

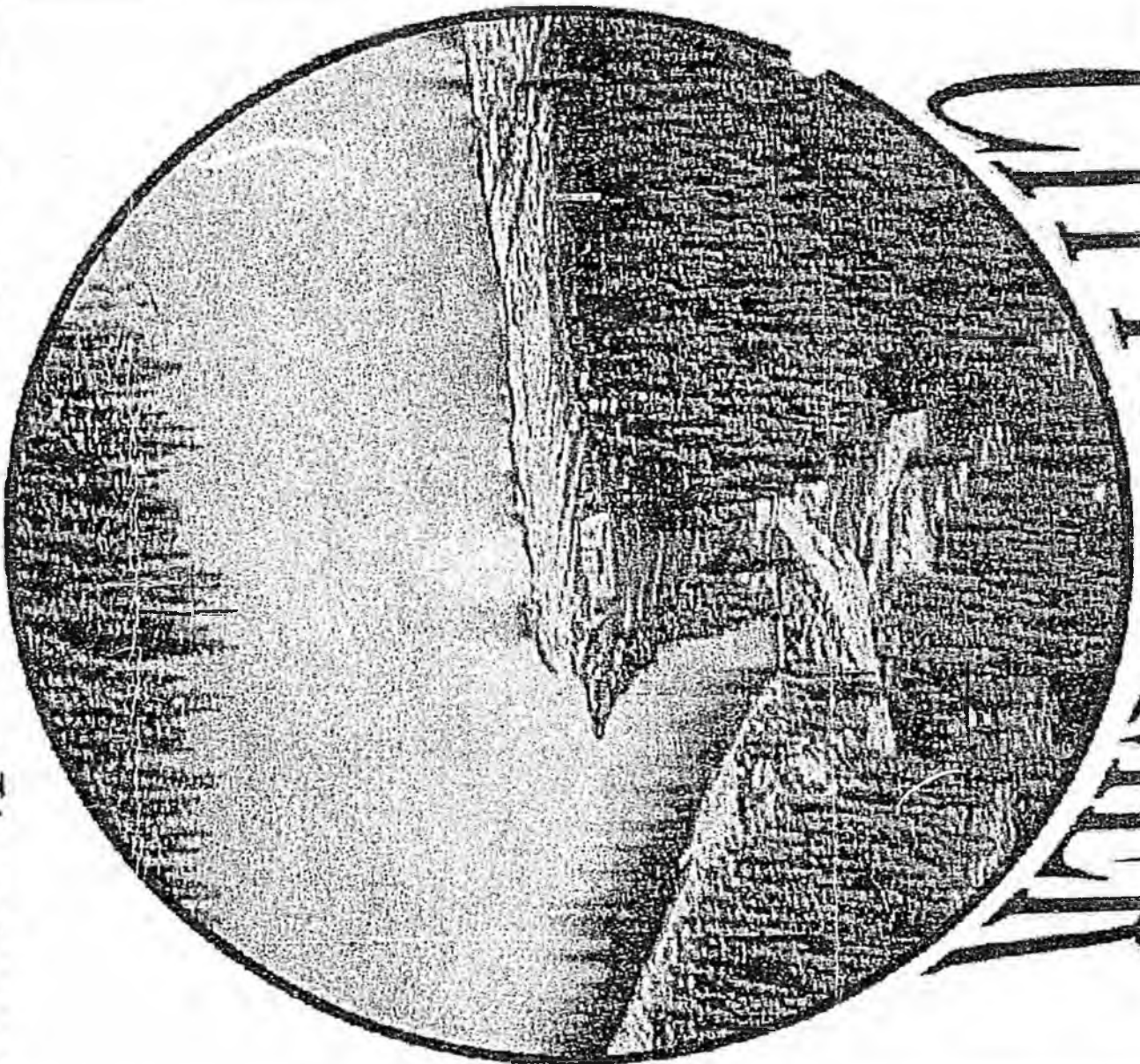
ALASKA LEGISLATURE COMMITTEE FILES 2001 2002 2007/2

10502 SENATE COMMUNITY & REGIONAL AFFAIRS

347



# CITY of HOMER



## Capital Improvement Program

2000 to 2005


STATE OF ALASKA  
LOCAL BOUNDARY COMMISSION

In Re: Opposition to Homer Annexation )  
\_\_\_\_\_ )

OPPOSITION TO CITY OF HOMER'S PETITION FOR ANNEXATION  
BY ALASKANS OPPOSED TO ANNEXATION

ERWIN & ERWIN, LLC  
Attorneys for Vi Jerrel, Doris Cabana and  
Alaskans Opposed to Annexation

DATED: 6-5-2000

By:   
Robert C. Erwin  
ABA # 6101004

considered by the boundary commission the City of Homer should be made to account for all the above discrepancies.

**f. CAPITAL IMPROVEMENTS**

The Petition for Annexation discusses capital improvements on pages 9 and 10 and reaches the conclusions that only \$1,089,000.00 worth of capital improvements will be needed in the next five years because of the annexed area and more than one half of that amount (\$585,000.00) would be extended for streets and roads.

The expenditure for two new policemen for various vehicles and radios would be \$114,600.00 and a new fire station and vehicle would be \$170,000.00. There was anticipated no capital expenditures for water and sewer.

All of these capital expenditures were to be paid for by the sale of general obligation bonds of \$1,200,000.00 requiring a debt service of \$166,966.00 per year.

This is in contrast to the 1998 estimate of needed capital expenditures of \$250,400.00 for police, \$1,130,000.00 for fire and a potential library expansion for one million plus. (See, Exhibit A)

The City of Homer in December of 1999 adopted a five year capital improvement program (See, Exhibit E) for the years 2000 – 2005. That program lists as urgent priorities several million dollars worth of projects including the need to replace the existing library and the Fire and Ambulance Station. (Petition for Annexation, pp. 3 – 4). In

March of 2000 the City of Homer published a list of immediate capital improvement funding needs which does not list fire, police, library or road capital improvements in the area to be annexed.

The lack of an interim plan to provide the capital improvements absolutely necessary for police and fire protection in the area to be annexed is glaringly apparent. The property owners will be taxed, the bonds will be sold and at some unknown time in the future service will begin.

**SECTION THREE - LEGAL ISSUES**

Due process of law is guaranteed to each citizen of Alaska under both the State and Federal Constitutions. The concept is articulated in both state and federal cases with little attempt to describe its true parameters. The argument herein of the Alaskans Opposed to Annexation that they were denied due process of law is made under both constitutions because the State was the actor herein.

Under both constitutions in order to change or eliminate the property rights of citizens, the State must exercise due process of law. *See, Bartlett v. State of Alaska*, 948 P.2d 987, 990 (Alaska 1997); *State of Alaska v. Bowen*, 953 P.2d 888, 889 (Alaska 1998); *City of Homer v. State of Alaska*, 566 P.2d 1314, 1319-20 (Alaska 1977); *Nichols v. Eckert*, 504 P.2d 1359, 1365 (Alaska 1973).

The explanation of the concept of due process of law is outlined and its antecedents noted by the United State Supreme Court in *Fuentes v. Shevin*, 407 U.S. 67, 80, 32 L.Ed.2d 556, 569 (1972) as follows:

The constitutional right to be heard is a basic aspect of the duty of government to follow a fair acts to deprive a person of his possessions. The purpose of this requirement is not only to ensure abstract fair play to the individual. Its purpose, more particularly, is to protect his use and possession of property from arbitrary encroachment to minimize substantively unfair or mistaken deprivations of property, a danger that is especially great when the State seizes goods simply upon the application of and for the benefit of a private party. So viewed, the prohibition against the deprivation of property without due process of law reflects the high value, embedded in our constitutional and political history, that we place on a person's right to enjoy what is his, free of governmental interference. See Lynch v. Household Finance Corp., 405 U.S. 538, 552, 31 L.Ed.2d 424, 435, 92 S.Ct. 1113.

The requirement of notice and an opportunity to be heard raises no impenetrable barrier to the taking of a person's possessions. But the fair process of decision making that it guarantees works, by itself, to protect against arbitrary deprivation of property. For when a person has an opportunity to speak up in his own defense, and when the State must listen to what he has to say substantively unfair and simply mistaken deprivations of property interests can be prevented. It has long been recognized that "fairness can rarely be obtained by secret, one-sided determination of facts decisive of rights....And no better instrument has been devised for arriving at truth to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it." Joint Anti-Fascist Refugee Committee v. McGrath, 341 U.S. 123, 170-172, 95 L.Ed. 817, 853, 71 S.Ct. 624  
(Frankfurter, J., concurring).

In this case, the property owners in the area to be annexed have never been given reasonable notice of the claims of the City of Homer or a reasonable opportunity to be heard with regard to the City of Homer's Petition for Annexation.

### CONCLUSION

While the Petition for Annexation proposes to expand the boundaries of the City of Homer to encompass an additional 25 square miles and an estimated 2,687 people, there was only 10 days notice concerning the consideration of the Petition for Annexation by the Homer City Council. Furthermore, the action of the Council was taken by Resolution rather than Ordinance which did not require a public hearing under the Ordinances of the City of Homer, and the State of Alaska statutes. (See, AS 29.04.030 and 29.05.011, *et seq.*)

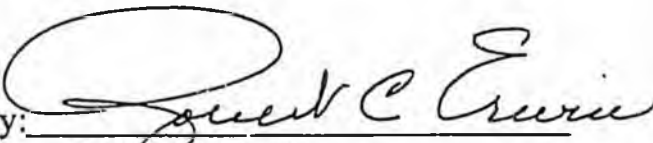
The original notice of the Homer resolution was given on March 3, 2000 and was to be heard by the Homer City Council on March 13, 2000. There was a slight delay in taking final action by the Homer City Council until March 20, 2000 because of the lawsuit filed by the Citizens Concerned About Annexation (Case No. 3HO-00-032 CI, filed in Homer Superior Court).

The 49 page Petition for Annexation is a complex document with changes in taxation rates, new taxation, city services or lack thereof, proposed capital expenditures, and proposals to change police protection, fire protection, and public works, etc.

All of these have a profound effect on the 2,687 people who are to be annexed to the City of Homer. In the absence of time to reasonably review the Petition for Annexation and to have a hearing on the Petition, there is clearly a due process issue herein.

ERWIN & ERWIN, LLC  
Attorneys for Vi Jerrel, Doris Cabana and  
Alaskans Opposed to Annexation

DATED: 6-5-2000

By:   
Robert C. Erwin  
ABA # 6101004

# ALASKA STATE LEGISLATURE



Senator John Torgerson, Chair  
Senator Gary Wilken, Vice Chair  
Senator Alan Austerman  
Senator Randy Phillips  
Senator Georgianna Lincoln

STATE CAPITOL, Room 427  
JUNEAU, AK 99801-1182  
Phone: (907) 465-4989  
FAX: (907) 465-4779

35477 Kenai Spur Hwy.  
Suite 101BB  
Soldotna, Ak. 99669  
Phone: (907) 260-3041  
Fax: (907) 260-3044

## SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Mon. Feb. 11

● PUBLIC TESTIMONY  
RECEIVED AS result  
of time extension  
due to inclement  
weather conditions.

● WMAJ

1-55

**Subject: Homer Annexation**

**Date:** Sun, 10 Feb 2002 22:39:17 -0900

**From:** "Michael Hawfield" <hawfield@alaska.net>

**To:** <Senator\_John\_Torgerson@legis.state.ak.us>

Dear Senator Torgerson,

I was unable to attend the live testimony on Saturday, but I wish to strongly encourage you to endorse the report of the Local Boundary Commission and vote for approval of the annexation petition by the City of Homer.

I do not live in Homer (I am on the Old Sterling Hwy), but do work in Homer and do all manner of other business and cultural, educational, and recreational activities there. It is a highly valued part of my life and it is central to the healthy and vitality of this part of the southern Kenai Peninsula, indeed, of the overall peninsula. It is extremely important to me that the city be healthy, vital, and sustainable in every way, and this means, in the end, that the city has the financial foundations with which it may carry out its municipal functions. With the huge increase in population in the areas immediately adjacent to the city in the past decade, the demands put on the city to maintain its basic-services infrastructure and to sustain the region-wide services that it does (police, harbor, parks and recreation, cultural and human services, and the economic stability of the business climate) has become an intolerable strain and without expanding its tax base the city will surely falter and all will suffer.

Although nearly everyone is agreed (including several City Council members) that the process pursued by the city might well have been carried out with greater care for the input and sensitivities of those liable for annexation, the city is clearly within its right to petition for annexation, has made a convincing case that it should annex, and that it will be able to provide the expanded services necessary after annexation. Annexation is, as you are well aware, a normal (if often painful) process for urban centers as they grow and try to carry out good government in behalf of all citizens, even those beyond formal boundary lines. The LBC report is a masterfully and thorough testimony and has revised the city's original petition in ways that will make the proposed annexation strong and fair; it certainly assures that the greatest possible consideration has been given to the petition.

Thus, I strongly urge you to support the petition by the City of Homer to annex according to the particulars outlined in the report of the LBC.

Thank you for your hard work in our behalf

Michael Hawfield

Mile 3.5 Old Sterling Hwy

PO Box 2609

Homer, AK 99603

907 235-6078

**Subject: opposition to Homer annexation proposal**

**Date:** Mon, 11 Feb 2002 07:13:24 EST

**From:** DevonyL@aol.com

**To:** <Senator\_John\_Torgerson@legis.state.ak.us>,  
<Representative\_Drew\_Scalzi@legis.state.ak.us>

To John Torgerson and Drew Scalzi,

We jointly own 27 acres within Homer city limits and 18 acres in the proposed annexation area. We are contacting you to express our opposition to the annexation proposal presented to the Legislative Boundary Commission by the city of Homer, as well as to the proposal now before the legislature.

We oppose the current annexation proposal because many issues we and others tried to raise throughout this process were ignored. Of particular concern to us is that we never received an adequate response to our questions concerning how annexation will affect those of us who are trying to maintain large, unsubdivided parcels as community open space. The only response we received, at one of those Kafka-esque city counsel information sessions where the public was invited to observe but not to participate in any substantive way, was that the issue would be addressed after annexation. It was not the least bit reassuring to hear, in essence, "give us control over your future without any assurance that we will respect your efforts or intentions and develop tools you can use to pursue your goals."

In our opinion, a government process that disenfranchises the majority of those to be served is so fatally flawed that its results should be set aside. Although we do not object to annexation in principal, the current proposal was developed through a process that seemed to us to utterly lack the level of openness, integrity, and community involvement needed for government to be responsive and effective. The principal result of the current process has been to alienate thousands of people. Because of the way this annexation process has been handled, we feel strongly that the current proposal should be set aside so that a new, open, responsive, and genuinely participatory process can be initiated. In our opinion, significant planning issues raised by concerned citizens should be considered and addressed BEFORE an annexation proposal is brought to the LBC and legislature.

Thank you for this opportunity to comment.

Devony Lehner and Thomas Taffe

NO ANNEXATION!!!

**Subject: NO ANNEXATION!!!**

**Date: Mon, 11 Feb 2002 11:05:36 -0500**

**From: savekbbi@netscape.net**

**To: Senator\_John\_Torgerson@legis.state.ak.us**

John, I live and vote in the city of Homer. I'm strongly opposed to annexation and urge you to VOTE AGAINST IT!!! Please.

