# ASSEMBLY COMMITTEE OF THE WHOLE AGENDA

**August 31, 2026 at 6:00 PM**

**Assembly Chambers/Zoom Webinar**

**Assembly Committee of the Whole Worksession — No Public Testimony will be taken.**
https://juneau.zoom.us/j/95424544691 or 1-253-215-8782 Webinar ID: 954 2454 4691

**DUE TO TECHNICAL DIFFICULTIES THERE ARE TWO YOUTUBE VIDEO RECORDINGS OF THE MEETING:**
**1st 30 minutes of the meeting:** https://youtube.com/live/gsS8KIWoU-Y
**2nd 1/2 of the meeting**: https://youtube.com/live/vMdAQrfKGHY

**A. CALL TO ORDER**

**B. LAND ACKNOWLEDGEMENT**

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. *Gunalchéesh!*

**C. ROLL CALL**

**D. APPROVAL OF AGENDA**

**E. APPROVAL OF MINUTES**

1. **July 13, 2026 Assembly Committee of the Whole - Minutes - Draft**

**F. AGENDA TOPICS**

1. **Codifying the Negotiated Five Cruise Ship Limit - Ordinance 2026-39 An Ordinance Amending Title 85, Waters and Harbors, to Include Provisions Governing Cruise Ship Docking and Disembarkation.**
   - **A) Legal Update Regarding Bar Harbor Passenger Cap Litigation**
2. **Third Party Management of Certain Parks and Recreation Facilities**
3. **Glacial Lake Ourburst Flooding (GLOF) Long-term Funding Considerations**
   - **A) Legal Memo Regarding Flood Hazard Easements**
4. **Update on Public Notice Process and Public Notices Webpage**

**G. STAFF REPORTS**

## H. NEXT MEETING DATE - SEPTEMBER 21, 2026

## I. SUPPLEMENTAL MATERIALS

**1. September 29, 2025 Assembly Committee of the Whole - Minutes - Draft**

## J. ADJOURNMENT

ADA accommodations available upon request: contact the Clerk's Office (907)586-5278 or city.clerk@juneau.gov at least 36 hours prior to a meeting, to request ADA arrangements.

# ASSEMBLY COMMITTEE OF THE WHOLE
## DRAFT - MINUTES
**July 13, 2026 at 6:00 PM**

**Assembly Chambers/Zoom Webinar**

### A. CALL TO ORDER

Deputy Mayor Smith called the Assembly Committee of the Whole to order at 6:00 PM on Monday, July 13, 2026.

### B. LAND ACKNOWLEDGEMENT - Led by Ms. Woll

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. *Gunalchéesh!*

### C. ROLL CALL

**Assemblymembers Present:** Mayor Beth Weldon; Deputy Mayor Smith; Assemblymembers Christine Woll, Paul R. Kelly, Ella Adkison, Neil Steininger, Maureen Hall, and Nathaniel (Nano) Brooks.

**Assemblymembers Absent:** Alicia Hughes-Skandijs

**Staff Present:** City Manager Katie Koester; Deputy City Manager Robert Barr; Deputy City Attorney Sherri Layne; Municipal Clerk Breckan Hendricks; and Meeting Tech Kevin Allen.

### D. APPROVAL OF AGENDA - *Approved by unanimous consent.*

### E. APPROVAL OF MINUTES - *Approved by unanimous consent.*

#### 1. May 4, 2026 Assembly Committee of the Wholes - Minutes - Draft

### F. AGENDA TOPICS

#### 1. Huna Totem Project Update - Áak'w Landing Uplands

Manager Koester provided an overview, noting that Huna Totem must first seek an amendment to their Conditional Use Permit (CUP) through the Planning Commission before the Assembly will consider a corresponding lease amendment. Susan Bell, representing Huna Totem, then presented an update on the Áak'w Landing project, commonly known as the sub-port property.

Ms. Bell highlighted key milestones since the adoption of the April 2025 ordinance *[No. 2025-22(b)(am)]* authorizing the lease, including completion of the state-owned tidelands process through the Department of Natural Resources, two Coast Guard-sponsored vessel navigation simulations, and execution of the full dock lease. She explained that due to significantly increased construction costs—including steel prices rising from approximately $620 to over

$1,100 per ton, geotechnical findings requiring 100-foot pilings for any underground structure, and project delays stemming from the legal appeal—the uplands development has been scaled back from approximately 50,000 square feet to approximately 18,000 square feet, with surface-level parking replacing the originally planned underground garage. The project target budget remains at $150 million.

Ms. Bell emphasized that the revised design, developed by Jensen Yorba Wall Architects, retains the core programmatic elements of the original plan: a welcome center, waterfront retail and dining, a cultural center, and the seawalk. A pre-application conference with CBJ Community Development was submitted in June and scheduled for that week, initiating the CUP amendment process.

Mr. Kelly inquired whether the revised design still includes provisions for traffic improvements, which was a factor in his support for the initial lease authorization. Ms. Bell responded that traffic will enter and exit at the signalized Egan and Whittier intersection, facilitating efficient circulation of tour vehicles.

Ms. Woll expressed interest in understanding how different scaled-back elements were prioritized within the revised design, while ensuring core features like the welcome center and cultural elements were retained. Ms. Bell assured the Assembly that the revisions aimed at preserving integral elements such as the welcome center and cultural components, despite the reduction in building size to 18,000 square feet and the transition to surface-level parking.

Ms. Woll asked if there were any trade-offs among the design elements, particularly in prioritizing which features to maintain under the revised plan. Ms. Bell assured the Assembly that the goal is to maintain a vibrant, year-round destination.

Questions were raised regarding Coast Guard access to both sides of the dock. Mayor Weldon inquired whether the pier's alignment continued to align with the Coast Guard's preferences. In response, Ms. Bell clarified that the alignment is designed to harmonize with the Coast Guard's requirements and ensure efficient cruise ship traffic.

Mr. Brooks sought clarification on the project's capability to incorporate shore power in the future, to which Ms. Bell responded, detailing how they are preparing to accommodate power installation, acknowledging the eventual need to work with other stakeholders for implementation.

**2. Amendment to Public Safety and Emergency Response MOA with the Central Council of the Tlingit and Haida Indian Tribes of Alaska**

Manager Koester presented Amendment No. 1 to the 2024 Public Safety and Emergency Response Memorandum of Agreement (MOA) with the Central Council of Tlingit and Haida Indian Tribes of Alaska. The amendment formalizes the City and Borough of Juneau’s ability to provide municipal fire and emergency response services to Tribal properties within the borough, including emergency medical services, fire suppression, rescue response, and other public safety services. It also extends the agreement to provide police and fire protection

services to the Two Coppers Casino, which opened in July 2026 on a sovereign Native allotment approximately two miles outside the CBJ fire service area.
Manager Koester highlighted the voluntary annual Public Safety Services Support Contribution in the amendment of which Tlingit and Haida proposed a contribution equal to the mill rate equivalent for the property's assessed value.

Manager Koester noted the Fire Marshal had completed a courtesy walk-through of the facility, which is fully sprinklered, and that operational protocols—including fire lane access and emergency procedures—would be developed in coordination with CCFR and JPD.

The Assembly briefly discussed the termination clause structure and the precedent of similar shared-service agreements in other Alaska communities.

**MOTION** by Mayor Weldon to forward Amendment No. 1 to the Public Safety and Emergency Response MOA with the Central Council of the Tlingit and Haida Indian Tribes of Alaska to the full Assembly and requested unanimous consent. ***Hearing no objection, the motion was adopted by unanimous consent.***

**3. Burns Building Project Cost Update**

Manager Koester reported that bids for the Burns Building renovation had not yet been received, and therefore, no final cost information was available. The budget included in the bid package contains approximately $1.3 million in alternates covering flooring, ceiling replacement, paint, restrooms, doors, and mechanical system control upgrades.

Deputy Mayor Smith inquired about the timeline of the move. Manager Koester informed the Assembly that the project would not be completed by the end of the calendar year 2026 as originally anticipated and that CBJ had entered into an additional six-month lease extension with Marine View Building under new ownership at a substantially higher rate, with project completion now expected by May 2027. This additional lease cost will draw on project contingency funds.

Ms. Hall inquired about whether the terms of the Marine View lease had changed with its new ownership. Manager Koester explained that the rent had increased substantially due to the end of the lease term coinciding with changes in ownership.

Mayor Weldon questioned the necessity of the 1 percent for arts spending, wondering whether current art placements elsewhere could negate additional costs. Manager Koester indicated that while possible, it would require Assembly approval to exempt the project from this requirement.

