee of the Department; no member, officer, or employee of the Grantee or its designees or agents; no member of the governing body of the jurisdiction in which the Grant is undertaken or located; and no other official of such locality or localities who exercises any functions or responsibilities with respect to the Grant during his or her tenure, shall have any personal or pecuniary gain or interest, direct or indirect, in any contract, subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under this Grant Agreement.

The Grantee shall incorporate, or cause to incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this provision.

Article 15. Political Activity

No portion of the funds provided hereinunder shall be used for any partisan political activity or to further the election or defeat of any candidate for public office or influence the approval or defeat of any ballot issue.

Article 16. Notices

The Grantee shall comply with all public notices or notices to individuals required by applicable state and federal laws and shall maintain a record of this compliance.

Article 17. Prohibition Against Payment of Bonus or Commission

The assistance provided under this Grant Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval or concurrence under this contract provided, however, that reasonable fees of bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

Article 18. Termination by Mutual Agreement

This Grant Agreement may be terminated, in whole or in part, prior to the completion of the Grant period when both parties agree that continuation is not feasible or would not produce beneficial results commensurate with the further expenditure of funds. The Department will determine whether an environmental review of the cancellation is required under State and/or Federal law. The parties must agree on the termination conditions, including effective date and the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible. The Department shall make funds available to the Grantee to pay for allowable expenses incurred before the effective date of termination.

Article 19. Termination for Cause

If the Grantee fails to comply with the terms of this Grant Agreement, or fails to use the grant for only those purposes set forth herein, the Department may take the following actions:

- A. Suspension – After notice in writing by certified mail to the Grantee, suspend the grant and withhold any further payment or prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee or a decision to terminate. Response must be received within fifteen (15) days of receipt of the written notice.
- B. Termination – Terminate the grant in whole or in part, at any time before the final grant payment is made. The Department shall promptly notify the Grantee in writing of its determination to terminate, the reason for such termination, and the effective date of the termination. Payments made to the Grantee or recoveries by the Department shall be in accordance with the legal rights and liabilities of the parties.

Article 20. Withdrawal of Funds

In the event funding from the state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Grant Agreement and prior to normal completion, the Department may terminate the agreement, reduce funding, or re-negotiate subject to those new funding limitations and conditions. A termination under this article shall be implemented under the same conditions as a termination under Article 19 of this Attachment.

Article 21. Recovery of Funds

In the event of a default or violation of the terms of the Grant Agreement by the Grantee, the Department may institute actions to recover all or part of the Grant funds paid to the Grantee. Repayment by the Grantee of grant funds under this recovery provision shall occur within thirty (30) days of demand.

All remedies conferred on the Department by this agreement or any other instrument or agreement are cumulative, not exclusive, and may be exercised concurrently or consecutively at the Department's option.

Article 22. Disputes

Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement that is not disposed of by mutual agreement shall be decided by the Department, which shall reduce its decision to writing and mail, or otherwise furnish a copy thereof, to the Grantee. The decision of the Department shall be final and conclusive.

This "Disputes" clause does not preclude the consideration of questions of law in connection with the decision provided for in the preceding paragraph provided that nothing in the Grant Agreement shall be construed as making final the decisions of any administrative official, representative, or board on a question of law.

Article 23. Jurisdiction

This Grant Agreement shall be governed by the laws and statutes of the State of Alaska. The venue of any suit hereunder may be in the Superior Court for the First Judicial District, Juneau, Alaska.

Article 24. Ownership of Project/Capital Facilities

The Department makes no claim to any capital facilities or real property improved or constructed with funds under this Grant Agreement and, by this grant of funds, does not and will not acquire any ownership interest or title to such property of the Grantee. The Grantee shall assume all liabilities arising from the operation of the Grant and agrees to hold the Department and the State of Alaska harmless from any and all causes of action arising from the operation of the Grant.

Article 25. Site Control

If the grant project involves the occupancy and use of real property, the Grantee assures that it has the legal right to occupy and use such real property for the purposes of the grant, and further that there is legal access to such property.

Article 26. Insurance

The Grantee is responsible for obtaining any necessary liability insurance and maintain in force at all times during the performance of this Grant Agreement the insurance policies identified below. All insurance policies shall comply with, and be issued by insurers licensed to transact the business of insurance under Alaska Statute AS 21. The Grantee shall require any contractor hired with Grant funds be licensed, bonded and insured for at least the amount of the project and if appropriate provide and maintain Professional Liability Insurance.