Deronda Fay Somers

468 Rainbow Ct.

Homer, Alaska 99603

email deronda7@yahoo.com

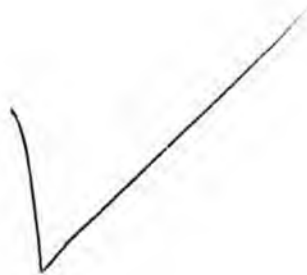
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**Subject: Homer Annexation**

**Date:** Mon, 11 Feb 2002 08:53:32 -0900

**From:** "Driftwood Inn and RV Park" <driftinn@xyz.net>

**To:** <Senator\_John\_Torgerson@legis.state.ak.us>

My view of the 25 sq. mile annexation for the City of Homer, when first mentioned, was "out of line". The reduced area of 4+ sq. miles is reasonable. Any community, as it grows, must plan ahead to incorporate certain parcels of land into the city. One of the most important aspects of this is the sewer and water connections to the new developing areas to maintain the cleanliness and health for the community. I think that the present annexation area specifically addresses these issues. It is inevitable that in time more land will need to be annexed, and a timetable and planning for this should be drawn up. Sincerely,

Merlin Cordes

Owner, Driftwood Inn & RV Park

Homer, Alaska

The Driftwood Inn & RV Park  
135 West Bunnell Avenue  
Homer, Alaska 99603  
(907) 235-8019  
[www.thedriftwoodinn.com](http://www.thedriftwoodinn.com)



**Subject: Homer annexation - PLEASE READ!**

**Date:** Mon, 11 Feb 2002 09:27:08 -0900

**From:** Diana Sedor <dianate@alaska.net>

**To:** Senator\_John\_Torgerson@legis.state.ak.us

I know you've heard it all before, but I just have to get my two cents in and be officially on the record:

- I am not totally opposed to annexation. By looking at a map of Homer, the way the roads are laid out and the population distributed, it really makes sense that the areas currently selected for annexation should be part of the city. I live within that area.

- My tax increase will not be that significant ... not enough for me to get into a tizzy. However, being a part of the City of Homer, a government that I did NOT choose, did NOT elect and have no power over ... that is upsetting to me.

- If the City Council/City Manager had been forthright and honest, making public statements about the economic future of Homer, how desperately they need a bigger tax base, more grants, etc. in order to help the city grow, I would have accepted that. I have absolutely no problem with paying a little more in taxes to help.

- The fact is that this area is becoming a retirement village. More and more people are buying homes down here after retiring from their jobs in Anchorage or Lower 48. They pay property taxes, but are only here during a few short weeks in the summer, so they contribute very little else to our economy. In my neighborhood, nearly half the houses are empty all winter, only used in the summer. It is still hard to find work in Homer, still hard to make a living and pay bills. The economic problems of this town should be addressed by bringing industry and employment here rather than annexing more and more people without justification.

- However, the City approached the annexation issue from a REPUGNANT public relations standpoint. They promised services that anyone with half a brain knows is IMPOSSIBLE for them to provide. I will NEVER see road service, water or sewer where I live ... or at least the city has yet to release any significant plan indicating how they could possibly do so. Instead, they repeatedly tell us, the to-be-annexed people, that we OWE THE CITY OF HOMER and that WE ARE NOT PAYING OUR FAIR SHARE! Councilman Rick Ladd actually got up at the public LBC hearing and said this. It is this approach that has riled and angered everybody involved, on both sides of the issue.

- By the way, some City Council members are saying the recent election and victory of pro-annexation candidates was proof that the people approve their plan. The fact is that the other candidates on the ballot were a pot head, a senile old man and a demented looney. Come on, this is Homer! The elections here are iffy at best. Besides, I think there was something like less than 20% voter turnout, which proves nothing except how apathetic and tired people are of all this BS.

- Lastly, I just want to say that if annexation goes through and I become a resident of the City of Homer, then there HAS to be a new election. I just don't understand how LEGALLY and CONSTITUTIONALLY I can be taxed without electing my representatives? Isn't that what caused all those people to throw a bunch of tea in the harbor so many years ago? If we're annexed and can't get to have a voice, I hate to think what the people around here will think of to throw into the Homer Harbor.

P.S. One final thought from my personal perspective - I volunteer over 10 hours a week, 52 weeks a year, at the Homer Animal Shelter and doing animal shelter activities. My current pay rate (I work at South Peninsula Hospital) is about \$16/hour. If you equate that to my volunteer time, that's \$160/week or over \$8,000/year worth of my time that I provide to the City of Homer. Obviously I do it because I think it's important ... and there are many Homer residents who volunteer as well.

But the Homer Animal Shelter had to recently change its policy to ONLY accept/help animals from within the city boundaries because it simply does not have the staff, budget or space to handle animals from Anchor Point, and other outlying areas. The Animal Control Officer and Ron Drathman reached that decision this summer. Now, however, just a few months later, the annexation proposal will again open the shelter to a much larger area, a much larger population of animals, once again stressing the extremely limited capabilities of the shelter and its feeble staff.

THIS IS PERFECT EVIDENCE OF THE CONTRADICTION AND HYPOCRISY OF THE WAY THIS ANNEXATION PROPOSAL HAS BEEN HANDLED. I care about the animals and there is no doubt that they will suffer from this. It has already been evidenced in the cases of animal cruelty we have been dealing with. The Animal Control Officer is one person and she cannot handle the animal issues within the current city, let alone a growing city.

Thank you for keeping the record open ... I tried to get to the public testimony on Feb. 9, but was snowed in.

Diana Sedor  
61511 Race Road  
PO Box: 1995  
Homer, AK 99603  
235-5177

**Subject:** Hearing&.doc

**Date:** Sat, 9 Feb 2002 15:34:44 -0900

**From:** "Bill Smith" <bill.smith@acsalaska.net>

**To:** "Representative Andrew Halcro" <Representative\_Andrew\_Halcro@legis.state.ak.us>, "Representative Beth Kerttulla" <Representative\_Beth\_Kerttulla@legis.state.ak.us>, "Representative Carl Morgan" <Representative\_Carl\_Morgan@legis.state.ak.us>, "Representative Drew Scalzi" <Representative\_Drew\_Scalzi@legis.state.ak.us>, "Representative Gretchen Guess" <Representative\_Gretchen\_Guess@legis.state.ak.us>, "Representative Kevin Meyer" <Representative\_Kevin\_Meyer@legis.state.ak.us>, "Representative Lisa Murkowski" <Representative\_Lisa\_Murkowski@legis.state.ak.us>, "Senator Alan Austerman" <Senator\_Alان\_Austerman@legis.state.ak.us>, "Senator Georgianna Lincoln" <Senator\_Georgianna\_Lincoln@legis.state.ak.us>, "Senator John Torgerson" <Senator\_John\_Torgerson@legis.state.ak.us>, "Senator Pete Kelly" <Senator\_Pete\_Kelly@legis.state.ak.us>, "Senator Randy Phillips" <Senator\_Randy\_Phillips@legis.state.ak.us>

Members of the Committee on Community & Regional Affairs:

To conclude my remarks I did not have time for in the public testimony;

Further regarding the Citizens Concerned About Annexation meetings I attended: The CCAA asked for donations on the basis that any delay of annexation was a delay in higher property tax rates, and the savings would be well worth the investment in CCAA. The appeal was well received.

In May of 2000, I wrote to the newspaper that the City should not withdraw the annexation petition. Due to the challenges of serving a growing community, the organized opposition and the consequences of delay, it was not prudent to withdraw the petition. Had any group engaged the City in discussion of boundaries, it would have seen a response and incorporation in the final position of the City. If the City had withdrawn the petition, the creation of the Fire/EMS Service Area would predate the petition and would be used as an argument why annexation was not necessary. The ploy of the CCAA to pressure the City to withdraw the petition and start over is crucial to the strategy to get the Fire/EMS Area ahead of any annexation petition. Borough Assembly Member Milli Martin was closely involved in the development of this strategy, and is actively working to enhance this effort. Criticism of the City of Homer about process has unfairly ignored the environment in which the City has had to operate.

The DCED/LBC rules of public notice mean that any petition may not be increased in size, but may be reduced during review. These rules may lead annexation petitioners to over-reach. The penalty for over-reaching is a close scrutiny and rational adjustment. The reduction of area by the LBC was the expected result. The Decision of the LBC to limit their recommendation to 4.8 Sq Miles is actually a punishment administered to the City because of the local controversy. As stated in the recommendations of the DCED report and the LBC, this is a conservative annexation that only takes in areas already

developed to City density. This really does not meet the LBC standard of taking in areas to allow for 10 years of expansion. The opponents of annexation should be grateful the City did not use a more thorough process prior to filing the Petition. If the City had, we may have seen a much larger area approved for annexation.

The Homer Advisory Planning Commission considered and voted support for the final recommendations of the DCED. Please see attached action minute excerpts. Homer is a small land bound community and the task of making room for more development is impeded by the level of existing developments. Homer needs room to grow. We need room for residential, commercial and industrial development. The decision of the LBC is inadequate to allow for our 10 year needs.

To describe this annexation as a land grab is unfair and prejudicial. If this is a land grab, then the opponents of annexation are tax evaders. Drew, let's avoid this sort of language. The City of Homer is attempting to serve the community.

With regard to establishing a one-to-one relationship between services delivered and taxation; John, this is an unfair position and is only appropriate to service areas, not municipal or state government. Any person involved in government is aware of the many indirect services that government must maintain. The State of Alaska, Kenai Peninsula Borough and other cities are not held to this standard. If the legislature insists on this direct linkage, I am sure this will be great news to the oil companies. Expect to see their lobbyists before nightfall.

We Americans live in a representative democracy. We have no expectation of being able to vote on all important issues. Witness both reapportionment and refusal of the Legislature to put subsistence on the ballot. Selectively applying "everybody votes on every thing important" is unfair and unreasonable. Legislative annexation has been the law of the land since the birth of the State. Those people who move into a city, borough or State are recognized to have voted with their feet and voluntarily joined the existing political and legal system. On this basis, it is obvious that consciously or not, current residents have voluntarily agreed to the system of reapportionment and to legislative review annexation. As a pre-statehood resident, the constitution was voted on and approved, and I am bound by this democratic decision. I freely concede that most all annexations will fail to be approved by voters in the annex area. This would freeze cities at their present boundaries. The solution to this local government problem, as devised by the writers of the constitution, is fair and balanced and removes the process from self-interested locals on both sides. Please consider the ramifications of inserting local politics into this annexation.

The annexation petition of the City of Homer had flaws. Some of the flaws were not evident during the development of the petition, nor was the City warned by the DCED which was being closely consulted during the development. We have all learned, and well intentioned community members will get better. The LBC has well compensated for those flaws with their decision. A balanced view of this process

would concede that a veto by the legislature is not warranted.

Please support the LBC decision to annex territories to the City of Homer.

Thank you very much

Bill Smith

Chair, Homer Advisory Planning Commission

PO Box 150

Homer AK 99603

907-235-8932

[bill.smith@acsalaska.net](mailto:bill.smith@acsalaska.net)

Pages following:

Copy of CCAA Vice-President Abigail Fuller web page

Attached excerpts from minutes of December 5, 2001 Homer Advisory Planning Commission meeting.

Was the Kachemak Emergency Services illegally formed to thwart annexation?

Read what is posted on the web by CCAA vice-president Abigail Fuller at

<http://www.homernet.net/~fuller/CCAA.html>

Citizens Concerned About Annexation written by Abigail Fuller

Read our latest fundraising letter here.

Read our latest Newsletter here.

CCAA, as the group is usually known, was formed in response to Homer's attempt to annex outlying areas. In addition to preparing a brief for the LBC, they have gone to court twice so far. The first time in an attempt to stop or slow down Homer's sending the petition on to the Local Boundary Commission. They gained a week, which was enough time to galvanize the public. Currently they are seeking release of memoranda that Mr Drathman has refused to allow access to. An appeal to the City Council failed and so they have appealed to the court.

CCAA has also put the wheels in motion to form a Borough Fire/EMS Service Area, in an effort to remove one of Homer's best arguments for annexation. Success will also make it more difficult for Homer to annex any areas in the future as well.

They have incorporated as a non-profit, under the name Kachemak Area Coalition. A general membership meeting with elections is scheduled for November 15th.


Donations are needed to keep going in the fight against annexation! Send to:

CCAA

PO Box 1715

Homer, AK 99603

Membership form here! Only \$10 a year makes you a voting member.

 <u>120501M pg5&amp;6.DOC</u>	<b>Name:</b> 120501M pg5&6.DOC <b>Type:</b> WINWORD File (application/msword) <b>Encoding:</b> base64 <b>Download Status:</b> Not downloaded with message
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[Fwd: DON'T ANNEX]

**Subject:** [Fwd: DON'T ANNEX]

**Date:** Mon, 11 Feb 2002 13:47:17 -0900

**From:** Representative Drew Scalzi <Representative\_Drew\_Scalzi@legis.state.ak.us>

**To:** Mary Jackson <Mary\_Jackson@legis.state.ak.us>

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**Subject:** DON'T ANNEX

**Date:** Mon, 11 Feb 2002 17:14:30 -0500

**From:** savekbbi@netscape.net

**To:** Representative\_Drew\_Scalzi@legis.state.ak.us

Hi Drew, Hope you're having a good time down there. I live right down town, at 468 Rainbow Ct. and I want to urge you to vote AGAINST annexation. And while I've got your ear, we're trying very hard to retain what's left of the LOCAL voice on KBBI Public Radio. Some staff (G.M.Susan Kernes) wants to replace Breakfast Special and most of Afternoon Freeform (and the local non-profit information spots, like Homer Council on the Arts, Pratt, animal shelter, library, etc, that go within those shows) with CANNED TALK and CANNED MUSIC. Kbbi supporters are uniting to stop that move. Would you like to have me send you board of director and staff email addresses?

Thanks Drew!

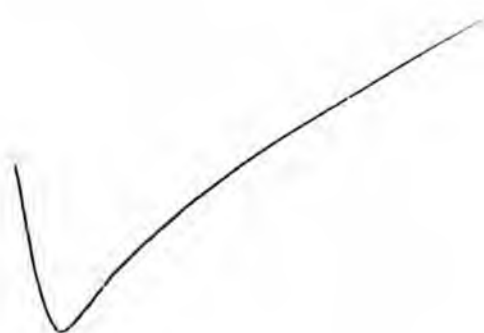
Randi Somers

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**Subject: Annexation**

**Date:** Sat, 09 Feb 2002 08:57:36 -0900

**From:** Dave and Molly Brann <brann@alaska.net>

**To:** Senator\_John\_Torgerson@legis.state.ak.us, Representative\_Drew\_Scalzi@legis.state.ak.us

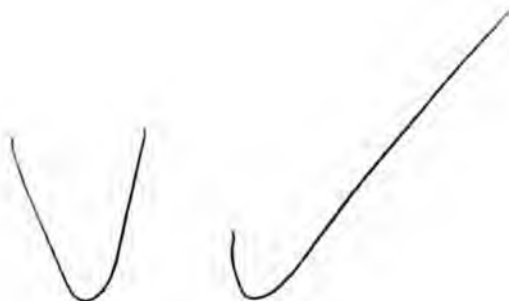
Dear Senator Torgerson and Representative Scalzi,  
Please do not take our message at less value because it is an email.  
Just because communication is easy and efficient should not diminish its worth.

Dave had planned on attending the hearings this morning in Homer about annexation. Friday night it snowed and drifted snow significantly. Dave started packing trails at 8:00 AM so Nordic Kids Lessons could take place at 2:00 and the general public could have the pleasure of skiing this weekend. He also needs to repack and regroom the planned trail for the wine and cheese tour which takes place Sunday. Trails are his top priority and he is working on them today. He is helping Kenton and many other volunteers with the Nordic Kids Lessons this afternoon.

The City of Homer has been very supportive of the Kachemak Nordic Ski Club and their efforts to maintain the wonderful ski trails we have in Homer. They have done what they can to help the skiers of Homer have good ski and hiking trails in the areas outside the city limits. They know that the residents use the trails and they enhance the quality of life in Homer. Just as the City has an interest in the area outside the city limits, the citizens outside the city should have an interest in the health of the City of Homer.