Mr. Brooks asked about the components involved in the demolition portion of the project. Deputy Manager Barr provided details, explaining that interior walls, nonload-bearing walls, and structures necessary for updated systems would be included in the demolition plans. If a funding gap remains after bids are received, Manager Koester indicated a possible transfer from the Lands Fund—to be repaid by the eventual sale of City Hall—might be necessary. She noted that bid award is anticipated at the July 27 Assembly meeting.

**4. Disposal of City Hall (Ordinance 2026-15 An Ordinance Authorizing the Manager to Dispose of 155 Heritage Way (City Hall))**

Manager Koester summarized the disposal process history for 155 Heritage Way, noting the Assembly's introduction of Ordinance 2026-15 for a sealed competitive bid with a $2.5 million minimum. She explained disposal options—sealed competitive bid, negotiated sale, and request for proposals with conditions—and mentioned Sealaska Heritage Institute's (SHI) proposal for a negotiated sale at $1.5 million, envisioning an arts campus extension and potential City Museum co-location.

Mr. Steininger and Deputy Mayor Smith discussed the need to balance maximum sale proceeds against SHI's plan to utilize the property for year-round cultural and educational purposes.

Deputy Mayor Smith suggested raising the minimum sealed bid to $5 million to gauge market interest. Ms. Woll expressed concerns about the potential higher minimum bid, voicing that a lower minimum at $2.5 million would provide more choices and flexibility if offers did not meet expectations

Mr. Brooks emphasized the community's demand for increased cultural spaces. Mr. Steininger expressed caution regarding fiscal implications.

Ms. Hall highlighted the importance of considering community-minded endeavors and the risk of losing the opportunity for a project that offers broad community benefits if the bid process attracts primarily large businesses with fewer community connections.

Mayor Weldon proposed moving forward with both options simultaneously. This approach would allow consideration of enhanced cultural and educational benefits from SHI against potential increased sale proceeds.

**<u>MOTION</u>** by Mayor Weldon to forward Ordinance 2026-15 to the full Assembly and subsequently objected to make an amendment.

**<u>AMENDMENT #1</u>** by Mayor Weldon to amend Section B Sale to increase the $2.5 million to $5 million for the minimum sealed bid. Following objection from Ms. Woll, who reiterated the significance of diversity in options and community use, Mayor Weldon withdraw the amendment.

*[Clerk Note: Deputy Mayor Smith passed the gavel to Mayor Weldon]*

**<u>AMENDMENT #2</u>** by Deputy Mayor Smith to amend the minimum accepted bid amount to $5 million.  Objection by Ms. Hall who noted her agreement with Ms. Woll's previous objection.

**Roll Call Vote on Amendment #2:** Yeas: Smith, Steininger, Adkison, Weldon (4); Nays: Hall, Kelly, Brooks, Woll (4). **Amendment failed. 4-4.**

Mr. Kelly indicated a need to potentially propose an amendment regarding bid conditions during the full Assembly meeting.

***Hearing no further objection, the motion as amended was adopted by unanimous consent.***

**MOTION** by Mayor Weldon to have staff draft and introduce an ordinance for a negotiated sale with SHI, ensuring both ordinances are scheduled for concurrent public hearings and requested unanimous consent. ***Hearing no objection, the motion was adopted by unanimous consent.***

### 5. Proposed Changes to the Assembly Rules of Procedure

Manager Koester explained that three separate proposed changes to the Assembly Rules of Procedure were before the Committee.

**Attachment A:**

Mr. Brooks presented a proposal, as amended by the Human Resources Committee (HRC). He highlighted the change to require 10 minutes of public testimony at all committee meetings, subject to the chair's discretion to waive it with notice. He characterized the change as a good-faith effort to improve public trust and engagement.

Ms. Woll, Mr. Kelly, and Ms. Hall expressed support for the intent, while Mayor Weldon, Ms. Adkison, Mr. Steininger, and Deputy Mayor Smith raised concerns about logistical feasibility, particularly for compressed one-hour committee meetings, the risk of creating expectations that cannot consistently be met, and the absence of comparable practice in other Alaska municipalities. Municipal Clerk Hendricks confirmed this approach is not common practice among other Alaska municipalities.

**MOTION** by Mr. Brooks to forward Attachment A to the full Assembly.

**Roll Call Vote:** Yeas: Brooks, Hall, Kelly, Woll (4); Nays: Adkison, Steininger, Weldon, Smith (4). **Motion failed. 4-4.**

**Attachment B:**

**MOTION** by Mayor Weldon to forward Attachment B to the full Assembly and requested unanimous consent. ***Hearing no objection, the motion was adopted by unanimous consent.***

**Attachment C:**

Brief questions were raised regarding the proposed language encouraging committees to have an odd number of members, the removal of the Systemic Racism Review Committee from a list of Assembly/empowered boards required to broadcast live, and the language governing Assemblymember responses during public testimony. Clerk Hendricks explained that having an odd number of members on committees is preferred to avoid split votes, though this may not apply uniformly to existing committees. Regarding the removal of the Systemic Racism Review Committee from the list, the Clerk clarified that this inclusion was out of place as other advisory committees were not listed there either. The language regarding Assemblymember responses was discussed, noting that "may not respond" indicates flexibility, as it is not prescriptive like "shall not."

**MOTION** by Mayor Weldon to forward Attachment C to the full Assembly and requested unanimous consent.

Mr. Kelly flagged for future consideration the absence of a formalized process for replacing committee members who have a conflict of interest and agreed to work with the City Attorney and Clerk Hendricks to determine whether additional rule language is warranted.

***Hearing no further objection, the motion was adopted by unanimous consent.***

**MOTION** by Mayor Weldon to forward a single resolution repealing and re-establishing the Assembly Rules of Procedure with amendments reflected in Attachments B and C to the full Assembly and requested unanimous consent. ***Hearing no objection, the motion was adopted by unanimous consent.***

## G. STAFF REPORTS - None

## H. NEXT MEETING DATE - JULY 20, 2026 AT 5:30PM

The next meeting was announced for Monday, July 20, 2026 at 5:30 PM in Chambers at the Andrew Building, Third Floor. The meeting will focus on Glacier Lake Outburst Flooding, with a presentation by the U.S. Army Corps of Engineers.

*[Clerk Note: The July 20, 2026 meeting was later cancelled]*

## I. SUPPLEMENTAL MATERIALS

### 1. Attachment A - Revised_Proposed Changes to Assembly Rules of Procedures

### 2. Attachment C - Revised_Proposed Changes to Assembly Rules of Procedures

## J. ADJOURNMENT

*With no further business to come before the Assembly Committee of the Whole, the meeting adjourned at 8:25 p.m.*

City and Borough of Juneau
City & Borough Manager's Office
155 Heritage Way
Juneau, Alaska 99801
Telephone: 907-586-5240
Facsimile: 907-586-5385

**To:** Deputy Mayor Smith and Assembly Committee of the Whole
**From:** Alexandra Pierce, Visitor Industry Director
**Date:** August 31, 2026
**Re:** Background on the Negotiated Five-Ship Limit

This informational memo provides background information to support the Assembly's upcoming discussion on whether to codify the five-large-ship-per-day limit into ordinance. It is intended to provide context on how the limit came about, how it currently functions, and the work VITF 2.0 is doing to collect data to support future destination capacity decisions.

**History of Negotiated Ship and Passenger Limits**

Juneau has managed cruise ship visitation through negotiated agreements with the cruise industry rather than through local ordinance since 2023. This approach has worked as intended to cap visitation levels in response to community concerns and infrastructure capacity while preserving the flexibility and collaborative nature of a voluntary agreement. Juneau is frequently cited internationally as one of the few cruise destinations with negotiated capacity limits. These limits apply to the entire City and Borough of Juneau and are intended to regulate Juneau's overall destination carrying capacity, not just the downtown port area.

The first Visitor Industry Task Force (VITF 1.0) convened from 2019 to 2020 to study, among other things, whether limiting cruise ship visitation was legally viable and, if so, how it might be implemented. The Task Force's final report recommended a limit of five large cruise ships in port per day, to be pursued through negotiation with the cruise industry rather than through a local ordinance. The Assembly accepted the VITF's report in 2020, though implementation was delayed for several years, in part due to the COVID-19 pandemic's effect on the tourism season. In 2023, the Assembly formally committed to pursuing the VITF's recommendations, and the City subsequently negotiated a Memorandum of Agreement (MOA) with the Cruise Lines International Association (CLIA), on behalf of its member cruise lines, establishing the five-ship-per-day limit. That MOA remains the current mechanism governing the limit. CBJ staff and CLIA negotiated further limits in 2024, setting daily passenger caps of 16,000 (12,000 on Saturday). These limits have proven popular with the community, with the 2025 community tourism survey identifying maintaining the five-ship limit as the number one community priority.