- A. Workers' Compensation Insurance for all employees engaged in work under this Grant Agreement, coverage as required by AS 23.30.045, and; where applicable, any other statutory obligations including but not limited to Federal U.S.L. & H. and Jones Act requirements.
- B. Commercial General Liability Insurance covering all business premises and operations used by the Grantee in the performance of this project and Grant Agreement with coverage limits not less than \$300,000 combined single limit per occurrence and annual aggregates where applicable.
- C. Comprehensive Automobile Liability Insurance covering all vehicles used by the Grantee in the performance of this Grant Agreement with coverage limits not less than \$100,000 per person/\$300,000 per occurrence bodily injury and \$50,000.00 property damage.
- D. Professional Liability Insurance covering all errors, omissions or negligent acts of the contractor, subcontractor or anyone directly or indirectly employed by them, made in the performance of this Grant Agreement which result in financial loss to the State. Limits required are per the following schedule:

Contract Amount	Minimum Required Limits
Under \$100,000	\$100,000 per occurrence/annual aggregate

Article 27. Subcontracts for Engineering Services

In the event that the Grantee subcontracts for engineering services, the Grantee will require that the engineering firm certify that it is authorized to do business in the State of Alaska.

Article 28. Governing law

This Grant Agreement is governed by the laws of the State of Alaska. The Grantee shall perform all aspects of this project in compliance with the appropriate laws and regulations. It is the responsibility of the Grantee to ensure that any permits required under this Grant Agreement by the Federal, State, or Local governments have been obtained.

Article 29. Budget Flexibility

Notwithstanding the provisions of Article 11, Attachment C, the Grantee may revise the project budget in Attachment A without a formal amendment to this agreement. .

Article 30. Equal Employment Opportunity (EEO)

The Grantee may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood. The Grantee shall post in a conspicuous place, available to employees and applicants for employment, a notice setting out the provisions of this paragraph.

The Grantee shall state, in all solicitations or advertisements for employees to work on Grant funded projects, that it is an equal opportunity employer (EEO) and that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

The Grantee shall include the provisions of this EEO article in every contract relating to this Grant Agreement and shall require the inclusion of these provisions in every agreement entered into by any of its contractors, so that those provisions will be binding upon each contractor or subcontractor.

Article 31. Public Purposes

The Grantee agrees that the project to which this Grant Agreement relates shall be dedicated to public purposes for its useful life. The benefits of the project shall be made available without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

If the Grantee is a non-municipal entity and if monies appropriated under this grant constitute the sole or principal funding source for the acquisition of equipment or facilities, the Grantee agrees that in the event a municipal corporation is formed which possesses the power and jurisdiction to provide for such equipment or facilities, the Grantee shall offer, without compensation, to transfer ownership of such equipment or facilities to the municipal corporation.

If the Grantee is a non-profit corporation that dissolves, the assets and liabilities from the grant project are to be distributed according to statutory law, AS 10.20.290-10.20.452.

Article 32. Operation and Maintenance

Throughout the life of the project, the Grantee shall be responsible for the operation and maintenance of any facility, equipment, or other items acquired under this grant.

Article 33. Assurance

The Grantee shall spend monies awarded under this grant only for the purposes specified in this Grant Agreement.

Article 34. Current Prevailing Rates of Wage

Certain grant projects are constrained by the provisions of AS 36. PUBLIC CONTRACTS. To the extent that such provisions apply to the project which is the subject of this Grant Agreement, the Grantee shall pay the current prevailing rates of wage to employees as required by AS 36.05.010. The Grantee also shall require any contractor to pay the current prevailing rates of wage as required by AS 36.05.010.

Article 35. Severability

If any provision under this Grant Agreement or its application to any person or circumstance is held invalid by any court of rightful jurisdiction, this invalidity does not affect other provisions of the contract agreement which can be given effect without the invalid provision.

Article 36. Performance

The Department's failure to insist upon the strict performance of any provision of the Grant Agreement or to exercise any right based upon breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any rights under this Grant Agreement.

Article 37. Sovereign Immunity

If the Grantee is an entity which possesses sovereign immunity, it is a requirement of this grant that the Grantee irrevocably waive its sovereign immunity with respect to state enforcement of this Grant Agreement. The waiver of sovereign immunity, effected by resolution of the entity's governing body, is herein incorporated into this Grant Agreement.

Article 38. Audit Requirements

The Grantee must comply with the audit requirements of the Alaska Administrative Code set forth in **2AAC45.010. AUDIT REQUIREMENTS**. An entity that expends a cumulative or total, equal to the state single audit threshold during the fiscal year is required to have a state single audit. A copy of the most current **2AAC45.010** adopted regulations is available at the Alaska Department of Administration's State Single Audit website: <http://doa.alaska.gov/dof/ssa/index.html>.

Current audit compliance supplements and guides specific to programs under AS 37.05.315 Grants to Municipalities, AS 37.05.316 Grants to Named Recipients, and AS 37.05.317 Grants to Unincorporated Communities can be found at http://doa.alaska.gov/dof/ssa/audit_guide.html.