Dave and I have both felt that annexing a reasonable amount of land adjacent to the city makes sense to the economy and the efficiency of our city government. We expect the city will continue to support the creation of skiing and hiking trails in and around Homer. Having areas of land that are adjacent to the Bay Crest Ski and Hiking trails within the city limits should facilitate the creation of more access spots to the trails and improvements to the existing and proposed trail heads. I hope we can all turn this annexation into a win win situation for residents inside and outside the city limits.

Sincerely,  
Dave Brann  
Molly Brann

A handwritten signature in black ink, appearing to be 'Dave Brann', consisting of a large, stylized 'V' shape followed by a checkmark-like flourish.

**Subject: Homer annexation**

**Date: Sat, 09 Feb 2002 13:29:39 EST**

**From: TTaffe22@aol.com**

**To: <Senator\_John\_Torgerson@legis.state.ak.us>**

This email is being sent on behalf of Roberta Highland by Tom Taffe and Devony Lehner (who also object to the current annexation process).

My name is Roberta Highland. My husband Robert Archibald and I own 35 acres in the annexation boundaries. We strongly oppose the annexation and the process used by the city.

The process chosen has been adversarial and contentious, rather than cooperative. I am in the medical profession and would like to compare their choice to surgery without anesthesia. Sure it can be done, but why cause the person so much pain? Especially when there are so many other choices available.

I hold the LBC at fault also. They could have sent the petition back, requesting community discussion with an exchange of ideas on even ground. Cooperation rather than chaos and hostility, could have ensued.

In my first written comments to the LBC I wrote, "I do think this process needs changing. I think a requirement should be enacted that requires a city council to have some time of meaningful dialogue with the people in the potential annexed area; before they can present a petition to the boundary commission.

In my opinion should take about a year. I know I would be feeling a lot better about this painful process and would at least feel I been a part of the decision made, which is going to affect me so strongly. Please let me know what I need to do to have a requirement such as this enacted; I never received an answer.

The city council seemed to think meetings with discussions about how annexation would affect us was the equivalent of a public hearing; why not pour a little gas on the fire?

I literally feel there has been two different annexations; one that I have been experiencing, and judging from the council's comments; a totally different one for them. I wonder how this happened?

I would say when Homer incorporated in 1964, it took a big bite; from the very beginning. Many of the people still do not have services and they have paid increased taxes for a long time. To me a city is a place with shops and services and in-city dwellers. There are sidewalks, street lights, small lots, city sewer and water, etc. It is a place where people choose to live. Then there are the people who choose to live outside city limits, who shop in and support the city in many ways including volunteering, supporting non-profits, working in the business, etc.

When I heard comments to the effect that when the LBC was flying above Homer, much of the area proposed for annexation was similar to Homer already. Well, just maybe, the part of my subdivision, which is in city limits doesn't belong there. We do not look anything like my definition of a city. We are all on two acres or more (not city lots), we have well and septic, we have space, and we have horses and as I mentioned before, we own 35 acres. Our tax increase will be substantial. We chose to live outside city limits. I asked you not to reward the city for their atrocious behavior by annexing us. If the process was legal then we need to change that process now!

I've had a lot of time to consider this annexation animal. I'm questioning it from every angle. I think a more fair way for the city to increase their revenue is to increase the city sales tax. This would actually get all the users, not just the four square miles. It would include the 20 milers, across the bay, and the tourists, etc. Then add some user fees.

Homer annexation

Please do the right thing and veto the annexation and send us back to the drawing board.

Roberta Highland (235-8214)

\*\*\*\*\*

Thomas Taffe and Devony Lehner (235-4212)

**Subject: Homer annexation**

**Date: Sat, 09 Feb 2002 09:40:07 -0900**

**From: Steve and Claudia <gandh@xyz.net>**

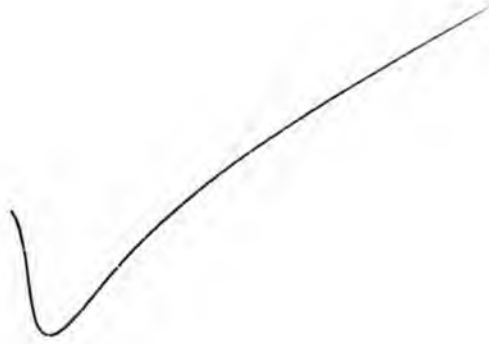
**To: <Senator\_John\_Torgerson@legis.state.ak.us>**

Senator Torgerson- I just want to be counted as another person against annexation. I have lived in the general area for 14 yrs and currently live in the proposed area to be annexed. I believe this is a money grab by the city council and Ron Drathman. The city council initially chose a 25mi area knowing that the boundary commission would settle for a smaller area. This fractured this area like I have never seen. Please send a message to city governments across the state that this is not the way to do this. It breeds hate. If annexation does occur please require new elections.

Thank You

Steve Glasman  
Box 2000  
Homer, AK  
99603  
907-235-9042

51600 Cottonwood



**Subject: City of Homer - annexation.**

**Date: Sat, 9 Feb 2002 11:28:37 -0900**

**From: "Aderhold" <aderhold@xyz.net>**

**To: <Senator\_John\_Torgerson@legis.state.ak.us>**

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

I am a resident of the city of Homer since 1977, although the first property I purchased (and still own a portion of) was outside the City (approximately 13 miles out East Rd.). I currently work for the Kenai Peninsula Borough – Major Projects, as a project manager.

I am in agreement with the recommendation of the LBC for the annexation of additional lands by the City of Homer.

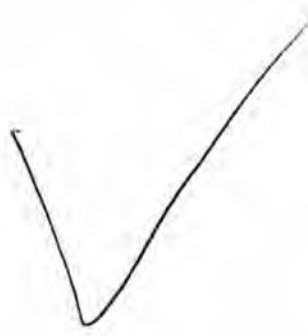
I do not agree with everything that the City Council, the Mayor and City Manager do, but I do have the choice of participating and there is a process.

In 1977 I quickly learned how well things go in the "unorganized" areas of the Borough and it was not pretty – because there was not a democratic process for spreading the financial participation in the day-to-day chores related to the maintenance of common property. For this reason, I quickly chose to establish myself at the very center of town, and picked a lot that already had water & sewer (but not much of the great view and "peace & quiet" that others seemed to put as a top priority). The City of Homer cannot solve every problem instantly, but they are the best chance we have and the most local arena .....the best way to attempt to solve problems fairly is to combine this area under one roof and work on them together.

If you move to deny the City's petition and consider altering the annexation process to make it "more democratic", you will be voting to increase the discord so common to the "inside the city" vs "outside the city" debate that has existed here (I'm told) since the formation of the City in 1964. We need to move this area toward a single, local government.

I agree with Jim Hornaday's unemotional and well-constructed testimony: DON'T TINKER WITH THE PROCESS – FOLLOW THE LEGAL ADVICE YOU'VE RECEIVED, AND FOLLOW THE CONSTITUTION, as it's currently written.

Wayne Aderhold  
350 Grubstake Ave.  
Homer, AK 99603



**Subject: City of Homer - Annexation**

**Date: Sat, 9 Feb 2002 12:26:56 -0900**

**From: "Aderhold" <aderhold@xyz.net>**

**To: <Senator\_John\_Torgerson@legis.state.ak.us>**

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

I am a resident of the city of Homer since 1977, although the first property I purchased (and still own a portion of) was outside the City (approximately 13 miles out East Rd.). I currently work for the Kenai Peninsula Borough – Major Projects, as a project manager.

**I am in agreement with the recommendation of the L 3C for the annexation of additional lands by the City of Homer.**

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I agree with Jim Hornaday’s unemotional and well-constructed testimony: **DON’T TINKER WITH THE PROCESS – FOLLOW THE LEGAL ADVICE YOU’VE RECEIVED, AND FOLLOW THE CONSTITUTION**, as it’s currently written.

Wayne Aderhold

350 Grubstake Ave.

Homer, AK 99603

# FAX COVER SHEET

*Homer Legislative Information Office*  
345 W. Sterling Hwy, #102A  
Homer, AK 99603  
(907) 235-7878 FAX: (907) 235-4008

Date: 2-9-02

No. of pages including this one: //

To: Sen. Torgerson

Fax No. 465-4779

Comments:



# Alaska State Legislature

Please enter into the record my testimony to the JCRA  
committee name  
 committee on Annexation, dated 2-9-09  
bill/subject

*9 copies of testimony in favor of  
 annexation of 4.58 sq mi City of  
 Homer.*

*Alex Flynn (Willie)*  
 Signed: Alex Flynn (Willie)  
Testifier

Self  
Representing (Optional)

267 W. Cityview Ave Homer  
Address

907-235-7812  
Phone No.



The Alaska State Legislature will be considering the Homer annexation Petition this week.

The Legislature will take public testimony, telephonically,  
from Homer at the Legislative Information Office  
[located at the old Trailside Mall, Pioneer & Sterling Highway]  
Saturday from 9:00am until the last person testifies.  
Testimony is limited to 3 minutes per person.

*This may be the last opportunity you have to tell the Legislature what you think  
before they make their decision.*

**Your opinion really matters!**



*City of Homer*  
491 East Pioneer Avenue  
Homer, Alaska 99603  
907-235-8121

### *Homer Annexation Considerations*

The City of Homer initiated the annexation process by filing a petition with the Alaska Local Boundary Commission to annex 25± square miles of surrounding territory. After two years of public hearings and forums, the City and the Department of Community and Economic Development agreed upon an annexation area of about 4.57 square miles. This area, while smaller, includes the bulk of the commercial and residential development on the borders of the city. Both the City and the Local Boundary Commission recognize annexation as a good idea whose time has come. We hope to demonstrate why annexation will be beneficial to all and why it will help create a more cohesive and economically stronger community.

First, consider the current state of affairs. While Homer city limits have not changed since incorporation in 1964, the City serves an area much greater than its boundaries. Homer residents and many of their nonresident neighbors use a host of services offered by the city and paid for, in the main, by taxes and user fees. While we all pay sales taxes when shopping in Homer, contributing greatly to the city's revenue stream, only city residents also pay a 5.5 mill property tax; an expense not shared by service users living outside Homer. The 5.5 mill property tax raises about 26 percent of the revenue used by the city's General Fund. While user fees support the city's port and harbor, sewer and water systems, which operate as enterprise funds, the General Fund is available as a financing alternative for these funds.

Here is a brief overview of some of the services enjoyed by folks living in the city and in the greater Homer area.

#### Library

Tens of thousands of people walk through the doors of the Homer Public Library each year – 98,100 this year alone. They come to read, research, use public-access computers and check out books, magazines and videos. In 2000, the library recorded a circulation of 104,000, up 5,000 from the year before.

The library's interlibrary loan program provides local residents access to a huge body of literature and research material from across the nation. Children, especially, benefit from the Homer Public Library. Last year, more than 1,600 youngsters attended weekly pre-school story hours. Public access computers allow residents and nonresidents access to the Internet through the city's high-speed server. This service is so popular that the library now requires sign-up sheets and has to set time limits because of space limitations.

Library data clearly demonstrates that many of the facility's most frequent users live beyond the city limits. More than 50% of the library cards presently issued are to outside city resident. In the present annexation area recommended by the Department of Community and Economic Development, there are more than 360 library card-holders in a population of 898.

Unfortunately, the small building on Pioneer Avenue is woefully inadequate for current demand, much less the growth expected in the next couple of decades. Cramped into that small space are nearly 34,000 volumes. That's a lot, but the number could be much bigger in a larger facility. Libraries need to

accommodate more than just books. Homer lacks the funds to construct a new library to house the many library services the community deserves. The additional tax base annexation will provide will help forward this project.

### Police

It is simply a fact of life; we don't live in a perfect world. That we are as safe a community as we are is due in no small part to the dedicated men and women of the Homer Police Department. In a time of need, their rapid response to crime or danger is a blessing. Homer officers do their work primarily within the city boundaries, but often are called to aid the law enforcement efforts of the Alaska State Troopers outside Homer. The HPD will immediately respond to any life threatening called received by 911 dispatch. Additionally, HPD responds to all requests made by the Alaska State Troopers for assistance outside city limits.

In fact, the Homer Police Department is much more than patrol officers rolling to crime scenes or ensuring the safety of city streets. It is part of a linked network of agencies. City dispatchers perform their task for City police, the Homer Volunteer Fire Department, the Alaska Fish and Wildlife Protection Service, the Alaska State Troopers, the Alaska State Parks, various search and rescue and civil defense teams, as well as for other fire, rescue and emergency medical services south of Ninilchik, including in Seldovia, Port Graham, Nanwalek, Kachemak Bay Wilderness State Park and the outlying Russian villages from Anchor Point to the head of Kachemak Bay.

During 2001, Homer Police responded to 5,971 incidents including 735 on the Spit and 119 outside city limits. Police data does not indicate the ratio of city to non-city residents involved in those incidents. In all, the Homer Police Department received 6,242 requests for services of all kinds during 2001. There were 462 arrests made and 640 charges filed. Police investigated 436 property crimes - vandalism, criminal mischief, theft, embezzlement, burglary, vehicle theft and arson. They also investigated 83 violent crimes, including sex offenses, robbery, assault and kidnapping. Police responded to 121 motor vehicle accidents that included 15 injuries and issued 1,019 traffic & animal citations and court summonses in 2001. These are not all City of Homer residents, nor are the victims.

The city of Homer provides jail services for Homer, and under an agreement with the State of Alaska, to the wider area as well. That means that residents and non-residents who are arrested must be housed in the City of Homer facility.

In 2001, there were 312 people jailed for City of Homer offenses, while another 174 were state prisoners. The Homer District Court sentenced 118 people to short-term stays in the Homer. In all, 604 prisoners spent time in the Homer Jail in 2001, serving a total of 1,562 prisoner-days.

The department not only investigates major crimes and operates the Homer Jail it also operates the Homer Animal Shelter which is addressed below.

Maintaining the peace is expensive. Annexation will help cover those costs and permit the department to expand services to the new territory by adding personnel and equipment. Homer residents need their neighbors to help ensure the continued effectiveness of this vital public safety service.

### Homer Volunteer Fire Department

Few things are as frightening as a fire or dire medical emergency. They strike with little or no warning, and often leave their victims helpless. Like the arrival of police, it is reassuring indeed to hear and see the fire trucks and ambulances roll. And roll they do, not only within the boundaries of Homer, but virtually as far as emergencies demand, very often into the proposed annexation area to fight forest, grass and structure fires, protect surrounding property and save lives. The Homer department provides emergency services to Kachemak City, has mutual-aid agreements with Anchor Point and memorandums of understanding for assistance with Seldovia, Port Graham and Nanwalek. Firefighters and emergency medical technicians have gone to the Russian villages at the head of Kachemak Bay and responded to

fires as far away as the central Kenai Peninsula at the request of state or federal fire officials, well beyond the proposed annexation area.

Homer is proud of its fire and emergency medical teams. Not only do department staff members and the host of volunteers respond in emergencies, they participate in prevention programs designed to make life safer for all of us. The department sponsors and teaches classes for a Fire Science Degree program through Kenai Peninsula College, provides fire prevention materials to the public and area schools. It co-sponsors the annual Homer Bike Rodeo in conjunction with the Safe Kids Fair. Those folks you see distributing and adjusting helmets for young riders are fire and EMS volunteers who work with the local Safe Kids Coalition and its bicycle helmet program. They can also be found instructing parents how to use child car seats properly.

Homer volunteers participate in the PRIDE program, which offers safety training to people with mental disabilities. When fans at Homer High School cheer their Mariners to victory on the gridiron, volunteer emergency medical technicians are there, standing by.

All that expertise comes from hours of training and practice provided by the City of Homer.

In reaction to the City of Homer Annexation petition, the Kenai Peninsula Borough recently created a fire and EMS service area on the south Kenai peninsula. Presently, the only way the Borough can deliver these services is through contract with the City of Homer.