**How the Limit Is Enforced**

The five-ship limit is enforced through the scheduling process rather than through inspection or penalty at the time of arrival. Cruise lines coordinate itineraries across all Southeast Alaska ports well in advance of each season, and the negotiated limit is a constraint that the schedulers apply when developing Juneau's schedule. In practice, this means the limit is self-enforcing: if a fifth large ship is not scheduled for a given day, it does not call. Typically, the CBJ Tourism Office receives draft schedules approximately 18 months in advance. If there are conflicts or schedule requests that would result in an exceedance of the limit, CBJ staff work with Cruise Line Agencies of Alaska, other affected regional ports, and the cruise lines to resolve the conflict, with the final decision resting with CBJ. Because schedules are locked in and sold so far ahead of the season, there is limited ability to make changes once a season is underway. Schedule changes do happen, but are typically the result of weather, mechanical failure, or another external condition. These types of requests are typically evaluated on a case-by-case basis.

**VITF 2.0 Data Collection Work**

The current Visitor Industry Task Force (VITF 2.0), convened in 2025, is building a data collection framework to evaluate how targeted infrastructure investments affect the City's overall capacity to manage passenger volume. This includes a large data collection effort on various areas of tourism impact slated for the summer of 2027, so that future capacity discussions can be evaluated against measurable outcomes rather than general impression. The intent of this work is to give the city a quantitative tool for evaluating whether specific improvements, such as Seawalk completion, dock infrastructure, or other investments are measurably easing the pressures a ship limit is intended to address. This data collection effort is ongoing and is separate from the question of whether to legislate the existing five-ship limit, but it will be powerful information as the Assembly considers the broader policy landscape around passenger capacity. It is designed to complement existing survey data that shows strong support for maintaining the five ship limit and will be considered along with TBMP data.

**Other Capacity Control Considerations**

The CBJ dock facilities are an important consideration in the discussion around community capacity and limits. The CBJ docks are expensive, high-quality public infrastructure that collect over $3.5 million per year in dockage and over $600,000 per year other fees. They also occupy a prime location downtown and are popular with CBJ's cruise line customers. While the CBJ docks act as the City's control mechanism, leaving them empty in favor of private docks in less desirable locations may compound traffic and other impacts. CBJ has entered into agreements with two of its three major customers to confirm dock space for the next five years and is in active discussions with the third. This formalizes the priority berthing mechanism currently used. Conformance with all three MOAs is a component of these agreements.

Presented by: Hughes-Skandijs, Woll, Kelly
Presented: 07/27/2026
Drafted by: Law Department

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2026-39**

**An Ordinance Amending Title 85, Waters and Harbors, to Include Provisions Governing Cruise Ship Docking and Disembarkation.**

WHEREAS, Juneau, Alaska is a unique and beautiful community with access to vast wilderness and incredible adventures; and

WHEREAS, access to the community is limited to entrance by air and water; and

WHEREAS, the City and Borough of Juneau is comprised of a total area of 3,255 square miles; and

WHEREAS, Juneau has become a prime location for tourism and therefore has seen a marked increase in cruise ship traffic; and

WHEREAS, cruise ship tourism comprises 80-90% of the City and Borough of Juneau's visitor market, with a consistent schedule from May to September each year; and

WHEREAS, the geographic isolation of the City and Borough of Juneau presents significant challenges to provide for both community and visitors' public safety, health, and infrastructure needs; and

WHEREAS, during the summer months, Juneau sees an increase in the use of police, fire and rescue, regional hospital, wastewater facilities, and transportation options; and

WHEREAS, the City and Borough of Juneau and the Cruise Lines have worked cooperatively to manage impact on Juneau's year-round population, natural resources, and infrastructure; and

WHEREAS, the City and Borough of Juneau seeks to balance the benefits that tourism brings to its local economy with the ability to provide services to all who live in and all who visit the community; and

WHEREAS, the community has provided broad support for a five-ship limit within the full boundaries of the City and Borough waters.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment of Title.** Title 85, Waters and Harbors, is amended by adding a new chapter to read:

**Chapter 85.01 CRUISE SHIP DOCKING AND DISEMBARKATION**

**85.01.005 Policy and authority.**

It is hereby declared to be the intent of this chapter to establish the parameters for cruise ship docking and disembarkations. This chapter applies to all waters and land within the boundaries of the City and Borough of Juneau to promote the health, safety, and general welfare of the community in a manner that serves to balance the interests of the general public and those of individual property owners.

Under federal, state, and local law, the City and Borough of Juneau has authority over docking and disembarkation within the City and Borough of Juneau. This chapter is adopted pursuant to the City and Borough of Juneau's home rule powers as provided for in Article X of the Alaska Constitution.

**85.01.010 Administration.**

The provisions of this chapter shall be administered jointly by the City and Borough Manager or designee pursuant to CBJC 03.15.060 and the Port Director pursuant to CBJC 85.02.090.

**85.01.030 Definitions.**

Whenever the following words and terms are used in this chapter, they shall have the meaning ascribed to them in this section, unless the context clearly indicates otherwise:

*City and Borough* means the City and Borough of Juneau, Alaska.

*City and Borough of Juneau* means the boundaries set forth in CBJ Charter and the State of Alaska Certificate of Boundaries.

*Cruise ship* or *cruise vessel* means a commercial ship with a capacity of more than 950 lower berths.

*Cruise line* means a company operating one or more cruise ships.

*Cruise ship docking facility* means a public or private property, or a public or private structure, used for docking vessels and disembarkation of persons arriving on land from cruise ships.

*Disembarkation* means the arrival of persons to docks and/or land from cruise ships by ship, tender vessels, or otherwise.

*Docking* means the act of cruise ships, tender vessels, or other vessels tying up or attaching to a structure for the purpose of unloading persons.

*Lower berths* means the standard double occupancy per cabin.

*Port calls* means the arrival, operation, and departure from a docking facility within the City and Borough of Juneau.

**85.01.040 Docking, port calls, and disembarkation.**

(a) All docking within the City and Borough shall comply with the following:

(1) Port calls are limited to a maximum of five cruise ships or cruise vessels on the same day, from among all cruise ships or cruise vessels calling within or intending to call within the boundaries of the City and Borough of Juneau.

(2) Port calls for cruise ships or cruise vessels are limited to April 15 to October 15.

**85.01.050 Development of ship schedules.**

(a) To access facilities of the City and Borough, all cruise ships or cruise vessels calling at, or intending to call at, public or private docks within the City and Borough shall coordinate with the City and Borough, in a manner prescribed by the City and Borough, to:

(1) Submit a proposed vessel schedule no later than 18 months in advance of the applicable cruise season;

(2) Provide the stated passenger capacity for each ship for each day on the schedule; and

(3) Provide timely notification of any impactful or operationally significant schedule changes made within three months prior to, or during, the cruise season.

**85.01.060 Exceptions.**

The City and Borough Manager or designee may coordinate with cruise lines to modify docking schedules or operational requirements when necessary. The provisions of this title do not apply to actions taken by cruise lines in good faith response to an emergency, including but not limited to situations involving safety of passengers or crew or compliance with directives from governmental authorities.

**85.01.070 Penalties.**

(a) *Letter of warning.* If the City and Borough Manager or designee determines that a violation of the terms of this chapter has occurred, the Manager or designee shall issue a letter of warning setting forth the factual basis for the violation. Within 30 days of the issuance of the letter of warning, the cruise line may submit a written response to the City Manager or designee, detailing relevant facts and requesting withdrawal of the letter of warning. The Manager or designee shall notify the cruise line operator in writing within 15 days as to whether the letter of warning is withdrawn.

(b) *Civil fine.* If, after receiving a letter of warning, a cruise line operator commits an additional violation of the provisions of this chapter within a 24-month period, the cruise line operator shall be subject to a civil fine of $100 per passenger, for the relevant cruise ship or cruise vessel, per additional violation.

(c) *Appeal.* The issuance of a letter of warning or the imposition of a civil fine may be appealed in accordance with CBJC 01.50.

**Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ________________________, 2026.

______________________________
Beth A. Weldon, Mayor

Attest:

______________________________
Breckan L. Hendricks, Municipal Clerk

# MEMORANDUM

**DATE:** August 31, 2026

**TO:** Greg Smith, Assembly

**FROM:** Emily Wright, City Attorney

**SUBJECT:** Update Regarding Bar Harbor Litigation

**LAW DEPARTMENT**
155 Heritage Way
Juneau, AK 99801
Ph: (907) 586-5242
Fax: (907) 586-4567

You have asked me for an update on the Bar Harbor, Maine, cruise ship litigation in anticipation of a discussion regarding Ordinance 2026-39, which seeks to legislate cruise ships within the boundaries of the City and Borough of Juneau.

