

SUBJECT: Appropriating Funds from the General Operating Fund's Fund Balance for the purpose of funding an Police Officer Communication Specialist position.

REQUESTED BY: Administration

PREPARED BY: Finance

DATE: October 15,2001

FOR AGENDA OF: October 22, 2002

SUMMARY:

This appropriation is needed to fund a Police Officer Communication Specialist position at a grade 12 from November 2001 through June 2002. It is projected that the City of Wasilla will need this position for up to 24 months.

This position would be responsible for overseeing the development of a Communication Center for the City of Wasilla and for upgrading current City of Wasilla communication systems. The City of Wasilla is in the process of obtaining a \$1,600,000 grant from the Federal Government for a communication center.

Duties of this position would include responsibility for identifying the needs of the City of Wasilla, state agencies and local municipalities, the design of the system based on the needs assessment, issuing the Request for Proposal to purchase and installation of the communication system and for the staffing and training of personnel to operate the system.

Other duties of the position would include developing partnerships with state agencies and local municipalities for the funding and operation of the Communication Center, the writing of grants for funding of communication systems and other needs of the Wasilla Police Department, negotiating the purchase of radio frequencies for the Police Department and for upgrading current communication and computer systems of the Wasilla Police Department.

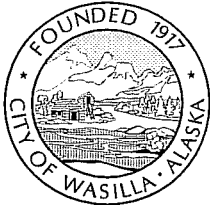
FISCAL IMPACT: ___ No ___X Yes, amount requested: \$60,518

RECOMMENDED ACTION: Introduction of Ordinance Serial No. 01-52.



Reviewed by: SARAH PALIN, Mayor


Presented with: Ord No. 01-52
Date: 11/5/01 Verified by: PK



OFFICE OF THE CITY CLERK

CITY OF WASILLA
290 E. HERNING AVE.
WASILLA, AK 99654-7091
PHONE: (907) 373-9090
FAX: (907) 373-9092

TO: Tom Klinkner, City Attorney

FROM: Kristie VanGorder, City Clerk 

DATE: October 26, 2001

SUBJECT: Public Hearing on Ordinance Serial No. 01-52

Thank you for your letter of October 25, 2001 regarding the changing of a public hearing to an earlier date. I do have further concerns on this matter.

On October 22 the Council set by motion the public hearing date on the ordinance to the next regular Council meeting of November 26, 2001. Then on October 24, John Cramer contacted me on behalf of the mayor, requesting that the ordinance be placed on the November 5 special council meeting agenda as a public hearing. Based on our conversation and your letter, I have arranged for the advertisement to be placed in the *Frontiersman* on October 30 in order to meet the five-day notice requirement. I have also included the public hearing for the ordinance on the agenda at the November 5, special Council meeting. I understand that it is in the Council's purview to approve the agenda and hold a public hearing on the ordinance.

If the Council does approve the agenda and opens the public hearing, shouldn't they then continue the public hearing to November 26 to avoid an Open Meetings Act violation?

My concern is if they take final action and adopt the ordinance on November 5, the public seated in the audience on October 22 are under the assumption that the ordinance will have a public hearing on November 26, because that is the motion the Council made and passed unanimously. If one of those audience members planned on speaking during the public hearing they would plan to attend the November 26 meeting and have no reason to look in the *Frontiersman* for the change of date. These audience members may not have the opportunity to present their public testimony if council takes final action on November 5.

I just don't want the council to have any kind of legal ramifications if we were to have a challenge.

Thank you for your attention to this matter.

Cc: John Cramer, Deputy Administrator
Mayor Sarah Palin
City Council Members

LAW OFFICES

BIRCH, HORTON, BITTNER AND CHEROT

1127 WEST SEVENTH AVENUE • ANCHORAGE, ALASKA 99501-3399 • TELEPHONE (907) 276-1550 • (800) 478-1550 • FACSIMILE (907) 276-3680

A PROFESSIONAL CORPORATION

HAL R. HORTON (1944-1998)

THOMAS L. ALBERT*†‡
 JENNIFER C. ALEXANDER
 RONALD G. BIRCH**
 WILLIAM H. BITTNER
 KATHRYN A. BLACK
 DOUGLAS S. BURDIN*
 SUZANNE CHEROT
 ALLISON M. ELLIS*†‡
 KATHLEEN TOBIN ERB
 MAX D. GARNER

DAVID KARL GROSS
 TINA M. GROVIER
 JULIA L. GUSTAFSON
 WILLIAM P. HORN*
 STEPHEN H. HUTCHINGS
 ROY S. JONES, JR.*
 THOMAS F. KLINKNER
 HARVEY A. LEVIN*†
 STANLEY T. LEWIS

THOMAS McDERMOTT
 BARBARA A. MILLER*
 GREGORY A. MILLER
 PETER C. NOSEK**
 KARA A. NYQUIST
 MICHAEL J. PARISE
 REBECCA C. PAULI
 TIMOTHY J. PETUMENOS
 ELISABETH H. ROSS**