### Public Works

Visit a city park, cheer on the youngsters at a Little League game or dash to the fence yourself and snag a fly ball. Take your toddler to play on the seesaw or ride the slide, pitch a tent or park your RV in one of several city campgrounds, drop your child off at the Homer Boys & Girls Club, or just stroll along the broad, open city beaches at low tide. Then thank the Homer Public Works Department for seeing that those parks and recreational areas are built, maintained and safe. General fund monies finance the operation of these amenities as well as a new adult softball complex expected to be constructed during 2002.

Walking along Pioneer Avenue, one can't help but notice how it blooms with color each spring and summer. Mother Nature gets a lot of help from Public Works crews and volunteers who are busy planting and pruning from May to September. Of course, not all of the department's duties are so eye-catching – or, for that matter, particularly obvious.

Frankly, the Homer Public Works Department greases the City of Homer's gears, without which several critical systems would cease to function. The department is responsible for operating the city water and sewer system. City water is available to many nonresidents because the city provides access to that water to commercial bulk water haulers. Many homes outside Homer could not have been financed or occupied had city water not been made available. In 1990 5.3 million gallons of city water was sold to bulk water haulers and by 2000 this had increased to 17 million gallons.

A change in the funding formula for expanding city water and sewer lines to reflect reduced state spending will permit the construction of five new water/sewer districts this summer. In the future, the city enterprise funds will contribute 25% of these costs and property owners 75%. Under the new city tax structure, the city will be able to create a million dollars worth of line extensions each year if neighborhoods vote to do so.

Public Works crews are also responsible for maintaining city streets and keeping them cleared of snow in winter. No matter the weather, city maintained streets are open. Through the use of private contractors with local coordination and Public Works crews, the condition of roads in the annexation area will improve.

Non-city residents use many of these city facilities daily. It is time to more equitably share the expense by becoming part of the City of Homer.

## Port & Harbor

The beauty and bounty of Kachemak Bay and Cook Inlet make Homer's port and harbor a Mecca for recreation and enterprise. The Homer Small Boat Harbor fills to capacity in the warm months with every size and variety of vessel. Still, the demand for space exceeds available moorage. The harbor is a 48-acre basin with 772 reserved slips, 4,000 lineal feet of transient floats. The City is presently engaged in a project to add 140 new slips and 800 feet of transient moorage.

The port and harbor provides those boat owners a host of services. The wood and steel grids make repairs easier. Homer's load and launch ramp is a vital link to the sea for recreational and commercial boaters alike. Fishing season means a steady parade of commercial vessels to the Homer Fish Dock, where crews use city cranes to unload their harvest and sell it to dockside buyers. The dock has 483 feet of vessel berthing and eight public cranes. The City of Homer's ice plant can produce 100 tons of flake ice per day. The cold storage facility provides valuable space to commercial fishermen. All of these facilities are publicly owned and available to all.

Recreational anglers use fish-cleaning stations provided by the city to clean their catch, depositing the waste in containers provided at city expense. Scores of charter outfits thrive thanks to the Port and Harbor and the private-sector enterprise it fosters. Indeed, marine businesses have sprung up from one end of Homer to the other and beyond into the proposed annexation area, all because the port and harbor exist.

Meanwhile, Homer's port is attracting an increasing amount of commercial marine traffic. Wood chip ships, log transport vessels and even cruise ships regularly visit the Deep Water Dock. Container barges, the U.S. Coast Guard vessel *Sedge* and the Alaska State Ferry use the city's Main Dock. A new \$11 million dock is presently being constructed to replace the main dock. The new dock was originally named the Kachemak Bay Multi-Purpose Dock, but has been renamed the Pioneer Dock. When this project is complete during the summer of 2002, the dock will be able to accommodate roll-on, roll-off vessels and handle larger container vessels. The dock will be able to accommodate the state ferry *Tustumena* and the larger new ferries. The dock will also accommodate the new larger Coast Guard vessel scheduled to replace the Coast Guard vessel *Sedge*, which is a true Alaska Pioneer vessel. Homer will continue to be Alaska's premiere ice-free port.

All of this has an enormous impact on Homer's economy and, clearly, to the economy of the larger area. More halibut are landed in Homer than any other port in the world. Without the port and harbor, much of Homer's entrepreneurial spirit likely would go unfulfilled.

## Clerk's Office

Homer's city clerk's office provides the general public with access to public records, notice of meetings and other city events. Clerk Mary Calhoun attends Homer City Council meetings and records the minutes and her office coordinates the meetings of city commissions, boards, other panels and maintains information kiosks in the City. Her office helps coordinate the sister-city programs for Homer's sister cities Teshio, Japan, and Yelisovo, Russia.

When voters from the Anchor Point to the Kachemak Bay precincts head to their polling places for statewide elections, it is the Homer City Clerk's office that coordinates ballot collection and compiles the local results. In city races, the clerk notifies residents of filing periods and candidates and runs the elections.

When residents seek to work together to improve utilities or roads in their neighborhoods, the city has a procedure for this purpose called the Local Improvement District coordinated through the clerk's office. The clerk's office draws up a petition complete with the names of property owners and the locations and values of their holdings. Once technical issues have been addressed by Public Works, the clerk gives the petition to the petitioners who then collect the necessary signatures. If enough signatures are collected, the clerk's office prepares an LID resolution for the council. The clerk's office is the face the public sees throughout the process of improving neighborhood water service, sewers and roads.

### Planning

A crucial element of the city's ability to function efficiently is its capacity to plan for the future. For a city of several thousand independent-minded citizens to run smoothly, there must be ways to avoid land-use conflicts or help resolve them when they arise. Through written guidelines and permits, city planners promote safety, protect public health and help guide development. Planning is best done locally, by neighbors who live with the results.

Planning personnel also develop policy recommendations, provide staff support for the Homer Advisory Planning and Zoning Commission, aid in the processing of conditional use permits and variances, work on revisions of the city's Comprehensive Plan and help neighborhoods plan for the future.

Good planning can prevent a lot of heartache. With that in mind, Homer has divided the city into zones where specific types of activities are encouraged and others prohibited. That's why you won't find junkyards in residential neighborhoods or industrial shops amid office complexes in the City of Homer, except where those conditions predated the city's zoning ordinance and hence, enjoy grandfather status.

Other city requirements prevent water sources from being spoiled, protect the integrity of streams beds and ensure that development meets minimum standards.

This year the City will complete a GIS center at City Hall which will be a tremendous planning aid for all departments. The City of Homer will have the same technology resources as the Kenai Peninsula Borough, 85 miles to the north.

### Animal Shelter

The city is working to find the funds and build a new animal shelter. The current facility is completely inadequate. Indeed, if city officials could snap their fingers and provide a better animal shelter overnight, they would. While desperately needed, unfortunately, a new animal shelter is not the only vital project the city needs to complete.

Despite its inadequacies, the small facility on the Homer Sterling Highway is shelter for lost, abandoned or turned-in cats and dogs from throughout the entire lower Kenai Peninsula. Looking at the recent statistics, between January and August of 2001, the shelter received 86 strays from inside Homer, 80 from outside. Some 94 Homer resident owners turned in animals, 150 did so from beyond city limits. The shelter also boards animals, reunites lost critters with their owners and finds new owners for those with no homes without regard to residency.

The point is, the Homer Animal Shelter provides a service to the entire area. It would help, as the Kenai Peninsula Borough does not fund animal control services, if Homer had a broader tax base to operate this vital program.

An architect has been retained to start working on the design of the facility with the help of a volunteer design committee. Hopefully, funding will be in place for construction this year.

### City Support of Area-wide Organizations

Since 1992, the City of Homer has spent in excess of \$1.5 million to help fund non-profit organizations such as the Pratt Museum, Homer Council of the Arts, Kachemak Ski Club, Kachemak Nordic Ski Club, Homer Food Pantry, Bunnell Street Gallery, Homer Head Start, Snomads Snow Machine Club, The Homer Foundation, Pier 1 Theatre, Community Schools, Homer Hockey Association, Kachemak Gun Club, Homer Little League, Women's Services and the Homer Boy's & Girl's Club. These are the organizations that provide education, recreation, cultural activities and a helping hand on the Southern Kenai Peninsula. At least fifty percent of those benefiting from these activities and

programs live outside City limits. The City of Homer budgeted an additional \$45,000 to support the Homer Chamber of Commerce. \$30,000 of this is used to promote the Homer area and its businesses and \$15,000 is to partially fund the Business Development Center.

All of these organizations are open to area-wide residents; however, only City residents support them through property taxes.

**Conclusion**

While this is a fairly impressive list of services, it is just an overview. The fact is, though we get a lot for our money, a broader tax base is necessary to help keep it that way. Contrary to what many believe, the added property taxes new residents would pay wouldn't amount to a great individual expense.

Today, non-city residents in the annexation area who own real property pay a combined 11.35 mills in real property taxes:

|  |                                |
|--|--------------------------------|
| Borough                                  | 7.00 mills                     |
| Road Service Area                        | 1.00 mill                      |
| Hospital                                 | 1.50 mills                     |
| Kenai Pen. College                       | 0.10 mill                      |
| Kachemak Emergency Services [Fire & EMS] | 1.75 mills = 11.35 mills total |

Meanwhile, city residents pay a combined 14.10 mills:

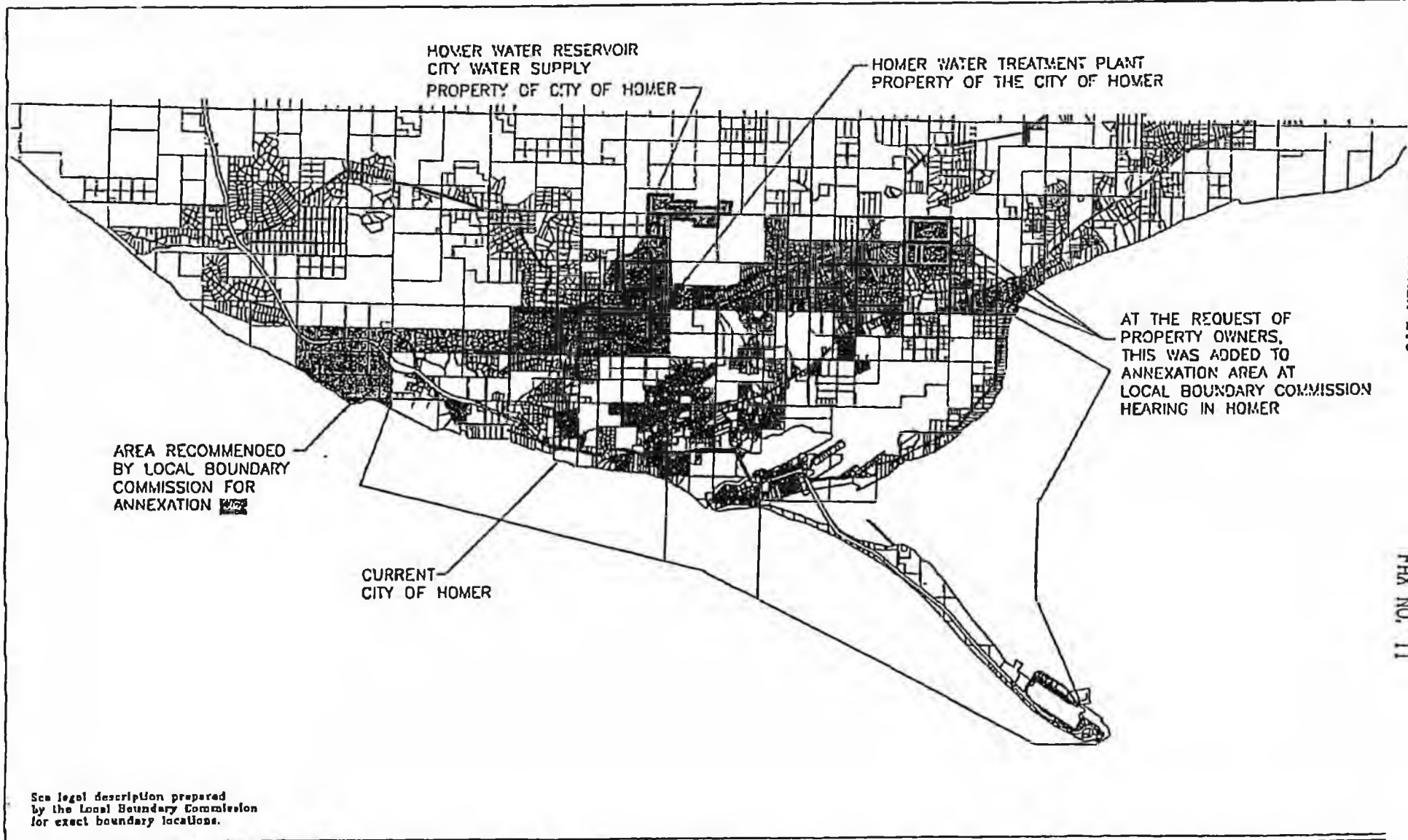
|                    |                               |
|--------------------|-------------------------------|
| City of Homer      | 5.50 mills                    |
| Borough            | 7.00 mills                    |
| Hospital           | 1.50 mills                    |
| Kenai Pen. College | 0.10 mills = 14.1 mills total |

If non-city property owners are annexed and become city taxpayers, they would cease paying the 1 mill for the borough road service area and the 1.75 mills for the fire service area, but instead would pay the 5.5 mills levied by the city.

The difference between what city and non-city residents now pay amounts to just 2.75 mills. That is \$275 a year for a \$100,000 home. Looked at a different way, for all the services and opportunities listed above, being part of Homer would cost the new resident tax payer less than \$.76 cents a day for every \$100,000 worth of real property they own. This is within a few pennies of the cost of a daily newspaper.

The new revenues generated by property taxes in the proposed annexation area are estimated at roughly \$313,000. Sales tax revenues from this area should generate approximately \$484,000. This means the city can strengthen its current services and broaden their availability in the larger area. Facilities can be upgraded and then perhaps taxes can be lowered. Thus, annexation will be beneficial not only to Homer's newest residents, but to its current residents as well.

*Annexation in Homer represents value and fairness!*



See legal description prepared by the Local Boundary Commission for exact boundary locations.

GRAPHIC SCALE

| NO. | AREA | REVISION | DATE | BY |
|-----|------|----------|------|----|
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**CITY OF HOMER, ALASKA  
PUBLIC WORKS DEPARTMENT**  
3575 HEATH STREET  
HOMER, ALASKA 99603  
PHONE: (907) 235-3170  
FAX: (907) 235-3145

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**PROPOSED ANNEXATION AREA**  
Drawing Status: Updated: 2/2002

## **We Cannot Remain Silent. Please Come Forward. It's Time!**

The Joint Legislative Senate and House Community and Regional Affairs Committee will receive testimony on the City's proposed 4.58 square mile annexation report at the Homer Legislative Information Office, Saturday, February 9, between 9:00 a.m. and noon. This is Homer's opportunity to inform the Legislature that annexation serves to strengthen and preserve our quality of life. Homer residents have the highest level of taxes on the Peninsula, and tax relief is needed. The fact sheet below supports the need for annexation. Please express your position to legislators in Juneau by either testifying on Saturday, or forwarding a fax statement to the joint legislative committee, fax: 465-4779. Thank you.