**CBJ Agreement Landscape:**

Currently the CBJ is operating under a series of agreements with CLIA and member lines.

In 2022, the CBJ and CLIA entered into a settlement agreement in response to a lawsuit filed by the cruise industry challenging the allocation of Marine Passenger Fees and Port Development Fees by the CBJ. As the initial decision by Federal District Court Judge Holland contained both good and bad legal decisions for both side, the CBJ and CLIA agreed to settle the case to ensure that the fees could be used to serve both CBJ and CLIA's needs while adhering to the confines of the Constitution. The parties have continued in this manner since 2022.

In 2023 and then 2024, the CBJ and member lines entered into voluntary agreements limiting cruise ships port calls to five ships per day and setting daily maximum passenger limits. Finally, in the last month, the CBJ has negotiated dedicated berthing agreements with several lines for our docks.

During this same period, multiple citizen initiatives were proposed, all have failed.

**Understanding the Bar Harbor Case:**

To provide a bit of background, Bar Harbor, Maine, is a home rule city. According to the 2025 census, Bar Harbor has approximately 5200 year-round residents. In 2019 Bar Harbor saw approximately 250,000 cruise ship visitors and in 2022 there were 275,000 cruise ship visitors (this does not include visitors coming in by road – which in 2021 was estimated at 4 million for the season.) In 2026, Bar Harbor estimates just under 47,000 cruise ship visitors visited their community.

The Bar Habor litigation spanned three years, and the Town of Bar Harbor reports a cost of just under a million dollars to litigate.

***Bar Harbor Initiative***

In 2008, Bar Harbor established voluntary caps on cruise disembarkations that were monitored through a reservations system. While ships did not call daily in 2008, the caps were established as "daily-caps" of 3,500 passengers per day for July and August, and 5,500 for May, June, Sept, October, and November.

In 2022, Bar Harbor began negotiating further limits with the Cruise Lines. An agreement between Bar Harbor and Cruise Lines removed April and November from the season, lowered the daily passenger cap to

3,800, for May, June, September, and October, and implemented a monthly cap of 65,000. But in November 2022 a local citizen initiative was passed by voters requiring a 1,000-person daily cap on disembarkations within the Town of Bar Harbor (125-77(h), Code Ch. 52). The focus of the initiative was quality of life (congestion, traffic, and overcrowding) and public safety (fire/EMS, police, hospitals, sanitation).

***Lawsuit Ensued***

A lawsuit was filed in US District Court in December of 2022. The suit was brought by local businesses and the piers (both private) impacted by the initiative – multiple other companies joined later (including Penobscot Bay Pilots). The focus of the complaint was whether or not the initiative violated the US Constitution (Supremacy Clause and Commerce Clause) and other maritime regulations.

***Initial District Court Decision***

The District Court found for the Town of Bar Harbor, upholding the cap. The general findings were:

1. Bar Harbor, as a home rule municipality, can legislate under the Maine Constitution.
2. Bar Harbor is generally not preempted by federal maritime laws and is allowed to regulate disembarkation within Bar Harbor. Note: He did find that they could not limit "seafarers" ie. crew from disembarkation.
3. The Judge found that there was no violation of the Commerce Clause.

Fundamentally, the Judge found that found that the 1,000-passenger cap was a proper response to concerns for the health, life, and safety, of the Town residents. In reviewing the balance of public interest versus burden on commerce, the Judge finds for the Town (*Pike* test).

***First Circuit Court of Appeals Decision August 2025***

The case is then appealed to the First Circuit Court of Appeals. The First Circuit fundamentally upholds the lower court's ruling but sends it back to take a closer look at the question of shoulder versus peak season under the benefit/burden test. They comment that the lower court's burden versus benefits analysis was generally solid but ask whether there is a "less burdensome mean" of achieving the benefits. The Appeals Court also asks the lower court to spend more time addressing the waterfront area and whether there were less burdensome ways to address congestion and public safety – i.e.. voluntary cooperation, traffic management, or less restrictive caps.

***District Court Final Decision May 2026***

Taking the feedback from the Court of Appeals, the District Court supplements his factual findings, highlighting issues that led him to his decision:

a. He notes that tourists are in Bar Harbor for 6-7 hours at a time.
b. He comments on the number of buses in and out of downtown, the variety of locations that tourists are found (varies from restaurants to whale watching), the restriction of parking spaces to keep traffic flow, and the police presence needed due to congestion.

c. He highlights feedback from year-round residents who express dissatisfaction with the way of life in the summer.
d. He also notes the definite impact of the ordinance on the cruise industry and local businesses – as many cruise lines will chose not to dock in Bar Harbor if they can't disembark everyone (remember Bar Harbor has a 1,000-person limit, and almost all the ships have more than 1,000 passengers).
e. He discusses the impact on other coastal towns; but does not find that facts were presented that other towns would be impacted or would suffer a loss in visitation.
f. Finally, he notes the narrow pier and downtown location, the limited and narrow roads, the geography of the Town overall, the geography of downtown (four city blocks), and pedestrian and vehicular bottlenecks/overcrowding.

The Judge's final decision reflects that the case presents both benefits and burdens; he comments it is like asking him, "whether a particular line is longer than a particular rock is heavy" (Page 29 of decision). Ultimately, he draws a line between peak and shoulder seasons. He finds that the daily cap is fair and measured as it relates to the peak season, but he agrees that maybe a less burdensome response can be implemented in the shoulder season.

**Take Aways for CBJ:**

This case gives us good insight into what a judge believes are necessary facts to uphold legislation that burdens interstate commerce. Remember the Constitution gives the power to regulate commerce to the federal government, so any action by states or local government will be closely analyzed.

Based on this case, the CBJ must comprehensively look at the burden versus the benefit of any legislation. The Assembly should discuss whether there are less burdensome alternatives to legislation, and if you reject those less burdensome alternatives, you must explain why. It will also be important to focus on facts relevant to Juneau – for example in the past you have discussed:

1. Local citizens' ability to navigate and enjoy Juneau in the summer;
2. Congestion downtown;
3. The impact on our EMS/Fire and Police;
4. The impact on our hospital and medical responsiveness;
5. The impact on our infrastructure such as water and sewer;
6. The impact on our transportation and roads in general; and
7. Our isolation and geographic challenges.

All of this must be balanced against the benefit that interstate commerce brings, for example: jobs, revenue, business growth, infrastructure support and improvements, and the sharing of our local history and culture. Further you should consider whether there are already adequate responses to impacts, for example, the Tourism Best Management Practices Program.

Should the CBJ implement legislation and face a lawsuit, your conversations and facts will be key to the Law Departments ability to defend the case; without strong facts showing that the benefits outweigh the burden, we will not prevail.

**Parks & Recreation**
1208 Glacier Hwy
Juneau, Alaska 99801
PHONE: (907) 586-5226
FAX: (907) 586-4589
Parks.rec@juneau.gov

**TO:** Greg Smith, Deputy Mayor and Committee of the Whole
**FROM:** Marc Wheeler, Parks and Recreation Director
**THROUGH:** Katie Koester, City Manager
**DATE:** August 31, 2026
**SUBJECT:** Third-Party Management of CBJ Parks and Recreation Facilities

During the FY2027 budget cycle, the Assembly and public discussed various management options for CBJ Parks and Recreation facilities. This memo aims to explore those options in more detail, considering potential risks and benefits from alternative management scenarios at each facility.

At its core, the challenge with operating these facilities without significant use of General Fund dollars is the high fixed costs associated with each facility. These include facilities maintenance, utilities, and commodities. While we incur significant costs operating each facility, retaining these facilities in public ownership and management also allows us to provide services to the community at reasonably accessible rates and schedules. Giving up control undermines our ability to protect these public benefits.

The other fundamental challenge with third-party management is caring for these public facilities. Unless we fully divest and transfer the facility to a third-party, the CBJ will retain ownership and thus must ensure that each facility be maintained properly to protect these public assets. This requires either the retention of CBJ facility maintenance at each facility (with associated costs) or strict provisions that require building managers to meet certain facility maintenance thresholds. We have found enforcing contract provisions with even minor contracts, such as janitorial services, to be difficult. Without a serious commitment to taking management authority back for deficiencies, it would be challenging to ensure adequate facility maintenance to protect the lifespan of these public assets.

**Augustus Brown Pool (AGB) and Dimond Park Aquatic Center (DPAC)**

These facilities are some of our most highly subsidized in the Borough, recovering roughly 25% of their costs with revenues. They both have large fixed operating costs and require technical expertise to manage complicated mechanical systems. Both pools have significant deferred maintenance needs – in particular, DPAC will soon require a multi-million dollar fix to its air handling system to maintain operations.