KATHLEEN SCHAECHTERLE, OF COUNSEL

* D.C. BAR
 ** D.C. AND ALASKA BAR
 † MARYLAND BAR
 ‡ VIRGINIA BAR
 ALL OTHERS ALASKA BAR

1155 CONNECTICUT AVE., N.W.
 SUITE 1200
 WASHINGTON, D.C. 20036
 (202) 659-5800
 FACSIMILE (202) 659-1027

WRITER'S DIRECT DIAL (907) 263-7219 • WRITER'S DIRECT FAX (907) 276-3680 • scherot@bhb.com

October 25, 2001

VIA FAX AND FIRST CLASS MAIL

Kristie L. VanGorder
 City Clerk
 City of Wasilla
 290 East Herning Avenue
 Wasilla, Alaska 99654

Re: Public Hearing on Ordinance Serial No. 01-52

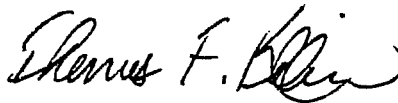
Dear Kristie:

You have asked whether the public hearing on Ordinance Serial No. 01-52 may be rescheduled from the regular council meeting of November 26, 2001 to the special council meeting of November 5, 2001. The public hearing on Ordinance Serial No. 01-52 may be rescheduled in this manner provided (i) notice of the rescheduled public hearing is published in a newspaper of general circulation in the City of Wasilla at least five days before the hearing; and (ii) at the November 5 special meeting the council approves the addition of the public hearing to the agenda for that meeting.

Please let me know if I may be of further assistance in this matter.

Yours truly,

BIRCH, HORTON, BITTNER and CHEROT



Thomas F. Klinkner

cc: John Cramer (via fax)

LAW OFFICES

BIRCH, HORTON, BITTNER AND CHEROT

A PROFESSIONAL CORPORATION

1127 WEST SEVENTH AVENUE • ANCHORAGE, ALASKA 99501-3399 • TELEPHONE (907) 276-1550 • (800) 478-1550 • FACSIMILE (907) 276-3680

. R. HORTON (1944-1998)

THOMAS L. ALBERT*†
JENNIFER C. ALEXANDER
RONALD G. BIRCH**
WILLIAM H. BITTNER
KATHRYN A. BLACK
DOUGLAS S. BURDIN*
SUZANNE CHEROT
ALLISON M. ELLIS*†
KATHLEEN TOBIN ERB
MAX D. GARNER

DAVID KARL GROSS
TINA M. GROVIER
JULIA L. GUSTAFSON
WILLIAM P. HORN*
STEPHEN H. HUTCHINGS
ROY S. JONES, JR.*
THOMAS F. KLINKNER
HARVEY A. LEVIN*†
STANLEY T. LEWIS

THOMAS McDERMOTT
BARBARA A. MILLER*
GREGORY A. MILLER
PETER C. NOSEK**
KARA A. NYQUIST
MICHAEL J. PARISE
REBECCA C. PAULJ
TIMOTHY J. PETUMENOS
ELISABETH H. ROSS**

KATHLEEN SCHAECHTERLE, OF COUNSEL

* D.C. BAR
** D.C. AND ALASKA BAR
† MARYLAND BAR
‡ VIRGINIA BAR
ALL OTHERS ALASKA BAR

1155 CONNECTICUT AVE., N.W.
SUITE 1200
WASHINGTON, D.C. 20036
(202) 659-5800
FACSIMILE (202) 659-1027

WRITER'S DIRECT DIAL (907) 263-7219 • WRITER'S DIRECT FAX (907) 276-3680 • tklinkner@bhb.com

October 30, 2001

via **FAX AND FIRST CLASS MAIL**

Kristie L. VanGorder
City Clerk
City of Wasilla
290 East Herning Avenue
Wasilla, Alaska 99654

Re: Public Hearing on Ordinance Serial No. 01-52

Dear Kristie:

This responds to your letter of October 26, 2001 on this subject. I appreciate your concern that members of the public be adequately notified of the change in public hearing date for Ordinance Serial No. 01-52. However, the issue here is not what notice would be ideal for persons who attended the October 22, 2001 council meeting, but what notice does the law require.

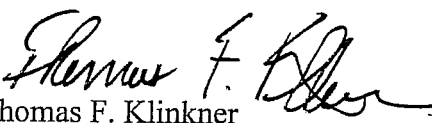
It is my opinion that five days' published notice of the new public hearing date for Ordinance Serial No. 01-52 provides both the reasonable public notice required by the Open Meetings Act, and the notice of public hearing on an ordinance that is required by Title 29 of the Alaska Statutes.

Changes in circumstances may require the council to reschedule meetings, or to move public hearing items from one meeting to another. The council has the discretion to make these changes when it considers them to be in the City's best interest, provided that statutory notice requirements are complied with, even if the changes involve some inconvenience to the public.

Once again, thank you for your concern.

Yours truly,

BIRCH, HORTON, BITTNER and CHEROT


Thomas F. Klinkner

TFK/cm

cc: John Cramer (via facsimile only)