*Paid by Rick Ladd, Homer City Councilman*

### **Fact Sheet Supporting Homer Annexation of 4.58 Square Miles**

- As the only municipality in the Southern Kenai Peninsula, the City of Homer absorbs the financial costs for services such as library, police, port and harbor, water and more, but offers and shares these services with areawide community residents.
- The City of Homer was incorporated in 1964 and its 21 square mile boundaries have not been extended since incorporation. Uncontrolled development and intensive growth surrounding City limits necessitates extending the 1964 boundaries.
- Population per square mile in Homer is 188 citizens. Within the proposed 4.58 square mile annexation territory the square mile population is 196 individuals. This is greater than that within the City.
- The City of Homer is the only Kenai Peninsula Borough municipal government that is able to provide all Fire and Emergency Services to residents of the 4.58 square mile area recommended for annexation by the LBC.
- Increasing the tax base, at a time of decreasing State Revenue Sharing, will enable the City to better sustain and further develop the Homer's infrastructure of services.
- It is estimated that 25 percent of City water customers live outside the City limits. Water, the very commodity that allows area properties to be financed easier, insured, and ADEC approved, has been available without distinction for years to the areawide community.
- Since 1992, the City of Homer has budgeted in excess of 1.5 million dollars to areawide, non-profit organizations that support education, recreation and cultural activities in the Southern Peninsula. Fifty percent of those receiving benefit from these activities and programs live outside City limits.
- The City of Homer continues to support the Chamber of Commerce and the Community School programs. These organizations are open to areawide residents; however, only City residents support each through a local mil rate tax assessment.
- The City's port and harbor, a \$100,000,000 asset, is clearly an economic engine for the South Peninsula, and it is available to all without discrimination.
- Annexation and the implementation of planning and development standards, will limit uncontrolled growth and territorial sprawl that presently devalue and denigrate property contiguous to the City.
- Homer's annexation proposal follows the Constitution and the Legislative process as previously done in over 100 municipal boundary changes since statehood.

**FAX COVER SHEET**

THE FOREMAN'S, INC. and FOREMAN FAMILY LIMITED PARTNERSHIP dba THE FOREMAN'S PROPERTIES

1241 HILLCREST DRIVE ANCHORAGE, AK 99503  
P. O. BOX 91576 ANCHORAGE, AK 99509-1576TELEPHONE (907) 279-1736  
FAX (907) 272-9521

February 11, 2002

To: All Members, Alaska State Senate and House of Representatives

FROM: Helen G. Foreman, 58-year Alaskan, 47-year Secretary-Treasurer, Electrical Contracting Corporation among first group of Alaska-licensed Electrical Construction Contractors supported by our President's original-group Electrical Administrator's license and General Partner, Limited Family Partnership with housing rentals

Subject: Fiscal Gap and attendant problems

Transmission consists of this cover page and 0 additional page(s).**CONFIDENTIALITY STATEMENT**

The information in this facsimile is confidential and is intended only for the recipient named above. If the reader of this information is not the intended recipient, or the employee or agent responsible for delivery of this information to the intended recipient, you are hereby notified that this is not a waiver of privilege and any dissemination or copying of this information is strictly prohibited. If you have received this information in error, please notify the sender immediately by telephone and return the original information to the sender by U.S. Postal Service to the sender's address above.

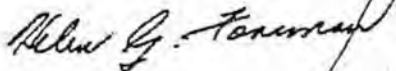
Respectfully urge this Second Session require:

1. Equal percentage across-the-board state budget reductions.
2. Mandate ORGANIZATION of UNORGANIZED portions of the state. One hundred percentage (100%) dependence on others by UNORGANIZED areas must cease.
3. RESPONSIBILITY; officials, first; then, persons must be required to assume responsibility individually and for the entities providing their services.
4. NO SALES TAX! No vendors/servicers State Tax Collectors.
5. Aggressive elimination of enticement, promotion, and expectation of and dependence on sizeable Permanent Fund Dividend.
6. Promotion and encouragement of Bush cottage industry.

Then:

Later Alaska Legislature Sessions can review prior reductions, looking for further reductions and realignments. Later, using considered judgment on degrees of reinstatement of school, gross business license, and income tax for systematic incremental return to fiscal responsibility.

Please write, call, or FAX if we can help.



01/31/2002 07:12 19072352009

RT ENTERPRISES

PAGE 02

Dear Legislators,

I thank you for giving us this added opportunity to speak into the annexation issue. I want to state that I am opposed to annexation that is done against the will of the people. It is like a marriage with one unwilling partner. It is a bad marriage from start to finish.

I heard Susan Cushing (the Homer mayors wife) say that "those people" that are against annexation would oppose any sort of growth by the city no matter how they went about it. This is not true, if the majority of the people to be annexed and the majority of the people inside the city want us to be annexed then no matter how it would affect our business and lives I would "bow out". But this is not what I am hearing from our community so I would like to see it put before the people for a vote.

My wife and I have known Jack and Susan Cushing ever since they came to the Homer area. They bought a piece of property from my father and built a home in our neighborhood. At that time I remember they did not even like anyone stirring up the dust around their property let alone forcing them to do something with it that they didn't want to do. Oh how time changes things and opinions. It makes a lot of difference if the property in question belongs to you or your neighbor.

She also mentioned death threats and the referral to Nazi death camps. When things are not put to a vote of the people they feel like they have no voice in what is happening to them and it reminds them of what happened during the Second World War. I don't know how many people I have heard in the last two years make the statement... "It would be good to fight this because the government already has its mind made up... so we might as well accept it." Is that the kind of government you want to be a part of?

I also heard that the silent majority is afraid to stand up in the face of such fierce opposition and say that they are for annexation. You don't have to face any one to send a fax or letter. But the true way to settle this issue is to put it before the people both inside the city and in the area proposed for annexation.

I have lived in this area since 1956, my wife and I own a business in the to be annexed area, and I have never seen anything divide our community like

01/31/2002 07:12 19072352009

RT ENTERPRISES

PAGE 03

this has. I know that Ron Drathman is a knowledgeable lawyer so I'm sure all the I's are dotted and all the T's are crossed, I'm sure the letter of the law has been followed... but I ask you has the intent of the law been met. This is government at it's worst.

Please put a stop to this annexation and let the people in this area begin the healing process that needs to take place. If you break the back of the small business owners with taxes, regulations and cost of service extensions it will be very bad for this community.

Thank you for your time and consideration of this matter.

Sincerely,



01/31/2002 07:12 19072352009

RT ENTERPRISES

PAGE 04

Dear Legislators,

I am writing to ask you to stop the proposed annexation of 4.58 square miles in the Homer area. I am opposed to any form of forced annexation. It needs to be put before the people for a vote.

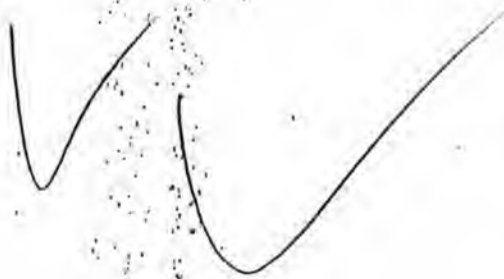
I personally have lived and worked in the Homer/Anchor Point area all my life. This annexation will drastically effect my family and many others in the area. I have worked for Kachemak Auto Body and Paint for the last 12 years. My wife has also worked there for the last 3 years. This the only source of income for ourselves and our two children. As employees of a business that will be greatly effected by this annexation, our entire household income may very well come to a complete halt. My family is only 1 of many effected by this decision. Some will loose their businesses and in the end this may cause them to loose their homes.

Please stop this annexation.

Thank you for your time and consideration of this matter.

Sincerely

*Steven King*  
*Rita King*



lois field

---

**From:** lois field <field@xyz.net>  
**To:** John Torgerson - Senator, John\_Torgerson@legis.state.ak.us  
**Sent:** Saturday, February 09, 2002 10:13 PM  
**Subject:** Homer Annexation

To Missrs. Torgerson and Scaizi. Members of the House and Senate. Community and Regional Affairs Committee. There is little point in going into the endless details about how people down here have suffered with Homer's Annexation Attempt. From a public relations point of view, it was bungled badly from the beginning by Mayor Cushing, the city council and Mr Drathman! The end result, as of now, is that there are hundreds of people down here who are justifiedly frustrated and seething mad !!! There has been almost no one in over 2 years of process who has spoken in favor of annexation except the members of the city council themselves, former council members and their relatives! Most of those have only appeared in the last few days. Most of us are completely convinced that there is no urgent reason, that we know of, for Homer to need to annex us !! This is a very exploitive, "MONEY GRAB", which if allowed to go through, will ultimately by increasing Homer's income, compound the real problem Homer seems to have trouble with, namely-- uncreative management, lack of advance planning, waste, and trying to support too many non-profits when they really cannot afford these items. The Homer City Council keeps reminding us that the annexation is all perfectly legal. OK---so its legal, we agree !! The problem is that it is also an immoral act of aggression allowed only by some bad old laws being left on the books!! Hopefully soon those laws will be overturned!! As members of The Senate and the House of Representatives it is " URGENT " that you immediately take the moral high ground on this issue and do something permanent and necessary for the citizens of Alaska by vetoing Homer's Annexation Petition and return it to them unapproved! Annexation by Legislative Review should also be outlawed---it is grossly unfair.  
Respectfully yours, Paul Field, Box 1617 Homer Alaska 99603

*Paul Field*

2/9/02

2/11/02

Dear Senator Torgerson and Representative Scalzi,

My name is Stephen Field and I live inside the City of Homer. I am opposed to the annexation and urge you to veto it. Our city council needs to learn how to manage the revenue they currently receive. Shouldn't they provide services to all city residents before annexing new ones? Perhaps they could if they weren't in the arts and entertainment business. Here's an example.

Almost weekly, we see thousands spent on special interest and non-profit organizations. Take the Pratt Museum. Aside from lucrative fund raising events, the museum charges admission and runs a gift shop. Why should local government support them as well, when there are people in town without water and sewer service? (Maybe the Museum is as poorly managed as our city!) Incidentally, busloads of tourists used to visit the Pratt Museum before the council attempted to charge passengers "by the head" in a former "money grab." We don't get cruise ships anymore.

Wasn't it impressive to see five council members, the mayor and their attorney attend your hearings in Juneau this week? Couldn't a single spokesperson adequately express their point of view? It's my guess public funds were spent on their travel, meals and lodging!

If Homer is in good financial shape, as our local government contends, why are they so desperate to annex this area? A matter of principle? Something is fishy.

Households, legislatures and cities all need to operate within their budgets. Annexing this area will only fuel Homer's "spending spree."

Again, PLEASE VETO this underhanded coup and amend the state constitution to prevent other communities from expanding their borders, rather than managing their money.

Sincerely,  
Stephen Field  
PO Box 128

Alaska State Legislature  
Public Opinion Messages

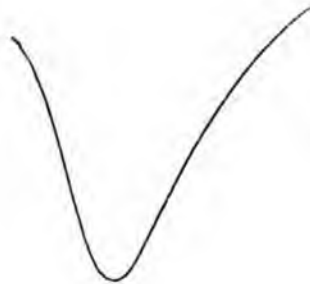
Viola M Jerrel,  
Po Box 938  
Po Box 938  
Homer, AK 99603  
Phone: -  
E-mail:

Subject/Bill BOUNDARIES

I am opposed to the City of Homer secret no vote annexation petition. I ask the Community & Regional Affairs to submit a joint resolution to the legislature to have the legislature veto the Homer Annexation Petition. The legislature has the authority to veto for any reason the legislature wants to veto.

Date Sent: 02/11/2002

Constituency: C  
Distribution: 12  
Affiliation:  
Reg Voter: Y

A handwritten signature, possibly 'V', is written in the center of the page.

Alaska State Legislature  
Public Opinion Messages

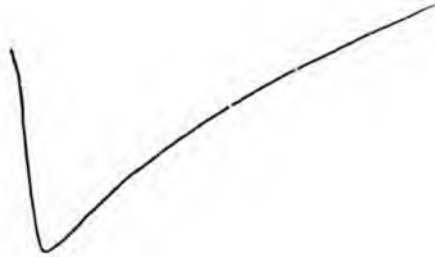
John J Polster,  
6 Ocean Dr  
6 Ocean Dr  
Homer, AK 99603  
Phone: -  
E-mail:

Subject/Bill BOUNDARIES

Opposed to annexation. Issue absolutely lacks merit. Secondly forced marriages are primitive mentality. Civilized people allow possible participants in marriage to have a say in that possibility. I am a Homer resident.

Date Sent: 02/11/2002

Constituency: C  
Distribution: 12  
Affiliation:  
Reg Voter: Y



Senator John Toynon

Att: Mary Jackson.

465-4989

FAX 465-4779

Could you give this information  
to all your senate & representatives  
on committees or anyone else  
interested. Thank you

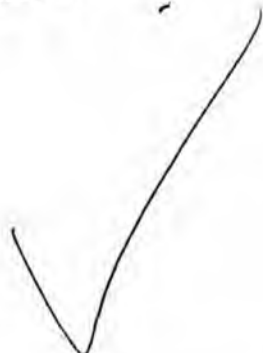
Doris Cabana

Box 607

Ames, Ak. 99603

(907) 235-6081

FAX (907) 235-1311



Law Offices of

**ERWIN & ERWIN, LLC**

*From the Desk of: Robert C. Erwin*

733 W. 4<sup>th</sup> Avenue, Suite 400  
Anchorage, Alaska 99501  
Telephone (907) 276-3125  
Facsimile (907) 276-4125  
e-mail: erwinllc@alaska.net

Robert C. Erwin  
Roberta C. Erwin

December 21, 2001

Dan Blockhorst  
State of Alaska, Local Boundary Commission  
Municipal and Regional Assistance Division  
Department of Community and Economic Development  
550 West 7<sup>th</sup> Ave., Suite 1790  
Anchorage, AK 99501

Re: Homer Annexation  
Effect of City Annexation on Borough Service Area under AS 29.35.405(e)  
Our File No.: JERV-03

Dear Mr. Blockhorst:

I have reviewed the plain language of recently passed AS 29.35.450(e) requiring a vote of people when there is an attempt to alter or reduce the size of a properly designated service area for roads, fire protection, or parks and recreation services.

The opinion of the Attorney General's office which takes the position that the specific statutory language requiring a vote of the residents of the service area affected does not apply when the service area is to be annexed to the City of Homer appears questionable from a legal standpoint. The Attorney General's office does not cite any legal authority for the exception claimed, but attempts to argue that the fact a vote was never taken in the past in the area to be annexed to a city indicates that the State does not need to do so now.

This legal conclusion simply ignores the new statute and its purpose to preserve a previously created service area which was constructed in the past to provide needed services. Generally the old service area required the purchase of equipment and possible staff which was supported by taxation of the service area members. The elimination of a substantial number of the members from the service area without a vote and a decision of

Dan Blockhorst  
December 21, 2001  
Page 2

how future services and present debts will be provided and/or paid can provide a substantial hardship.

Each enactment of the Alaska Legislature is presumed to be constitutional and it will not be set aside unless the provisions show a substantial and plain violation of Alaska Constitutional law. See, *Suber v. Alaska State Bond Committee*, 414 P.2d 546, 557 (Alaska 1966); *Sheldon Jackson College v. State*, 599 P.2d 127, 130 (Alaska 1979).

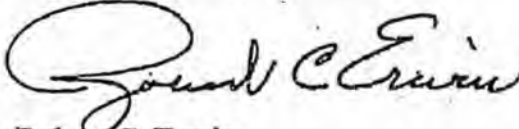
The claim that the Executive Branch of the State government is not bound by a statute passed by the Alaska Legislature is clearly incorrect. The statute is valid until declared invalid by the Court.

Such a statute is valid under the Constitutional Doctrine of separation of government power. The doctrine of separation of powers is implicit in the Alaska Constitution and the purpose of the doctrine is to preclude the exercise of arbitrary power by any one branch of government. *State v. Fairbanks North Star Borough*, 736 P.2d 1140, 1142 (Alaska 1987). This doctrine also requires the court to construe a properly passed statute to avoid constitutional infirmity where possible. *State v. Fairbanks North Star Borough*, at 1142.

Here there is no clear constitutional violation affecting a properly passed statute of the Alaska Legislature which was signed into law by the Governor. Thus, there is no legal basis to ignore its provisions which are to protect existing service areas from destruction without a vote of those people who helped create them in the first place.