These facilities have also undergone the most serious consideration of management by an outside nonprofit. In 2018, the CBJ Aquatics Board participated in in-depth discussions with the YMCA (Y) of Alaska regarding their management of both pools. The Y was very interested in this proposition but the Aquatics Board disbanded before discussions proceeded to specific details. If the Assembly wishes, CBJ can resume these discussions to determine if the Y is still interested. The Glacier Swim Club (GSC) is our most highly organized youth-serving sports organization, with professional staff and a high-functioning board of directors. Given AGB's simpler operations and staffing requirements, GSC may have the capacity to run this one pool at a very basic level, but managing both pools would likely be beyond their abilities.

**Dimond Park Field House**
A non-profit organization constructed this facility using a capital grant from the State of Alaska. It was managed for several years under an agreement with Eaglecrest. The building suffered from poor construction quality and lack of ADA access to the track and mezzanine. When the CBJ took ownership of the structure, it required significant deferred maintenance expenditures and the addition of an elevator. This is a case example of the challenges of having a third-party operate and maintain a public recreational facility.

There are a number of youth and adult user groups who use the facility. None of these organizations has the professional staff or organizational bandwidth to manage the facility. The facility has some of the lowest operating costs and some of the highest cost-recovery – roughly 45%. The facility continues to have large unmet deferred maintenance needs, and we are currently investigating which part of the building envelope needs repair (turf field, roof, or potentially both). During the FY26 budget process, the Manager's Office was contacted by a community member interested in exploring taking over the Field House. At the Assembly's direction, we could revisit that conversation.

**Jensen Olson Arboretum**
This facility uniquely has legal restrictions that impact the prospect of third-party management.
A Deed of Conservation Easement (December 28, 1998) held by the Southeast Alaska Land Trust (SEALT), a 1993 Administrative Agreement, and a 2020 Administrative Supplement No. 2 all restrict the use of this property. Together these documents impose binding limits on who may operate the arboretum. These documents prohibit operation by a for-profit group. They also require any revenues from commercial activity be placed into the Arboretum's Support Fund, complicating how a third-party might generate revenues to support operations. Fundamentally, approval by SEALT would be required for any change in management of the facility. The current reduced operations of the arboretum require no General Fund support and are supported by the JOA Endowment and Marine Passenger Fees.

**Eagle Valley Center**
This facility requires some of the least amount of General Fund dollars for its operations. It would also likely be most desired by a third-party due to these economics. The building has some significant deferred maintenance needs (will be needing a new roof at some point). It is also sited within the confines of one of our most-used and beloved natural area parks. Southeast Alaska Independent Living (SAIL) currently has an agreement with CBJ to operate the adjacent ropes course. SAIL has significant professional staffing and is a well-run nonprofit and may have the bandwidth to operate the facility given its current operations there.

**Treadwell Ice Arena**
The arena has the highest percentage of cost-recovery of any of the sports facilities – roughly 49%. A number of youth and adult user groups use the facility. None of these groups have any professional staff or organizational depth to manage the facility.

**Conclusion**
There are significant challenges associated with third-party management of each of our Parks and Recreation facilities. If we could secure adequate management without needing General Fund support, this would benefit the overall CBJ budget. If the Assembly wants to pursue a third-party model for any facility, it will likely take significant time to iron out details of a transfer, including who is responsible for capital maintenance, liability, and how to guarantee an adequate level of equitable public access. In the meantime, we must care for our existing staff and facility users to ensure continuity of operations and employee stability.

City and Borough of Juneau
City & Borough Manager's Office
155 Heritage Way
Juneau, Alaska 99801
Telephone: 586-5240| Facsimile: 586-5385

TO: Deputy Mayor Smith and Committee of the Whole

DATE: August 31, 2026

FROM: Katie Koester, City Manager

RE: Update on Eaglecrest Third Party Management

The purpose of this memo is to update the Assembly on outside management of Eaglecrest, in the context of the broader conversation on third party management of certain parks and recreation facilities.

Eaglecrest Chair Brandon Cullum and I sent the attached letter to Goldbelt in June of this year expressing the City and Eaglecrest's interest in advancing a dialogue on potential partnerships while articulating items that were off the negotiating table: principally transferring ownership of Eaglecrest and tying any investment in Eaglecrest to Goldbelt's West Douglas development. Goldbelt responded positively and we had a follow up meeting in July.

Eaglecrest is currently in the process of working with SE Group on a strategic plan for the mountain. This plan will outline potential revenue generating opportunities for Eaglecrest in addition to capital investment needs. Significant capital investment will be necessary for Eaglecrest's existing infrastructure to continue to operate; it will be useful to have a complete accounting of those needs.

Eaglecrest, Goldbelt, and the Manager's Office concluded that it would be best to revisit a conversation on the details of what private sector partnerships would look like until after the report from SE Group is completed, sometime this fall. That will facilitate a more realistic conversation on the fiscal challenges and suite of options (potentially ranging from third party operation of one attraction seasonally, to full-time year-round operation of the mountain). That conversation will be within the context of private investment in Eaglecrest generally, not just in partnership with Goldbelt or any other particular investor.

For background, the Assembly is next scheduled to discuss the draft ordinance amending the status of the Eaglecrest Board at the September Committee of the Whole (per COW action in January of 2026).

Enc:
Letter to Goldbelt EC Operations 06/11/2026
Response from Goldbelt 06/17/2026

**Office of the City Manager**
155 Heritage Way
Juneau, Alaska 99801
PHONE: (907) 586-5240
FAX: (907) 586-5385
Katie.Koester@juneau.gov

McHugh Pierre, President & CEO
Goldbelt Incorporated
3025 Clinton Drive
Juneau, AK 99801

*Delivered via email:* mchugh.pierre@goldbelt.com

Dear Mr. Pierre,

The purpose of this letter is to extend a formal invitation for Goldbelt to engage with the Manager's Office and the Eaglecrest Board regarding investing in Eaglecrest and potentially operating the ski area. There is great promise in Goldbelt's ability to continue to positively impact the lives of your shareholders and the community of Juneau. As an Alaska Native Corporation representing Juneau, Goldbelt's Tlingit values of integrity, respect, and service align with the City, and your status as a forever company gives us confidence in your ability to meet the community's needs for winter outdoor recreation while capitalizing on the vast opportunity for summer visitor industry revenue at Eaglecrest.

There are two core conditions for the City and Eaglecrest Board that need to be considered for any proposal to advance: CBJ must maintain long-term ownership of Eaglecrest and no agreement can include approval of Goldbelt's proposed development on West Douglas.

At the June 4, 2026 Eaglecrest meeting the board passed Resolution 2026-2 resolving that "the Eaglecrest Ski Area Board of Directors welcomes further engagement with Goldbelt with the goal of establishing mutually beneficial partnerships that provide resources to modernize the ski area and preserve affordable winter snow sports opportunities for Juneau residents, within the framework of continuing community ownership." Any attempt to divest from the restrictions of the land and water conservation fund (LWCF) that govern the Eaglecrest property would be expensive and time consuming for the City. Furthermore, it is not in the public interest to sell our park lands. However, the City would be willing to enter into a long-term lease that meets the fiscal needs of investors in the property. Any lease terms will be subject to LWCF scrutiny and approval.

The City appreciates that for Goldbelt the success of Eaglecrest summer operations (and therefore the ability to provide winter operations) is deeply connected with Goldbelt's proposed cruise ship dock development on West Douglas. However, the City cannot make one (taking over Eaglecrest) conditioned upon the other (approval of the West Douglas development). The project is currently under review by the Community Development Department for a conditional use permit. In CBJ code the Planning Commission has the sole authority to approve or deny this permit. Furthermore, there is strong public interest in a Master Planning process that demonstrates the impact of the development on the greater Juneau community. The number one priority for respondents to CBJ's 2026 Tourism Impact survey was to maintain the 5-ship limit within the boundaries of the CBJ.

Aside from these non-negotiables for CBJ there are almost endless variations of what a partnership could look like. In the FY27 budget, CBJ general fund supports Eaglecrest with $1.7M. There is a long list of capital projects Eaglecrest needs to continue to operate. Eaglecrest is preparing a report that will be done this fall outlining those capital costs and prioritizing needs. Public funding – such as general obligation bonds – may need to be considered.

While we have had informal conversations on what this partnership could look like, without a written proposal it is difficult for the manager to bring a proposal to the Assembly or the Eaglecrest Board. There are a couple of paths to achieve the goal of advancing to a public conversation. A) scheduling a meeting between Goldbelt, the Eaglecrest Board Chair and the City Manager with the goal of producing a written document that we can agree on as a public starting place or B) a written proposal from Goldbelt that gives the bodies something to review.