Article 39. Close-Out

The Department will advise the Grantee to initiate close-out procedures when the Department determines, in consultation with the Grantee, that there are no impediments to close-out and that the following criteria have been met or soon will be met:

- A. All costs to be paid with grant funds have been incurred with the exception of close-out costs and any unsettled third-party claims against the Grantee. Costs are incurred when goods and services are received or contract work is performed.
- B. The last required performance report has been submitted. The Grantee's failure to submit a report will not preclude the Department from effecting close-out if it is deemed to be in the State's interest. Any excess grant amount that may be in the Grantee's possession shall be returned by the Grantee in the event of the Grantee's failure to finish or update the report.
- C. Other responsibilities of the Grantee under this Grant Agreement and any close-out agreement and applicable laws and regulations appear to have been carried out satisfactorily or there is no further State interest in keeping the grant open for the purpose of securing performance.

Article 40. Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits discrimination against persons with disabilities. Title I of the ADA prohibits discrimination against persons with disabilities in employment and provides that a reasonable accommodation be provided for applicants and employees. Title II of the Act prohibits public agencies from discriminating against individuals with disabilities in the provision of services, programs, or activities. Reasonable accommodation must be made to ensure or allow access to all services, programs, or activities. This section of the Act includes physical access to public facilities and requires that public entities must, if necessary, make modifications to their facilities to remove physical barriers to ensure access by persons with disabilities. All new construction must also be accessible to persons with disabilities. A public entity's subgrantees or contractors must also comply with the ADA provisions. Grantees are responsible for assuring their compliance with the ADA.

Appendix A

State Laws and Regulations and Permits

Grantees are responsible for all applicable state laws, regulations and permits; including but not limited to the following list which most commonly affects Grantees.

Municipality Public Facility Operations and Maintenance—AS 37.05.315(c)

In accepting a grant under AS 37.05.315 for construction of a public facility, a municipality covenants with the State that it will operate and maintain the facility for the practical life of the facility and that the municipality will not look to the State to operate or maintain the facility or pay for its operation or maintenance. This requirement does not apply to a grant for repair or improvement of an existing facility operated or maintained by the State at the time the grant is accepted if the repair or improvement for which the grant is made will not substantially increase the operating or maintenance costs to the State.

Restriction on Use—AS 37.05.321

A grant, or earnings from a grant under AS 37.05.315 - 37.05.317 may not be used for the purpose of influencing legislative action. In this section “influencing legislative action” means promoting, advocating, supporting, modifying, opposing, or delaying or seeking to do the same with respect to any legislative action but does not include the provision or use of information, statistics, studies, or analyses in written or oral form or format. A grant, or earnings from a grant made under AS 37.05.315 - 37.05.317 may not be used for purposes of travel in connection with influencing legislative action unless pursuant to a specific request from a legislator or legislative committee.

Historic Preservation Act—AS 41.35

This chapter of the Alaska Statutes applies to public construction of any nature undertaken by the State, or by a governmental agency of the State, or by a private person under contract with or licensed by the State or a governmental agency of the State. The Department of Natural Resources must be notified if the construction is planned for an archaeological site. The Department of Natural Resources may stop the construction to determine the extent of the historic, prehistoric, or archaeological values.

Fire Protection—AS 18.70

This chapter of the Alaska Statutes requires the Alaska Department of Public Safety (the State Fire Marshal) to adopt regulations (currently in the form of Uniform Fire Code, as amended) establishing minimum standards for:

1. Fire detection and suppression equipment;
2. Fire and life safety criteria in commercial, industrial, business, institutional, or other public buildings used for residential purposes containing four or more dwelling units;
3. Any activity in which combustible or explosive materials are stored or handled in commercial quantities;
4. Conditions or activities carried on outside a building described in (2) or (3) likely to cause injury to persons or property.

Procurement Preference for State Agricultural and Fisheries Products—AS 29.71.040

This chapter of the Alaska Statutes applies to municipalities that use state funds to purchase agricultural and fisheries products. The law requires:

1. When agricultural products are purchased, only such products harvested in the state shall be purchased whenever priced no more than seven percent above products harvested outside the state, and of like quality compared with agricultural products harvested outside the state.
2. When fisheries products are purchased, only fisheries products harvested or processed within the jurisdiction of the state shall be purchased whenever priced no more than seven percent above products harvested or processed outside the jurisdiction of the state, available, and of like quality compared with fisheries products harvested or processed outside the jurisdiction of the state.

Alaska Product Preferences—AS 36.15

This chapter of the Alaska Statutes applies to projects financed by state money in which the use of timber, lumber, and manufactured lumber products is required, only timber, lumber and manufactured lumber projects originating in this state from local forests shall be used wherever practicable. The law requires the insertion of this clause in calls for bids and in all contracts awarded.