Very truly yours,

ERWIN & ERWIN, LLC



Robert C. Erwin  
Attorneys for Vi Jerrel, Doris Cabana and  
Alaskans Opposed to Annexation

RCE:la

cc: Vi Jerrel  
.Doris Cabana

STATE OF ALASKA  
LOCAL BOUNDARY COMMISSION

In the Matter of the March 20, 2000 Petition )  
By the City of Homer for Annexation of )  
Approximately 25.64 square miles )  
\_\_\_\_\_ )

PETITION FOR RECONSIDERATION

COMES NOW, Alaskans Opposed to Annexation, Doris Cabana and Vi Jerrel, by and through their counsel of record, Erwin & Erwin, LLC, and timely petitions the Local Boundary Commission for reconsideration of the Decision of the Commission dated December 26, 2001 with regard to the Annexation to the City of Homer.

The Local Boundary Commission has ignored the effect of AS 29.35.450(e) which was validly enacted by the Alaska Legislature and in effect at the time the decision on Homer Annexation was made on December 26, 2001.

Alaska Statute 29.35.450(e) requires a vote of the people effected in eliminating a substantial portion of a borough service area established for roads, fire protection, parks or recreational services. "It is presumed that whenever the Legislature enacts a provision, it has in mind previous statutes relating to the same subject matter, and all should be construed together." *Hafling v. Inland Boatman's Union of Pacific*, 585 P.2d 870, 877 (Alaska 1978).

Further, there is no problem with the language of the statute which appears to fall within the "plain meaning" rule or its progeny which does require interpretation. See, dissent Justice Rabinowitz, *Matter of City of Nome, Alaska*, 78 P.2d 363, 368 n. 3 (Alaska 1989).

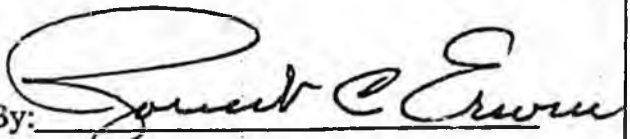
When you couple these rules of statutory construction with the legal doctrine that each enactment of the Alaska Legislature is presumed to be constitutional, (see, *Suber v. Alaska State Bond Committee*, 414 P.2d 546, 557 (Alaska 1966); *Sheldon Jackson College v. State of Alaska*, 599 P.2d 127, 130 (Alaska 1979), it appears to be a legal error to ignore the requirements of the statute. The Legislature is clearly aware of the requirements of annexation and the obvious fact that service areas are likely to be destroyed by annexation to a local government unit. The Legislature specifically intended to deal with the problem of destruction of service areas and what the remainder thereof can do when its taxing base is to be changed. Can any service area survive without such consideration?

This annexation process has been ongoing for almost 18 months with the first public hearings taking place in Homer on December 14 and 15, 2001, some two weeks before the final report was issued on December 26, 2001. Certainly the future vote of the service area to be destroyed cannot either change the legal power of the Boundary Commission or the power of the Legislature to consider its proposal; but it will permit

the orderly transfer of functions for roads and EMTs to permit the realignment of the financial burden to those who remain in the service area and need the service.

ERWIN & ERWIN, LLC  
Attorneys for Vi Jerrel, Doris Cabana and  
Alaskans Opposed to Annexation

DATED: 1-14-02

By:   
Robert C. Erwin  
ABA # 6101004

CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of January 2002, I caused a true and correct copy of the foregoing to be mailed via U.S. mail on the following:

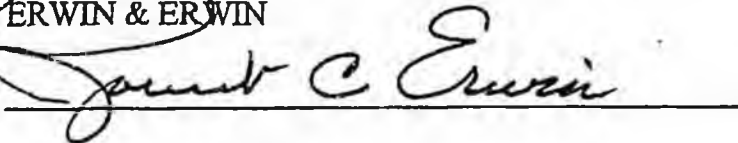
Brooks Chandler  
Hicks, Boyd, Chandler & Falconer  
825 W. 8<sup>th</sup> Avenue, Suite 200  
Anchorage, AK 99501

Perkins Coie, LLP  
Attorneys for City of Homer  
1029 W. 3<sup>rd</sup> Avenue, Suite 300  
Anchorage, AK 99501

and by hand delivery to:

Dan Blockhorst  
State of Alaska, Local Boundary Commission  
Municipal and Regional Assistance Division  
Department of Community and Economic Development  
550 West 7<sup>th</sup> Ave., Suite 1790

ERWIN & ERWIN



Law Offices of

**ERWIN & ERWIN, LLC**

---

*From the Desk of: Robert C. Erwin*

733 W. 4<sup>th</sup> Avenue, Suite 400  
Anchorage, Alaska 99501  
Telephone (907) 276-3125  
Facsimile (907) 276-4125  
e-mail: [erwinllc@alaska.net](mailto:erwinllc@alaska.net)

Robert C. Erwin  
Roberta C. Erwin

November 5, 2001

Vi Jerrel  
P.O. Box 938  
Homer, Alaska 99603

Doris Cabana  
P.O. Box 23  
Homer, Alaska 99603

Re: *City of Homer Annexation*  
Our File No.: JERV-03

Ladies:

Here is a copy of the opposition to the preliminary report and a request for continuance filed on Monday, November 5, 2001. We have not received any other comments either from the City or the other group.

Very truly yours,

ERWIN & ERWIN, LLC



Robert C. Erwin

RCE:la  
Enclosures

Attorney-Client ♦ ♦ **PRIVILEGED** ♦ ♦ Attorney Work-Product

STATE OF ALASKA  
LOCAL BOUNDARY COMMISSION

In Re: Opposition to Homer Annexation )  
\_\_\_\_\_ )


REQUEST FOR ADDITIONAL TWO WEEKS TO PERMIT COMMENTS ON PRELIMINARY  
REPORT

Alaskan's Opposed to Annexation requests the Local Boundary Commission extend the time for filing response to the Preliminary Report herein by two weeks from November 5, 2001 in order to permit comment from the Homer area.

Copies of the preliminary report were sent to the City of Homer for placement in the Homer Library (around October 10) to be reviewed by the citizens. However, these copies somehow went astray and additional copies were not available to the citizens of the Homer area for almost two weeks after the preliminary report was originally made available to the City of Homer. Any public hearing in the Homer area should be also scheduled with such a change in mind.

ERWIN & ERWIN, LLC  
Attorneys for Vi Jerrel, Doris Cabana and  
Alaskans Opposed to Annexation

DATED: 11-5-01

By:   
Robert C. Erwin  
ABA # 6101004

STATE OF ALASKA  
LOCAL BOUNDARY COMMISSION

In Re: Opposition to Homer Annexation )  
\_\_\_\_\_ )

**RESPONSE OF ALASKAN'S OPPOSED TO ANNEXATION TO PRELIMINARY REPORT  
REGARDING CITY OF HOMER'S PROPOSAL FOR ANNEXATION**

Alaskan's Opposed to Annexation strongly agree that the proposal for annexation by the City of Homer should be sharply limited in size to those areas where there is a realistic hope that the property owners in the area to be annexed will get services from the City of Homer. The preliminary report demonstrates how the geographic contours of the Homer area have a profound effect on the delivery of services such as sewer and water which should be carefully weighed in reaching the final decision on the annexation issue.

I. RECOMMENDATION NO. 1. Area to be annexed.

The preliminary report recommends annexation of adjoining areas to Homer where there is some commercial development. There are primarily the areas of Miller's Landing and the Sterling Highway area starting at Mile 165.7. Clearly, these areas would provide taxable property, however, there is little attempt to establish how the area homeowner's would benefit from or would actually obtain services from the City of Homer.

In Re: Opposition to Homer Annexation  
RESPONSE OF ALASKAN'S OPPOSED TO ANNEXATION TO PRELIMINARY REPORT REGARDING CITY OF  
HOMER'S PROPOSAL FOR ANNEXATION

The Sterling Highway area recommended to be annexed has in fact little private land and primarily consists of Borough land, University land, State land and Native land, all of which is not taxable, (*see*, attached Exhibit A) and is subject to control and use inconsistent with the control sought by the City of Homer.

Further, in the Sterling Highway area there is no proposal for the extension of sewer and water at any time in the next five years. (*See*, Exhibit B, Homer capital improvement program 2000 – 2005.) The area presently receives its road maintenance and policing from the State of Alaska and the Kenai Peninsula Borough. There is no plan to change this process and to meet the requirements of 3 AAC 110.990(8) which defines essential City Services necessary to support annexation.

The Miller's Landing area is more difficult to analyze because it provides a concentration of commercial business which is the greatest in the area outside the City of Kachemack and the City of Homer. This area probably will be the first priority for any city services which the City of Homer can provide. They would have the basic political clout to demand such services with a tax base to support any demands. Further, it is more geographically accessible than the Sterling Highway area for sewer, water and other city services because the elevation above the City of Homer is substantially less than the Sterling Highway area even though the property owners would be charged at least 50% of the cost of sewer and water services. The problem again is the capital

In Re: Opposition to Homer Annexation  
RESPONSE OF ALASKAN'S OPPOSED TO ANNEXATION TO PRELIMINARY REPORT REGARDING CITY OF  
HOMER'S PROPOSAL FOR ANNEXATION

Page 2

expenditures and annual costs to maintain services. The City of Homer has seriously underestimated the costs of such services and overestimated their ability to provide such services.

Section 17 of the City of Homer's annexation petition states that they plan to provide the following services to the new territory upon annexation:

- water and sewer services as quickly as residents and funding permit;
- bulk sales of potable water to commercial water carriers will continue;
- processing of septic waste from the area will continue;
- enhanced fire and emergency medical services;
- police;
- dispatch services [911, fire, AST, police];
- jail;
- animal control support and animal shelter;
- continued support assistance for the State Trooper post;
- library services;
- City parks;
- recreational services through City facilities and City funded community schools program;
- improved road maintenance;

In Re: Opposition to Homer Annexation  
RESPONSE OF ALASKAN'S OPPOSED TO ANNEXATION TO PRELIMINARY REPORT REGARDING CITY OF  
HOMER'S PROPOSAL FOR ANNEXATION

Page 3

land use planning services;

City Clerk services including voter services and information support services;

grant management; and

general government services.

The total projected increased cost to the City of Homer's operating expenses for all these services is projected at \$414,463.00 annually plus another \$1,089,600.00 in capital expenses to perform such services. Alaskan's Opposed to Annexation have extensively questioned the cost projections by the City of Homer in its initial filing dated June 5, 2000.

Clearly, such a plan provides its emphasis "on providing the services as quickly as funding permits." Such an open ended promise is no promise at all. The services will be provided when Homer gets around to it. The annexation residents get what services they now have and they get to pay substantial additional tax on their property to get them and a "promise" for new services sometime in the future when they can be afforded.

II. RECOMMENDATION NO. 2. Truncation of terms of City officials.

objection.

In Re: Opposition to Homer Annexation  
RESPONSE OF ALASKAN'S OPPOSED TO ANNEXATION TO PRELIMINARY REPORT REGARDING CITY OF  
HOMER'S PROPOSAL FOR ANNEXATION

Page 4

III. RECOMMENDATION NO. 3. Differential property taxation.

No objection.

IV. RECOMMENDATION NO. 4. Consent of City of Homer.

No objection.

V. CONCLUSION.

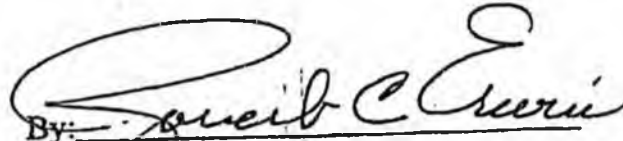
It is suggested that the City of Homer be ordered to amend its petition for annexation to show the reduced area and to present a plan for the implementation of services to that area so reasonable comments can be focused on that area.

The huge size of the initial area requested and the obvious problems of providing services to such an area have prevented those who question the annexation to focus on the proposed smaller area now suggested. Basic fairness would appear to require the Local Boundary Commission to order further proceedings if the Commission agrees

with the preliminary analysis.

ERWIN & ERWIN, LLC  
Attorneys for Vi Jerrel, Doris Cabana and  
Alaskans Opposed to Annexation

DATED: 11-5-01

By:   
Robert C. Erwin  
ABA # 6101004

In Re: Opposition to Homer Annexation  
RESPONSE OF ALASKANS OPPOSED TO ANNEXATION TO PRELIMINARY REPORT REGARDING CITY OF  
HOMER'S PROPOSAL FOR ANNEXATION

Page 6

Box 832  
Homer, AK 99603  
Feb 9, 2002

Sirs:

My name is Donald E. Ronda. I am a 40-year resident of Homer, AK, and live at 4445 East Hill Road. I have served in a variety of public offices in this community including multiple terms as a member of the Homer Advisory Planning Commission, the Homer Port and Harbor Commission, the Homer Airport Commission, and the Parks and Recreation Committee. I also served two terms on the Homer City Council.

I fully agree with comments made by Homer City Councilman Alan Parks who during the February 9 Senate/House Community and Regional Affairs Committee Hearing said that he strongly favored annexation. I do also.

Most actions of government are taken in response to problems perceived by the electorate or its elected or contracted officials. In this instance elected city council members noted problems affecting the city which seem generated by the actions of those living adjacent to, but outside of, city boundaries.

A proposed solution to some of these problems involved the annexation of presently unincorporated neighboring areas. The original proposal involved approximately 25 square miles adjacent to the city, south of an established governmental survey line.

The city then followed State Law in attempting to enact this proposal. There immediately followed a public uproar on the part of those owning property within the proposed annexation area. This was to be expected as those who reside in such neighboring areas generally move to those locations to avoid governmental controls and taxes. However, uncontrolled population increases on previously undeveloped land frequently creates new problems which impact the lives of those living in an adjacent organized area.

It has now been approximately 38 years since the city of Homer was incorporated within its present boundaries as a first class city. Many changes have since occurred, not the least being a tremendous increase in the regional population outside of town.

Homer exists along the base of a bluff. Unfortunately the development of the area above town is not now controlled by appropriate planning and zoning laws. This creates problems.

After study, the city publicly expressed its intention to annex this area giving reasons for so doing. Those opposed to such did so as well. This resulted in almost two years of hearings, confrontations and discussions, the process following guidelines intended to insure impartiality.

The final solution to any problem usually involves compromises. The proposal before you now consists of only 4.58 square miles to be annexed. It includes an area along the upper southern face of the Kachemak Bay Bluffs, from its top edge to the existing city boundary, the area currently most affecting the existing city. This would seem to be a reasonable compromise resulting from thorough consideration of points brought up by opponents trying to solve perceived problems.

Nevertheless, there has been considerable public criticism such as the following:

"Public input has been ignored." Hardly a legitimate complaint given the public discussions involved.

The "public should have voted on this matter". Which public? Those who elected the council members now acting on their behalf, or those living outside existing city boundaries in the area to be annexed, or perhaps those living in neither entity (which seems to include some of the most outspoken opponents).

"Those living outside of the city boundaries already pay city taxes in the form of sales taxes." True, but so do those living inside the city, plus their property taxes, the major source of governmental funds used to provide services required by all members of the community whether full time residents or only part-time users. Approximately \$1.5 million of these city funds are currently spent on services provided outside city boundaries.

Other comments seem based on inadequate knowledge of our city government. For example, "The city doesn't currently provide services such as paved roads, sewers, or water for its present residents. Why should we be forced to join it if we won't benefit from improvements such as these services provide?" The facts are that City residents, like other responsible citizens, enjoy the benefits they pay for. If residents want such services they form "Improvement Districts" by which the majority of those to be served volunteer to pay individual assessments in addition to normal property taxes to provide money for the construction of the required service facilities. Governmental action or inaction regarding services is thereby initiated by a vote of the affected property owners, not by the electorate at large.