We are excited about the opportunities that could result from a partnership with Goldbelt.

Sincerely,

Katie Koester

Katie Koester
City Manager

Brandon Cullum
Eaglecrest Board Chair

June 17, 2026

Katie Koester, City Manager
City and Borough of Juneau
155 Heritage Way
Juneau, AK 99801

Brandon Colum, Board Chair
Eaglecrest Ski Area
P.O. Box 20169
Juneau, AK 99802

***Delivery via email to Katie.Koester@juneau.gov and Brandon.Cullum@juneau.gov***

Dear Brandon and Katie,

Thank you for your letter of June 11. Goldbelt welcomes the opportunity to engage with the City Manager and the Eaglecrest Board Chair regarding the future of Eaglecrest. As a first step, I'd like to suggest an informal meeting where Goldbelt can learn about Eaglecrest's needs, CBJ's goals, and expectations to achieve desired results for the community.

I am available to meet with you both at your earliest convenience.

Thank you very much for your consideration.

Sincerely,

McHugh Pierre
President & CEO

3025 Clinton Drive • Juneau, Alaska 99801 • (800) 770-5866 • (907) 790-4990 • Fax (907) 790-4999
www.goldbelt.com

City and Borough of Juneau
City & Borough Manager's Office
155 Heritage Way
Juneau, Alaska 99801
Telephone: 907-586-5240| Facsimile: 907-586-5385

TO: Deputy Mayor Smith and Committee of the Whole

FROM: Katie Koester, City Manager

DATE: August 31, 2026

RE: GLOF Program: Long-Term Funding Considerations

**Long-term solutions**
USACE (US Army Corps of Engineers) issued a Request for Qualifications the day after the 2026 flood soliciting creative solutions from industry for an emergency water conveyance prototype. This was followed by Industry Day, an in-person opportunity for contractors to review the problem statement and ask questions. The selection process will first select qualified companies to work with, then narrow the field with proposals. This process is open to any type of water conveyance that effectively and permanently solves the problem of annual GLOFs (glacial lake outburst floods) that threaten Juneau. The goal is to keep the water height in Suicide Basin below 1,100 feet so if and when there is a release, it will be minor.

The unique nature of this solicitation is that it will be able to move quickly and is funded through existing authorities, Flood Control and Coastal Emergencies. This is the same funding source for installing the HESCO barriers. The construction cost will exceed the available amount nationally, which means we will need to advocate for additional funding in this account. There is also a required local cost share of 25% of construction for permanent flood control projects. We are working with the delegation on an amendment to Water Resources Development Act (WRDA) language to include the 90/10 tribal lands cost share applicable to more traditional project paths.

In the meantime, USACE has already started geotechnical assessments. The $3.2M CDS (Congressionally Directed Spending) that Congressman Begich helped secure may be used, in conjunction with local match, to begin some of the core sampling necessary to establish the quality of rock and inform cost estimates. Additionally, Senator Murkowski has submitted an $8.25M request to the Senate Appropriations Committee (the committee draft of the bill has not been released yet). Neither of these funding sources have been appropriated. The $3.2M will come to you soon, after the State takes a 10% cut; however, the $8.25M has a long way to go still.

**Cost for short term mitigation**
An enduring solution to glacial lake outburst flooding is everyone's end goal; however, the annual floods won't wait and work needs to continue to protect the community in the meantime. USACE has funded and completed Phase 2 of the HESCO barriers and is in the process of developing a plan to address damage from the 2026 event. Phase 2, in conjunction with the work CBJ did reinforcing and raising Phase 1, is designed to protect the community up to a 63,500 cfs event (approximately 18 ft lake stage flood). Just under $50M in federal, state, and local dollars was spent this summer alone to protect the Mendenhall Valley. This is nothing short of remarkable.

Based on our experience with the 2025 GLOF, CBJ anticipates repairs to HESCO barriers and bank armoring to range between $6M and $12M. Keep in mind the favorable weather conditions - no rain, low starting water levels in the lake/river - should favorably impact repair costs; however, we still expect to see bank stability and HESCO needs both immediately and intermittently until the next event. Having USACE conduct this repair work is a huge cost savings for CBJ; we simply do not have the resources or capacity to do this work alone.

**CBJ Spend**
The total project cost for Phase 1 (2025) and Phase 1 raising and reinforcing (2026) is over $20M, however, the cost to CBJ taxpayers is less than half, around $9.6M. This is thanks to a grant facilitated by the Tlingit and Haida Regional Housing Authority (THRHA) and the 50% forgivable loan from Alaska Department of Environmental Conservation (ADEC). There is $5.4M in spending authority remaining for the ADEC loan, which we will likely have to access for future flood mitigation. THRHA secured a second CDBG-IT grant

($582,000) for HESCOs that was not available in time for 2026 construction but will be used for work associated with flood preparation for next year's GLOF.

CBJ will likely remain responsible for regular maintenance of the barriers (inspection, repairs due to settling, responding to vandalism, and refilling). We are also responsible for continued coordination with homeowners, maintaining property access, and permitting. Coordination and advocacy for an enduring solution are significant ongoing responsibilities. CBJ Engineering and Public Works has been singularly focused on GLOF mitigation for two full years now. Other necessary CIP projects have understandably taken a back seat. GLOF planning, response, recovery, and mitigation represents a new and ongoing service that CBJ will need to support as an organization. To date, most of these expenses have been funded through one time CIP accounts, some general funds, and leveraging grants and reimbursements whenever possible, and diverting staff time from other projects and priorities. To fund these new and ongoing services, the Assembly could consider establishing a service area with an associated mill rate either within the boundaries of the protected properties or area wide. Staff is working to get you reasonable estimates on what these costs may be.

**How to pay for ongoing flood protection, local match for enduring solution**

The establishment of service areas is outlined in Article 11 of the Charter[i]. The Assembly could develop a service area and levy a separate mill rate within that area for the purpose of providing a higher level of service than can be provided on an areawide basis. It would have to be approved by the voters registered to vote within those boundaries. Unlike an LID, this means that property owners within the service area who do not reside there, and therefore may not be registered to vote in the service area, would not have a say in establishing their tax rate.

The argument has been successfully made that the annual GLOFs are an existential threat to the community of Juneau – and not just the residents and businesses in the central valley, which is why so many public resources have been dedicated to GLOF response, recovery, and mitigation, unlike in more localized disasters (e.g. landslides, avalanches, fires) that have historically drawn much less on the public treasury. Following that argument, an area wide tax (property or sales) could be an appropriate mechanism to pay for flood control services. Whatever mechanism is used could have parameters such as a sunset date.

In addition, CBJ needs to be prepared to fund a local cost share for an enduring solution. Because USACE is now pursuing this project under emergency authority, the funding cost share is 75/25 instead of 90/10. CBJ is still working with USACE on how to influence that cost share (through named legislation, for example). However, the local ask will be significant. The Flood Control and Coastal Emergency Account, which this funding comes from, is budgeted at $40M annually – for the entire country. This means Juneau will have to advocate for federal funding and "plush up" that account to fund the project. It would be strategic to make this ask with a local commitment from the voters in hand. I suggest a bond/debt question as soon as we have a more reliable total project cost in hand from USACE.

It will also be important for the State to demonstrate that this is a priority for Alaska. I recommend CBJ strongly advocate for State support for construction of a lake emergency water conveyance prototype during the next legislative session. With these pieces in hand, and the strength of our delegation - including Murkowski's position on the Senate Appropriations Committee - we have a much better chance of success.

**Flood hazard easements**

Many governments manage flood control with flood hazard easements, and a corresponding flood district or service area representing protected properties. In 2026, the Assembly assumed the property owners' share of the Phase 1 LID, except for the four properties receiving bank armoring (as an aside, the LID still needs to be finalized by the Assembly to begin the repayment process). This acknowledged the ever-growing nature of the flood and recognized protecting the homes and infrastructure as community-wide priority. With the expansion of the HESCO barriers, there are more properties hosting flood protection measures for a large swath of the community. Without an imminent enduring solution, the Assembly could consider securing temporary flood hazard easements and compensating riverfront property owners while in use. Attorney Wright has drafted the attached memo that outlines the concept. There will be properties that choose not to enter into a voluntary agreement with CBJ, in which case the Assembly may need to consider eminent domain. This would be our least preferred option; CBJ has no desire to own riverfront property outright – our goal is to implement a long-term solution as soon as possible.

The Phase 1 and Phase 2 flood mitigation projects protect 1,371 homes and $839,848,347 assessed property value and critical infrastructure. Based on 2026 assessed values, a one mill rate within the boundaries of the inundation map would generate $839,000 annually. By comparison, one mill areawide generates approximately $6.25M annually. However, because the science indicates a 90,000 cfs event is likely, a long-term solution would protect even more infrastructure.