Permits and Environmental Procedures

The Alaska Department of Environmental Conservation (ADEC) regulates all activities in Alaska that might pollute the air, water or soil. There are dozens of ADEC permits related to constructing and operating public buildings. The law requires the following permits, including others designated by the commissioner. The following list is not intended to be all-inclusive.

- Air Emissions Permit
- Anadromous Fish Protection Permit
- Authorization for Tidelands Transportation
- Brine or Other Salt Water Waste Disposal Permit
- Burning Permit during Fire Season
- Coal Development Permit
- Critical Habitat Area Permit
- Dam Construction Permit
- Driveway Permit
- Encroachment Permit
- Miscellaneous State Land Use Permit
- Mineral and Geothermal Prospecting Permits
- Occupied Tide and Submerged Land
- Open Burning Permit
- Permit for Use of Timber or Materials
- Permit to Appropriate Water
- Pesticides Permit
- Preferred Use Permit
- Right-of-Way and Easement Permits
- Solid Waste Disposal
- Special Land Use Permit
- State Game Refuge Land Permit
- State Park Incompatible Use Permit
- Surface Oiling Permit
- Surface Use Permit
- Tide and Submerged Lands Prospecting Permit
- Tidelands Permit
- Tidelands Right-of-Way or Easement Permit
- Utility Permit
- Waste-Water Disposal Permit
- Water Well Permit

**Coronavirus Relief Fund
Frequently Asked Questions
Updated as of May 4, 2020**

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).¹ Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

Eligible Expenditures

Are governments required to submit proposed expenditures to Treasury for approval?

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online

¹ The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

May a State receiving a payment transfer funds to a local government?

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

May a unit of local government receiving a Fund payment transfer funds to another unit of government?

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

Are States permitted to use Fund payments to support state unemployment insurance funds generally?

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

The Guidance states that the Fund may support a “broad range of uses” including payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers’ compensation coverage. Is the cost of this expanded workers compensation coverage eligible?

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

May Fund payments be used for COVID-19 public health emergency recovery planning?

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

Are expenses associated with contract tracing eligible?

Yes, expenses associated with contract tracing are eligible.

To what extent may a government use Fund payments to support the operations of private hospitals?

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

May recipients create a “payroll support program” for public employees?

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

May Fund payments be used to assist impacted property owners with the payment of their property taxes?

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

Questions Related to Administration of Fund Payments

Do governments have to return unspent funds to Treasury?

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

What records must be kept by governments receiving payment?

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act

May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government’s general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary

expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

May governments retain assets purchased with payments from the Fund?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
April 22, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.¹

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost

¹ See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures²

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.³
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

² In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

³ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

Covid-19 Quarterly Expenditures

By Community



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Instructions

Please update this form with your community's information, as well as COVID-19 expenses by spending area for the quarter. The six spending areas are outlined on pages 2-3 of this document. The full document can be found using the link below. Please email completed documents to: xx.xx@alaska.gov within 15 days of each quarter's end. Contact 907-465-4660 with any questions.

<https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>

Community Information

Community Name	<input type="text"/>	Street Address Including City, State, and ZIP Code	<input type="text"/>
Contact Name	<input type="text"/>	Telephone	<input type="text"/>
Email Address	<input type="text"/>	Web Site	<input type="text"/>

For Quarter Ending:
MM/DD/YYYY

Spending Area

For amounts > \$25K, enter details on page 4

Medical	\$	<input type="text"/>
Public Health	\$	<input type="text"/>
Payroll	\$	<input type="text"/>
Compliance	\$	<input type="text"/>
Economic Support	\$	<input type="text"/>
Other	\$	<input type="text"/>
TOTAL	\$	<input type="text"/>

Signature

Signature of the Person Submitting this Form

Name

Date of Signature

<input type="text"/>	<input type="text"/>	<input type="text"/>
MM	DD	YY

Covid-19 Quarterly Expenditures

By Community



Eligible expenditures include, but are not limited to, payment for:

1. **Medical expenses** such as:

- COVID-19-related expenses of public hospitals, clinics, and similar facilities.
- Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
- Costs of providing COVID-19 testing, including serological testing.
- Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
- Expenses for establishing and operating public telemedicine capabilities for COVID-19 related treatment.

2. **Public health expenses** such as:

- Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
- Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
- Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
- Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
- Expenses for public safety measures undertaken in response to COVID-19.
- Expenses for quarantining individuals.

3. **Payroll expenses** for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. The Coronavirus Relief Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

4. **Expenses of actions to facilitate compliance** with COVID-19-related public health measures, such as:

- Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.

Covid-19 Quarterly Expenditures

By Community



- Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining State prisons and community jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. **Expenses associated with the provision of economic support** in connection with the COVID-19 public health emergency, such as:
- Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. **Any other COVID-19-related expenses** reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

For further information and clarification on allowable expenditures within each of the categories referenced above, please refer to U.S. Treasury's latest guidance found at the following link:

<https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>