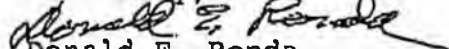
Somewhat beside the point one comment given at the February 9th hearing was that "The city does not provide swimming, boating, and other waterborne recreational areas on Beluga Lake which should be developed as a city park." Beluga Lake is part of the Homer Airport...it's a Seaplane Base. All non-aviation waterborne recreational activities, are prohibited except within a prescribed area during the winter freezeup.

Another was, "The harbor was built by the State and given to the city which now makes all kinds of revenue from it. Use those funds." Yeah, and how about the costs of harbor operation? The facts are that the State transferred harbor ownership to the city to reduce the state budget and avoid having to pay necessary maintenance costs. The Homer harbor is available to all Alaskans, whether city residents or not, and benefits all. Unfortunately, a city revenue producer it is not.

There are other objections to annexation, many of which are equally flawed. The facts seem to be that people move to remote areas to avoid governmental control and taxes. One can't expect them to favor what they're seeking to avoid. But, as time passes, remote areas don't remain remote and the larger number of people living there require governmental controls and services which they should expect to pay for, just like their neighbors.

Please approve the Homer Annexation Proposal now before this committee.

Sincerely,

  
Donald E. Ronda

February 11, 2002

Senator John Torgerson

Re: Homer Annexation

Good Morning ,

As you know, the Homer area was dumped on Friday night by 2 ft. + snow. There were many folks who were not able to testify at the hearing because of that. You will be hearing from many of them via email or FAX, and I wish to extend my sincere thanks to you for allowing this additional comment period. I was amazed at how many folks did make it, and the excellent comments expressed.

In my own comments, I said I was a part of the greater Homer Community. That greater community, including the City of Homer, has traditionally worked together. We knew we had no representation on the Council, they knew that too, but respected our contributions to the community (via doing business there and paying sales tax, volunteering, etc.,) and extended the courtesy of listening to us. As Leroy Crumm stated, it was a symbiotic relationship.

Sadly, this petition, and the way it has been handled, has badly wounded that special relationship. To now approve the annexation will not generate healing, but only foster more resentment. For true healing to occur, it all needs to be turned down and the city required to go back and start over. People need to be treated with respect. If the City would extend the same methods as used for the Beach Task Force, or the Bridge Creek zoning, it would bring people on board and give them ownership. And that is needed. (And I've begged for that since day one!)

Yes, the city has followed the letter of the law. But, is it morally right? I believe the answer is no. My other big concern is the precedent that would be set by approving this annexation now. It will encourage land grabs by other municipalities. Is that truly in the State's best interest? Again, in my view the answer is no. In a way the LBC has set a bad example too, in that I think they should have required a new petition based on the smaller area they were willing to accept. Again, what they did was within the law, but was it right?

Please support a resolution opposing the Homer annexation.

Sincerely,

Milli Martin  
P.O., Box 2652  
Homer, Alaska 99603  
907-235-6652

02/11/02 CCAA

## CCAA'S RESPONSE TO "HOMER ANNEXATION CONSIDERATIONS"

Homer's letter starts by admitting they initiated the annexation by filing a petition. They skipped a very important step – public discussion of the issues prior to submitting a petition to the LBC. The LBC themselves feel this is a sufficiently important step that they have written new regulations requiring a hearing prior to submission in the hopes that it will encourage a bare minimum of public discussion.

The city is correct that city residents pay 5.5-mil property tax that non-residents do not pay. They neglect to mention that those taxes go towards services that non-residents do not use. Non-residents pay a 1-mil road use tax and a 1.75-mil fire/ems tax to the borough through service areas. City residents pay the 5.5 city property tax for those and other services. If you allocate 2.75 mil of the 5.5 mil for road maintenance and fire/ems, the remainder pays about 1/3 of the city police budget. Sales taxes, paid by all, make up most of the difference.

It's important to note regarding the city's discussion of the services enjoyed by the greater Homer area, that the area proposed for annexation is a small part of the greater Homer area. We're talking about approximately 900 out of the 6,000+ people who may be presumed to get some benefit from city services. Homer's complaints will not be solved by this annexation.

Library – Homer is assuming there will be additional tax revenues available after covering the costs of providing services to the annexed area. This has not been proven, there have been no cost estimates or budget for the 4.58 square mile area. Meanwhile they are having trouble providing the service.

Police – The city fails to mention that the state and borough pay for dispatch services. The state pays to operate the jail. Very little crime occurs outside city limits. The residency of the victims and offenders is irrelevant – the service is provided in town except for assistance to the troopers, who reciprocate.

HVFD – KESA was formed to do two things: 1) Fulfill the city's stated desire to be paid for services delivered outside the city (only 22% of all calls are to the area outside, and nearly all are to areas beyond that proposed for annexation). 2) Improve services to all areas, but particularly those further from town, through building satellite stations and acquiring equipment. Annexation will reduce KESA's tax base, and their ability to improve area-wide services.

Page two

Public Works – Homer has no data on who uses the city parks. Common sense would indicate that the rest vast majority are city residents, as rural dwellers do not need to drive into the city for recreation.

Water and sewer are enterprise funds, paid for by the users. That includes the excess water that is sold to bulk water dealers, who supply many city residents as well as non-city residents from Ninilchik to the end of East End Road.

Under the new funding formula for water and sewer LID's, it is unlikely that many neighborhoods will vote to form them as the cost is prohibitive for the average property owner.

The claim that roads in the annexed area will be better maintained is not supported by the proposed budget for annexation. Most of the city roads used by non-residents are state maintained roads (the state pays the city to maintain Pioneer Ave.). Non-resident use of city roads is incidental compared to resident use. Or would the city prefer that we not drive into Homer to spend our money?

The state built Port & Harbor does have an enormous impact on Homer's economy. It is also a fee-based enterprise fund. What it has to do with annexation is unclear. There are no Port & Harbor services being provided in the annex area.

Clerk's Office – What access to public records? The city doesn't believe anything should be public anymore, although that seems to be the city manager's fault, not the clerks.

Planning – again the city doesn't explain what this has to do with annexation, it's not a service non-residents are using; we have KPB planning to the extent wanted.

Animal Shelter – the city has not taken in animals from outside the city limits for a good many months. They have had the money on hand to build the new shelter for at least a year, for some reason they have not located land to build on. This is another of those questions that will not be solved by annexing a tiny fraction of the area they claim to serve.

Non-profit funding – the city government has chosen to fund a number of non-profits with tax dollars to benefit friends and family of various city officials. All such "donations" are funneled through the Homer Foundation, of which the Mayor's wife is a board member and chair of the committee that decides which organizations get how much. One beneficiary is a council member's wife's gallery, another is owned by a past council-member. The city has refused to allow a citizen vote on this issue.

Letter 5

Conclusion – the City wants new residents to give up their daily newspaper in order to pay for the city to provide services they are now getting from the borough. The city has not provided a budget demonstrating that the new tax revenues will pay for anything more than the cost of extending services into the newly annexed areas.

## Corrections to "Fact Sheet Supporting Homer Annexation of 4.58 Sq. Miles"

Submitted by CCAA

Homer is not the "only municipality"; the Kenai Peninsula Borough is a municipality and provides services and Kachemak City is right next door.

Homer annexed 10 square miles of tidelands in 1984, which was an appropriate use of legislative review method of annexation.

The population per square mile figures are based on the total area within Homer, including the tidelands. It's about twice that if you figure in only the actual land.

The city provides fire/ems services through a contract with Kachemak Emergency Services Area, that includes the entire greater homer area, not just the annexed area.

Although KESA was formed in reaction to the city's annex plans, discussions to form such a service area had been taking place for years. The city squashed all previous attempts; there were never any public votes.

Homer has not promised to do anything with any "profit" from annexation – which there may not be any of in the first place.

The 25% figure for water customers is only true IF the city counts the bulk water hauler's customers as their own. The city has for years considered it to be in their interest to sell excess water to commercial businesses who haul the water to the greater area, from Ninilchik to the end of East End Road. Most of the proposed annexed area is on top of the bluff where good water is available.

The city council has chosen to give some of the taxpayer's dollars to various non-profits for their own political reasons. They have refused to have a citywide vote to determine whether they should do this. The 50% figure is a guess and fails to make clear that figures covers all areas outside Homer.

The Chamber of Commerce and Community Schools are supported from the General Fund, not the implied property tax. The amount contributed to the city by non-residents through sales tax more than pays for the entire budget for all the services the city claims we don't pay for.

The city's port and harbor was given to them by the state and is fully supported by user fees – it is also an enterprise fund.

Current growth outside the city does not devalue and denigrate any property. It is well known that attempts to control growth will result in limiting growth and harming the local economy.

The re-elected city officials did not campaign on a platform of pro-annexation. They ran against un-electable opponents and were re-elected for many reasons having nothing to do with annexations.

Homer's annexation was handled very badly and constitutes an abuse of the legislative review method of annexation. It is bad policy to let this stand.

## CCAA'S RESPONSE TO MAYOR CUSHINGS LETTER

The city claims to have brought issues of dwindling state funding to the local area to consider. They made no such effort beyond a couple of articles in the newspaper – we all waited to see what they would do next. The step they should have taken was to set up a task force, as they have done for beach policy and parking, and invited participation from all interested parties. Instead, they chose stealth annexation and kept it secret until a petition was nearly ready for filing.

City did NOT EVER request a fire/ems service area – they repeatedly squashed efforts to start even the discussion of one. Their own study in 1998 that recommended a service area was hidden on a back shelf rather than put out for public review. There are two reasons why the city fire department continued to respond outside the city, (1) because the majority of the volunteers are from outside and would have quit if they were restricted to the city limits, and (2) when the city took over the non-provide fire department in 1991, part of the agreement was to continue to provide services to all areas.

This annexation will not address the various city versus greater area concerns that Homer claims as reasons to annex. The greater area that Homer serves as a hub for includes several hundred square miles and 6,000 residents, compared to 4.58 square miles and 898 residents.

From: DALE OLSGARD  
BX 999  
HOMER ALASKA 99603

20 + YEAR RESIDENT

I LIVE OUTSIDE THE  
4+ SQUARE MILE AREA

> I AM AGAINST THIS  
ANNEXATION.

> Let's START OVER AND  
DO THIS IN AN ORGANIZED  
VOTED FASHION, ANSWERING  
THE QUESTIONS AND MAKING  
PLANS AS WE WORK OUR  
WAY THRU THIS ISSUE AS  
A Community.



FAX TO: 465-4779

# Tempest ≈ media productions

## FACSIMILE TRANSMISSION

DATE: >MON 11 FEB 02

FROM:

TO:

ORG: >TEMPEST MEDIA

> SEN JOHN TORGERSON OFC

FAX: > 907-235-1212

>907-465-4779

### \*\*\* ROUTING SHEET \*\*\*

NAME: >GEO BEACH

>MARY JACSON

DEPT: >

>CRA Joint Committee

VOICE: >907-235-1212

>907-465-4989

EMAIL: >tempest@xyz.net

>mary\_jackson@legis.state.ak.us

MISC: > Dear Mary,

The 3-minute limit on oral testimony reduces some things to soundbites. Here's the complete text of my testimony, for inclusion in the official public record. Please insure that Alan, Pete, Randy, Georgianne, Carl, Kevin, Andrew, Lisa, Gretchen, and Beth receive it as well as John and Drew. Also, I do formally request my commentary on the Thursday Committee hearings with the LBC and my exegesis of Homer's "Considerations" which I email as Word .doc attachments last week be printed and included in the official public record for all members. Thanks!

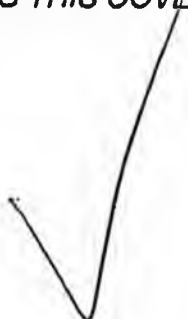
Best! **geo**

NUMBER OF PAGES FOLLOWING THIS COVER SHEET:

> 02

907-235-1212 fax

tempest@xyz.net



My name is Geo Beach. I live at 41980 Lookout Drive in Diamond Cape, Alaska.

Lately, there's been a lot of high and mighty talk from a small group of special interest politicians from Homer about Alaska's Constitution and the Local Boundary Commission and Annexation. And most of it has been ill-informed.

Nearly 50 years ago when the Alaska Constitutional Convention convened – and oh, yes, the people were able to VOTE FOR their delegates to that Convention – it was a different Century, and a different World.

Alaska was still a Territory, not yet a State. And Homer was not yet a City – it was before the residents of the area had VOTED FOR THEMSELVES to make it a City.

The 1950s were a different time and a different world, and the warm glow some people want you to feel when they invoke the Constitution was more like hellfire for many people.

Here I'm going to have to use some words that we don't use in our home – it's not how we raise our daughters in the Alaska of the 21<sup>st</sup> Century. But I've watched the Homer City Council sleep through this process and I've watched the Commissioners of the LBC sleep through this process and I've watched half of the Borough Assembly sleep through this process and it is crucial now that the Legislature of the State of Alaska be wide awake to the dangers this Annexation attempt threatens our State with.

When Alaska's constitution was written, in the 1950s, there were words some people thought were fine to say: *Nip, Nig, Nate.*

*Nips.* Japanese Americans who had been herded into Concentration Camps during the Second World War, along with Aleuts – the very first Americans. That was OK by the US Constitution.

*Nigs.* African Americans who were subject to the cruelest kind of segregation – American Apartheid – to the rule of Jim Crow, and poll taxes which disenfranchised them – no vote. That was OK by the US Constitution and the Constitutions of many states and was vehemently upheld by the Executive Branch nationally and in the states.

*Nates.* In Alaska there were signs on business establishments that read "No Dogs or Natives Allowed". That was OK by the Alaska Constitution.

Look, a Constitution is a piece of paper that describes how things are put together, how they're constituted to begin with. It's not magic and nothing about it makes right injustices which are clearly wrong — morally, ethically, spiritually wrong. And how a thing is put together to begin with doesn't make it immutable. A child should grow up to be an adult.

You can add another word to that odious list of *Nips, Nigs, Nates, Nuts* — that's what Homer's small group of special interest politicians would have you think about folks who live outside the City. Well, they not Nuts, they're Neighbors, and they're Good Neighbors. Homer's City Manager calls them "Foreigners". They're not Foreigners. They're Alaskans and Americans. Think about how they should be treated.

It's a New Day and a New World in the 21<sup>st</sup> Century in Alaska. I'm thankful we think differently about Japanese Americans and African Americans and Native Americans. I'm thankful they're all allowed to vote.

And for that, *I'm thankful to Legislators — real Statesman* — who changed the old ways because they were wrong. The various Constitutions, and Executive Branches, and Judicial Branches cowardly supported the old ways. They hired lots of lawyers to explain away what any human being and citizen of the United States could see was just plain wrong.

It's a New Day now, the 21<sup>st</sup> Century in the State with the motto "North to the Future!" The Alaska Legislature has the opportunity to be forward-looking Statesmen, to do what is Best for the State. To do the Right Thing, the Good Thing for the State.

Vote down this Annexation.

Alaska State Legislature  
Public Opinion Messages

Robert O Lucas,  
Box 3808  
Box 3808  
Homer, AK 99603-3808  
Phone: -  
E-mail:

Subject/Bill BOUNDARIES

I'm opposed to the City of Homer Annexation. I live in the originally larger proposed area to be annexed.  
Date Sent: 02/11/2002

Constituency: C  
Distribution: 12  
Affiliation:  
Reg Voter: Y



Alaska State Legislature  
Public Opinion Messages

John D Kosch,  
Po Box 3555  
Po Box 3555  
Homer, AK 99603-3555  
Phone: -  
E-mail:

Subject/Bill BOUNDARIES

I'm opposed to the Homer Annexation because the process employed by the city is tainted in my mind. I further feel services throughout the city will suffer for five to ten years and consequently hold down property values. I also think both sides of this issue should vote. I'm a city resident.