**There are a number of questions that need Assembly direction in the coming months to continue our ability to effectively mitigate GLOFs in the near and long term.**

- Timing of a bond/debt proposition for local cost share of a long-term solution
- Creation of a flood control district, flood easements and any associated compensation formula for properties hosting barriers.
- Funding sources for ongoing flood preparedness and mitigation

**Recommendation:**
Discuss above questions and provide guidance to staff.

**Attached:**
Preliminary Field Data 2026 GLOF Map

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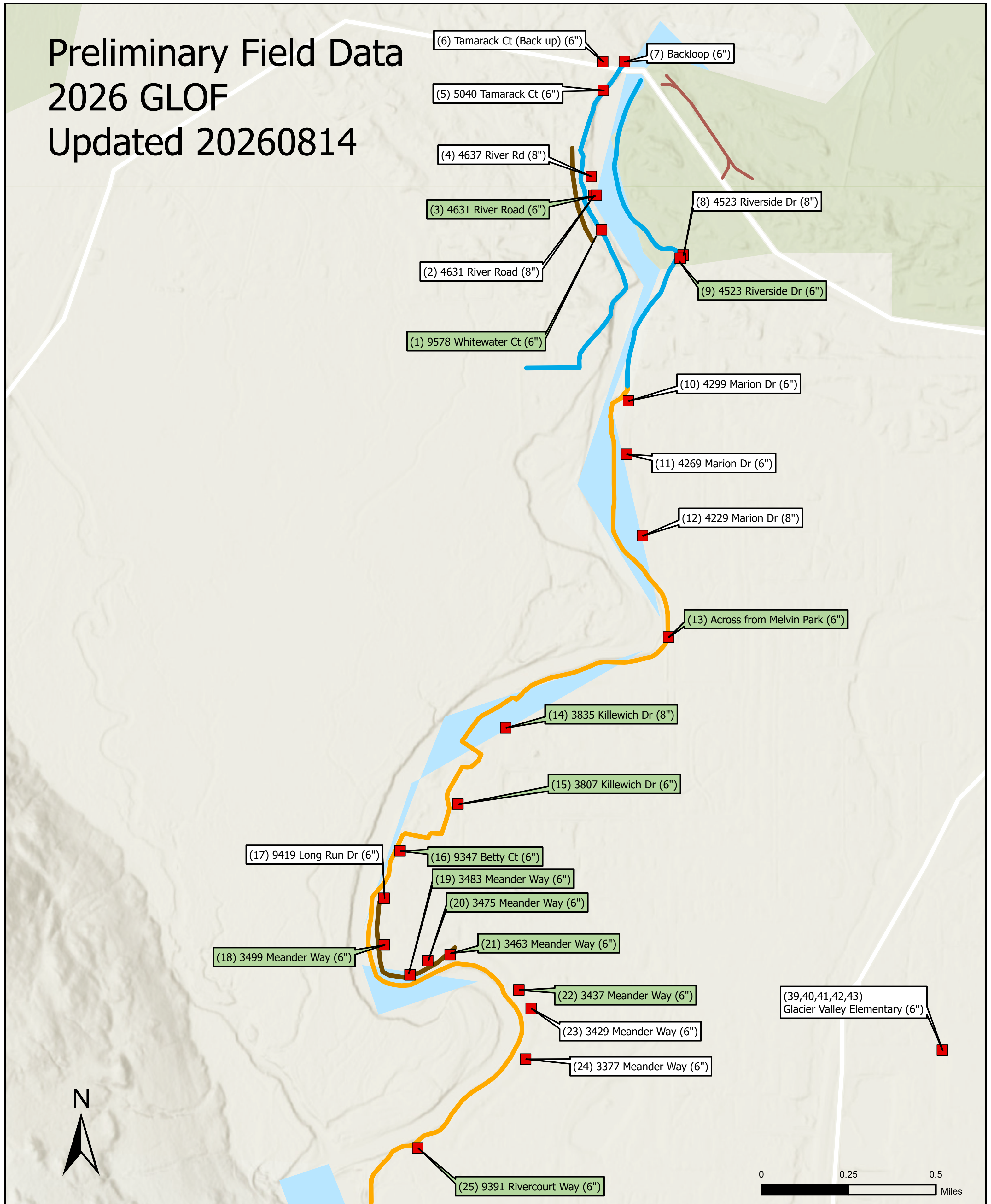
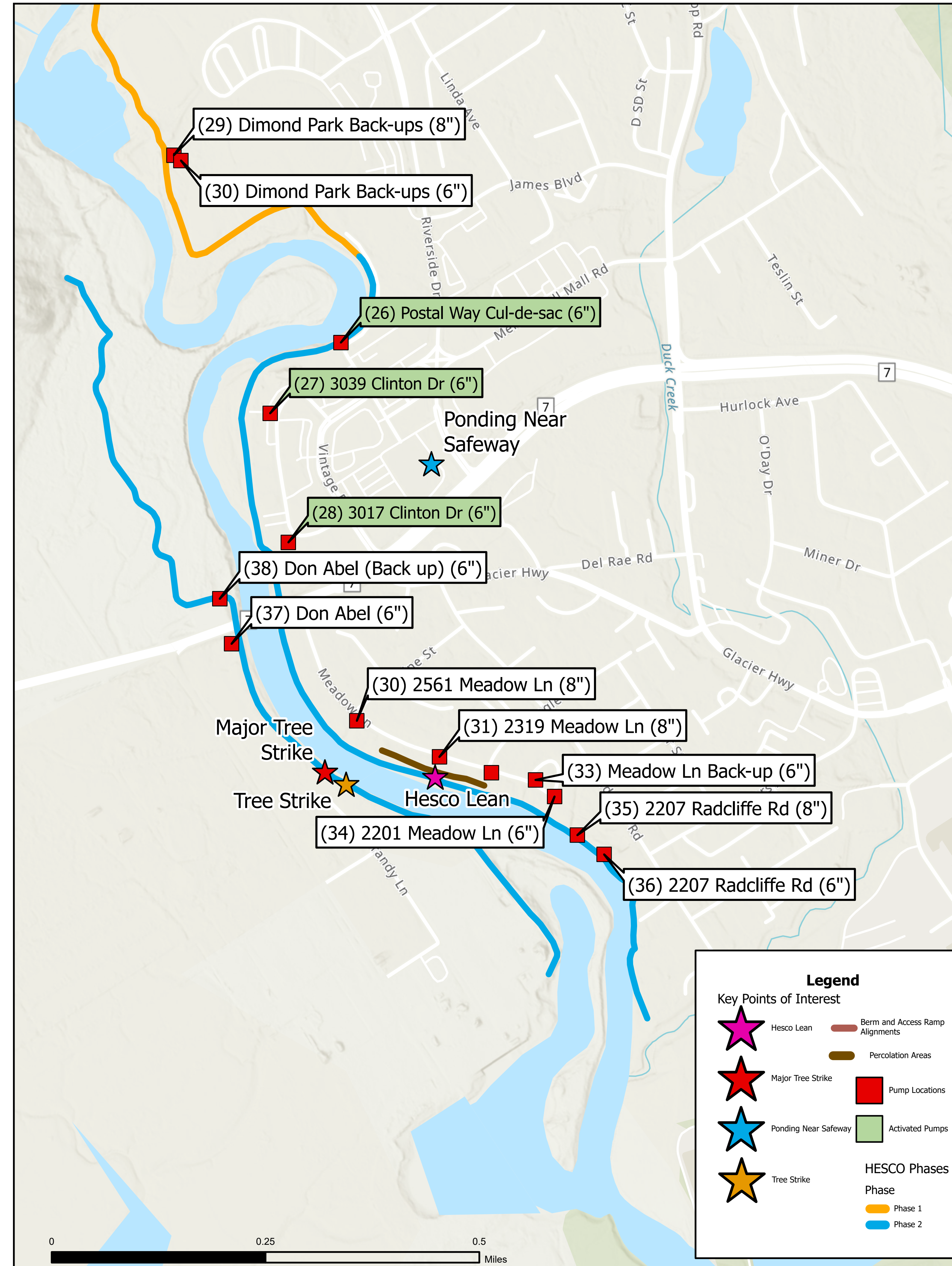
[i] CBJ Charter Article 11:
https://library.municode.com/ak/juneau/codes/code_of_ordinances?nodeId=PTIHORUCH_ARTXISEAR