Date Sent: 02/11/2002

Constituency: C  
Distribution: 12  
Affiliation:  
Reg Voter: Y



February 11, 2002

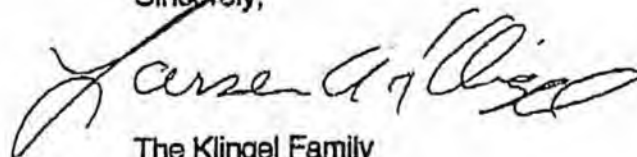
The snowstorm on Saturday completely blocked us in and we were not able to get down to town to testify on annexation.

We were just notified that E-Mails would be accepted until noon today.

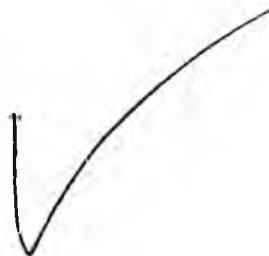
The points we wanted to make were stated in our previous FAX to your office.

1. We are definitely opposed to annexation that is done without any timely and serious input from people outside the city.
2. There are many issues involved in the process of annexation that need to be addressed. We were denied due process in addressing our concerns before the issue was brought before the Local Boundary Commission.
3. We need zoning which the city or borough can provide, but the issue was presented by the city as if we were not paying our fair share of the expenses of running a city and thus seemed to the people to be annexed as a tax grab.
4. To annex in this manner will create a lot of dissention because the law has been changed to prevent this type of annexation in the future.
5. This is too important an issue to be treated casually and needs serious input from all people involved. New ideas need to be presented and we need to look at how the problems we face are dealt with in other areas.
6. We look to you to heal the divisiveness this issue has caused because of the cavalier attitude of the Homer City Council. There are good minds with ideas outside the city of Homer that need to be heard from. There are many more issues to be considered than just increasing taxes to solve the revenue problems of Homer.

Sincerely,



The Klingel Family  
Box 937, Homer



Alaska State Legislature  
Public Opinion Messages

Jennie L Hargrove,  
Po Box 3883  
Po Box 3883  
Homer, AK 99603-3883  
Phone: -  
E-mail:

Constituency: C  
Distribution: 12  
Affiliation:  
Reg Voter: Y

Subject/Bill BOUNDARIES

I'm opposed to the City of Homer's Annexation Petition. I live in the area proposed to be annexed as is my husband's business.  
Date Sent: 02/11/2002

Holly M Maryott,  
Po Box 1672  
Po Box 1672  
Homer, AK 99603-1672  
Phone: -  
E-mail:

Constituency: C  
Distribution: 12  
Affiliation:  
Reg Voter: Y

Subject/Bill BOUNDARIES

I'm opposed to the City of Homer's Annexation. I'm a homeowner and a business owner which will both be annexed.  
Date Sent: 02/11/2002

Delores A Connelly,  
59217 East End Rd  
59217 East End Rd  
Homer, AK 99603  
Phone: -  
E-mail:

Constituency: C  
Distribution: 12  
Affiliation:  
Reg Voter: Y

Subject/Bill BOUNDARIES

I'm opposed to the City of Homer Annexation. I live in Kachemak City which is not in the proposed area to be annexed.  
Date Sent: 02/11/2002

Mary F Deihl,  
Po Box 3808  
Po Box 3808  
Homer, AK 99603-3808  
Phone: -  
E-mail:

Constituency: C  
Distribution: 12  
Affiliation:  
Reg Voter: Y

Subject/Bill BOUNDARIES

I live in the original 25 square mile annexation area and I'm opposed to the annexation of any territory by the City of Homer. I don't use any of Homer's alleged services and the city gets a lot of my money in the form of sales taxes.  
Date Sent: 02/11/2002

FROM : GEORGE'S STORAGE

FAX NO. : 907-235-8571

Feb. 11 2002 12:53PM P1

*Senate & House CRA*

My name is Karen Hamm, I am opposed to the annexation because I lived in the city limits for 7 years. During that time the street that I lived on was graded/plowed twice a year. Once in the winter and once in the summer. I shopped exclusively in Homer, and paid the 5 1/2 % tax on everything, I called and complained about our street and nothing ever came of it. Since I moved out East End Rd., the borough plow trucks have kept our road plowed, if there is a hole they fill it, and I have had much fewer car repairs. One day a friend invited me to go to Kenai with her, and while there I happened to notice that an 8 piece chicken bucket a Carrs was \$4.99. The price in Homer at Carrs was \$8.99. When I asked my boss (I worked at Carrs) why, he said "shipping etc. It is the cost of doing business. Now I do the majority of my shopping in Anchorage. One night I went to a city meeting to listen in and they voted in a city license for the businesses. That caused the cost of doing business in Homer even more. It also means that someone is going to have to be employed to take care of that program which means more bureaucracy. When I lived in town I went to the Pratt museum one time. I paid a fee to get in. I have not been to it since. However I am the secretary/treasurer for an organization whose total assets will go to the Pratt museum in the event of dissolution. I know several people outside of the city limits who have contributed a great deal to the museum, both monetary as well as historical items. When I lived in town I never went to the library. Since then I have been twice and I paid a dollar an hour to use the typewriter. My husband has a very large collection of boat building books that will some day be donated to the library and I presently have about 300 plants ready to donate to the plant sale in April. As for the water, when I lived in town, my water was yellowish and smelled bad. One day I was up near the reservoir and saw people and animals swimming in the city water supply. When I lived in town my water bill was about \$30-35 per month. I now pay upwards of \$110, \$69 of it is for water delivered, \$42 of it is for drinking water. We have enough buildings around here that we could easily convert to rain water off the roofs. People pay dearly for ambulance service, if we ever have a fire, it would take too long to get help any way, so I doubt that we would even bother to call, and the state troopers are good enough for me. If some one offered you a tender cut of steak for \$10.00 per pound and a tough cut of steak for \$5.50, which would you choose. If the city was run in an inviting manner, I would ask to be annexed. We aren't stupid. The city just voted Ron Drathman a raise in pay, and this is the man who has put how many cities into bankruptcy?

Thank You. Mrs. Karen Hamm

*PO Box 2223, Homer 99603*

Senate & House  
Community Affairs

L

2-11-02

HAVING BEEN A RESIDENT OF THE CITY OF HOMER SINCE, AS THE SAYING GOES, IT WAS ONLY A GLEAM IN ITS FATHERS' EYES I EXPECT THAT MY OPINION IS AT LEAST AS VALID AS ANY OTHER THAT HAS BEEN HEARD.

IN SPITE OF ALL THE CLAMOR THERE ARE SEVERAL FACTS THAT REMAIN INSUFFICIENTLY AIRED. ONE, PEOPLE WHO OBJECT TO JOINING THAT WHICH THEY ARE ALREADY ARE A PART OF ARE REALLY OBJECTING TO PAYING THE TAXES THEY HAVE THUS FAR AVOIDED. ~~THE~~ THE REASON ANNEXATIONS ARE NOT VOTED ON BY THE FEAR SOULS ABOUT TO BE ANNEXED IS BECAUSE THE OUTCOME IS IN ALL CASES A FOREGONE CONCLUSION. NO ONE WANTS TO PAY MORE TAXES AND WILL VOTE ACCORDINGLY. THUS WE HAVE LOCAL BOUNDARY COMMISSIONS AND LEGISLATIVE REVIEW. THE ALTERNATIVE BEING SO MUCH MORE DISTASTEFULL THAT WILL NOT CHANGE.

THE PURPOSE OF THIS IS NOT TO DEFEND THE CITY ~~MANAGER~~ MANAGER OR THE CITY COUNCIL OR TO CASTIGATE THEM EITHER. WHEN IT COMES TO DUMB OR ANY OTHER HUMAN VICE OUR MANAGER AND COUNCIL RUN ABOUT NECK AND NECK WITH THE GOVERNOR AND THE LEGISLATURE AND PERHAPS A STEP AHEAD OF THE BOROUGH ASSEMBLY.

2

LET US IMAGINE FOR A MOMENT THAT THE CITY OF HOMER DOES NOT EXIST AND EVERYONE IN THE COMMUNITY IS AWARE OF THE SUCCESS OTHER CITIES HAVE ENJOYED AT FINDING TREASURES NOT THEIR OWN. THE WHINING AND CRYING WOULD BE AUDIBLE HALFWAY ACROSS THE CONTINENT. THOSE CRYING THE LOUDEST TO INCORPORATE A CITY WOULD BE THE SAME FOLKS NOW CRYING THE LOUDEST TO STAY OUT.

THE BOUNDRIES OF SUCH A NEW CITY WOULD LIE BEYOND THE CURRENT OFFERING OF 4+ SQUARE MILES BUT SHORT OF THE GREEDILY ASKED FOR 25 SQUARE MILES. SUCH AN INITIATIVE WOULD PASS AS HANDILY AS DID THE ONE CREATING THE CITY OF HOMER NEARLY FOUR DECADES AGO.

Steve Vonderbrink  
PO BOX 1236  
HOMER AK 99603



22 LS1393\C  
J. Auterbach  
2/8/02

CS FOR SENATE BILL NO. 274( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATOR OLSON

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to issuance of a locum tenens permit for a physician or osteopath; and  
2 providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. AS 08.64.275(a) is amended to read:

5 (a) A member of the board or its executive secretary may grant a temporary  
6 permit to a physician or osteopath for the purpose of

7 (1) substituting for another physician or osteopath licensed in this  
8 state; or

9 (2) being temporarily employed by a physician or osteopath  
10 licensed in this state while that physician or osteopath evaluates the permittee for  
11 permanent employment [. THE PERMIT IS VALID FOR 60 CONSECUTIVE  
12 DAYS. IF CIRCUMSTANCES WARRANT, AN EXTENSION OF THE PERMIT  
13 MAY BE GRANTED BY THE BOARD OR ITS DESIGNEE].

14 \* Sec. 2. AS 08.64.275(e) is amended to read:

A necessarily brief review because of time constraints:

LBC Commissioners are supposed to be "objective" and disinterested. But of the four concerned with the Homer matter, ALL were associated with CITIES, TWO were lawyers, one may have had a CONFLICT OF INTEREST.

In CRA hearings, Commissioners later admitted their findings were "subjective".

Gordon Tans, an attorney hired to represent the case of the City of Homer, said in public hearings December 14, 2001:

Yet the people who live outside the City do benefit in many ways from the very presence of the City and the City Government here. Just a few examples I might cite. They drive the roads to **City Schools...**

*Mein Kampf*, Chapter 10, talked about how to manipulate people:

The great masses of the people will more easily fall victim to a Big Lie than to a small one.

A corollary, from the Goebels School of Propaganda, is to *Repeat* the Big Lie, and people will become convinced.

So, within a half hour of Mr Tans talking about Homer City Schools, KBBI News Director Alex<sup>1</sup> Rubenstein stated on-air that he was broadcasting "from **Homer City High School.**"

At the conclusion of those public hearings December 15, 2001, in confirming that "Standard 10" (also know in LBC parlance as "J, City Boundaries Limited to Community plus Ten Years' Growth" and "Determination Of Community") dealing with "community" and that the 10-year time frame had been met, Commissioner Tesche said, in part:

The location has to be that of a discrete and identifiable unit. Factors that are considered here are school enrollment. Plainly, children that do go to school most likely attend the **Homer Public Schools**. They do not attend schools to any large degree outside of those boundaries.

Representatives and Senators, Legislators – Statesmen and Stateswomen:

These are not factual findings. They constitute *mere assertions* by the Commissioners, unsubstantiated by objective fact, much less the informed testimony of the Public.

**Subject:** annexation comments

**Date:** Sun, 10 Feb 2002 19:40:42 -0900

**From:** "Pam Brodie" <pbrodie@xyz.net>

**To:** <Representative\_Drew\_Scalzi@legis.state.ak.us>,  
<Senator\_John\_Torgerson@legis.state.ak.us>

February 10, 2002

To: Senator Torgerson

Representative Scalzi

From: Larry Smith, a resident of the whole state, living in the City of Homer

Re: Homer Annexation should not proceed without preconditions:

1. Face to face negotiations between the city and affected parties.
2. Full enfranchisement of territory residents simultaneous with annexation.
3. An enforceable agreement to provide specific services by a date certain.

Thank you for your scrutiny of this issue. If the Alaska Local Boundary Commission had done as thorough a review and questioning of state and local officials as you have, we would be closer to a reasonable conclusion. Senator, you are quite right to hold the DCED and the LBC responsible for a lamentable process which they at least encouraged. Although LBC commissioners often invoke their constitutional mandate, they rather obviously lack the independence of some boards and commissions. But I don't agree with the observer who calls Bockhorst 'the puppet master.' To me, this reduces the LBC to just a part of just another state agency, while giving staff inordinate influence. I also applaud your concern that the newly annexed get something certain for their money. I see the city as deriving a great benefit from those who have gone before and created schools, museums and libraries, harbors and hospitals, trash and tax collection, police, fire and emergency medical departments, and roads to run the trucks on. We use the city to administer some of these services and, best of all, as a city resident I have equal access to the benefits provided by pooling resources with the greater area.

Representative Scalzi, your focus on providing the rights and privileges of citizenship simultaneously with the obligations is vital to rebuilding our deteriorated working relationships. Thank you for getting the CCAA to say they had spent \$50,000 opposing this annexation. (If you can please find out from the City of Homer what it has spent; this would be appreciated.)

The legal opinions I have seen on truncation stop short in basic respects. The LBC is said to have, in the absence of regulations, an unusable authority to order truncation. Generally,

common law standards can be applied if specific standards have not been promulgated. An agency may be compelled by a court of competent jurisdiction to execute its responsibilities. Or the legislature can statutorily create criteria and direct the agency to apply them. Or, pursuant to the Voting Rights Act the US Department of Justice may intervene. In addition, either a state or federal court has both jurisdiction and enforceable authority regarding elections.

Although we have waited these forty years for the LBC to meet its responsibility to use its apparent authority and fulfill its constitutional mandate, I advocate allowing them forty-one and give them one more year to construct a regulatory package for truncation which includes criteria, public hearings and methods of application, decision and appeal.

I think the DCED/LBC annexation proposal is basically reasonable in its demographic scope. In fact, it is just what the group of four city residents Objective Annexation Review (OAR) advocated in its responsive brief. OAR was an advocate of voting and discussion to restore the peace. We disbanded when our expectation that we could, with a little effort, help set the stage for a meaningful dialogue for the common good proved to be wrong. After two years and \$2,000 we had gotten involved in a lot more effort than we signed up together, to do. Individually, we continue to commit acts of citizenship.

I believe, as it has done elsewhere recently, that the LBC could prudently have

stayed the effect of its annexation approval until DCED had facilitated negotiations between parties and all electoral options had been dealt with.

Thanks to local public radio, KBBI, I have been able to listen in to your hearings and the proceedings of the boundary commission. I would like to comment on some things that have been discussed.

I believe that city voters would turn down annexation on the grounds that it might actually dilute their services and raise their taxes and because of discomfort (going back through several administrations) with the idea that the city will ever amount to much. Homer city departments from clerk to works often do a fine job despite a context of confusion and controversy.

But, while Homer City voters would likely vote directly against annexation, it is just another issue when these voters elect council members. Just as the issue has had little effect on council elections, among city voters it will also have little effect on representation on the Borough Assembly or in the Legislature. It is different in the surrounding area however. The passionate feelings about the perceived denial of due process will have a significant, perhaps determinant effect in future elections. Intemperate annexation has been met with an exaggerated response which is just as polarizing as the behavior of government officials. Both sides are, at bottom, honest in their beliefs about what is best for the rest of us. Both are guilty of propaganda. To answer the question of how much support there is for the present proposal, I suggest an advisory vote in the next borough election in the Homer area districts.