Preliminary Field Data
2026 GLOF
Updated 20260814
(6) Tamarack Ct (Back up) (6")
(7) Backloop (6")
(5) 5040 Tamarack Ct (6")
(4) 4637 River Rd (8")
(3) 4631 River Road (6")
(8) 4523 Riverside Dr (8")
(2) 4631 River Road (8")
(9) 4523 Riverside Dr (6")
(1) 9578 Whitewater Ct (6")
(10) 4299 Marion Dr (6")
(11) 4269 Marion Dr (6")
(12) 4229 Marion Dr (8")
(13) Across from Melvin Park (6")
(14) 3835 Killewich Dr (8")
(15) 3807 Killewich Dr (6")
(17) 9419 Long Run Dr (6")
(16) 9347 Betty Ct (6")
(19) 3483 Meander Way (6")
(20) 3475 Meander Way (6")
(21) 3463 Meander Way (6")
(18) 3499 Meander Way (6")
(22) 3437 Meander Way (6")
(23) 3429 Meander Way (6")
(24) 3377 Meander Way (6")
(39,40,41,42,43)
Glacier Valley Elementary (6")
(25) 9391 Rivercourt Way (6")
N
0
0.25
0.5
Miles


(29) Dimond Park Back-ups (8")
(30) Dimond Park Back-ups (6")
James Blvd
Riverside Dr
Linda Ave
D St
Teslin St
Duck Creek
(26) Postal Way Cul-de-sac (6")
(27) 3039 Clinton Dr (6")
Hurlock Ave
Ponding Near
Safeway
O'Day Dr
(28) 3017 Clinton Dr (6")
Del Rae Rd
Miner Dr
(38) Don Abel (Back up) (6")
(37) Don Abel (6")
Glacier Hwy
(30) 2561 Meadow Ln (8")
Major Tree
Strike
(31) 2319 Meadow Ln (8")
(33) Meadow Ln Back-up (6")
Tree Strike
Hesco Lean
(35) 2207 Radcliffe Rd (8")
(34) 2201 Meadow Ln (6")
(36) 2207 Radcliffe Rd (6")
Legend
Key Points of Interest
Hesco Lean
Berm and Access Ramp Alignments
Percolation Areas
Major Tree Strike
Pump Locations
Ponding Near Safeway
Activated Pumps
Tree Strike
HESCO Phases
Phase
Phase 1
Phase 2
0
0.25
0.5
Miles

# MEMORANDUM

**DATE:** August 31, 2026

**TO:** Katie Koester, City Manager

**FROM:** Emily Wright, City Attorney

**SUBJECT:** Flood Hazard Easement

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

LAW DEPARTMENT
155 Heritage Way
Juneau, AK 99801
Ph: (907) 586-5242
Fax: (907) 586-4567

Throughout the United States, municipalities utilize multiple strategies to protect life and property from natural disasters. In the flood context, these often include emergency barrier placement, buy-outs, the creation of conservation land or floodways, implementing zoning restrictions, and requiring flood resistant building improvements.

HESCO barriers have been placed along the Mendenhall River to protect riverfront property owners and the community behind them from the annual Glacial Lake Outburst Floods. 187 riverfront property owners currently host HESCO barriers. [1] In 2024, before the placement of the barriers, approximately 300 homes flooded, current estimates are that in 2026, 10 homes were affected and two homes sustained minor damage.

You have asked about land use agreement options as the CBJ moves out of emergency response to the GLOF and into long-term solutions to the GLOF. The most straightforward strategy is the creation of easements. An easement is a nonpossessory right to use someone else's property for a specific purpose. The property owner retains title to the land, but the easement holder gains full access and use of the land. Easements "run with the land" which means that they remain in place no matter who owns the land. Once an easement is no longer necessary, it can be removed.

One of the highest concentrations of floodplain easements in the United States is found in the upper Mississippi River basin, where devastating flooding along agricultural land is a frequent occurrence.[2] There, under federal floodplain easement agreements, homes and structures were removed from areas adjacent to the Mississippi, and the land was restored to its original and natural condition. Property owners were provided with a one-time payment for the land based on the lowest of (a) the fair market value based on an individual appraisal; or (b) a corresponding geographic rate established by the state conservationist[3]; or (c) an offer made by the landowner.[4]

The CBJ does not need to pursue such expansive and destructive measures as were seen in the Mississippi River basin, since the HESCO barriers have been successful in protecting homes and containing the floodwaters to the current footprint.[5] But an easement formalizing the footprint of the HESCO barriers may be beneficial to both the CBJ and the property owners.

In determining compensation amounts for an easement, you should consider what the property owners have lost due to the placement of the barriers and what have they have gained by having the barriers. Offers should be fair and standard in their calculation.

Given the need to have continuous flood barriers along the river, you will need to consider how to respond should property owners not agree to an easement. You may utilize eminent domain actions when it is necessary for public use. Eminent domain actions result in a total transfer of ownership from the property owner to the government and require just compensation using the same or similar methods of valuation as the easement.

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[1] Phase 1 was implemented in the spring of 2025 and Phase 2 was implemented in the spring of 2026.
[2] https://www.americanrivers.org/report/the-multiple-benefitsof-floodplain-easements/
[3] In 2021, the Alaska state conservationist set the Geographic Area Rate Cap (GARC) for Alaska at $5200 per acre.
[4] https://www.nrcs.usda.gov/sites/default/files/2022-09/EWP-FPE%20Factsheet.pdf
[5] View Drive residents are working through a federal buy-out option, as the HESCO barriers were not deemed viable.

**Office of the City Manager**
155 Heritage Way
Juneau, Alaska 99801
PHONE: (907) 586-5240
FAX: (907) 586-5385
Managers_Office@juneau.gov

**TO:** Deputy Mayor Smith and Committee of the Whole

**FROM:** Robert Barr, Deputy City Manager

**DATE:** August 31, 2026

**SUBJECT:** Transition to the CBJ Public Notices & Announcements Webpage

On March 9, 2026, the Assembly adopted Ordinance 2026-10, modernizing how the City and Borough of Juneau (CBJ) may provide public notice while continuing to comply with applicable Alaska legal requirements.

Following adoption of Ordinance 2026-10, the City Manager initially anticipated issuing a Request for Proposals (RFP) for a third-party online public notice service. During FY2027 budget discussions and reduction efforts, staff instead explored an in-house solution. The Clerk's Office, in collaboration with the CBJ Webmaster and Law Department, determined that a centralized Public Notices & Announcements webpage could be developed and maintained using existing CBJ resources. This approach eliminates the need for a contracted service while providing greater control over content, streamlining the publication process, and reducing costs.

The new CBJ Public Notices & Announcements webpage was launched on August 3, 2026, and provides a centralized location for CBJ public notices and announcements. Unlike a printed newspaper, the webpage can be updated immediately, allowing residents to access current meeting schedules, agendas, public hearing notices, and other information all in one location. The transition also reduces reliance on newspaper publication schedules and provides greater flexibility in publishing information.

Residents will notice that weekly meeting schedules, agendas, and many public hearing notices will no longer routinely appear in the Saturday Juneau Empire. Instead, CBJ will broaden outreach and advertising through local media, including the Juneau Empire, Juneau Independent, KTOO, and KINY, to direct residents to the new Public Notices & Announcements webpage and encourage the public to stay informed.

Discontinuing routine newspaper publication of public meeting notices is expected to reduce annual publication costs by approximately $70,000, which includes $57,400 for CBJ public meeting advertising costs, excluding the Juneau School District advertising, and $12,600 in advertising associated with the RFP process. After accounting for an estimated $45,000 in FY2027 outreach and advertising costs to promote the new webpage and encourage civic engagement, CBJ anticipates annual net savings of approximately $25,000.

**ASSEMBLY COMMITTEE OF THE WHOLE**
**DRAFT - MINUTES**
**September 29, 2025 at 6:00 PM**
**Assembly Chambers/Zoom Webinar**

## A. CALL TO ORDER (FOR EXECUTIVE SESSION AT 5:45 PM)

Deputy Mayor Smith called the Assembly Committee of the Whole to order at 5:45 p.m. on Monday, September 29, 2025.

## B. ROLL CALL

**Assemblymembers Present:** Mayor Beth Weldon; Deputy Mayor Smith; Assemblymembers Wade Bryson, Alicia Hughes-Skandijs, Christine Woll, Paul R. Kelly, Ella Adkison, Neil Steininger, and Maureen Hall.

**Staff Present:** City Manager Katie Koester; Deputy City Manager Robert Barr; City Attorney Emily Wright; Municipal Clerk Breckan Hendricks and Meeting Tech Kevin Allen.

## C. EXECUTIVE SESSION

### 1. Executive Session - Litigation Update (Starts at 5:45 PM)

The City Manager recommends the Assembly recess to executive session to receive a litigation update.

**Suggested Motion:** I move the Assembly into executive session to receive a litigation update.

**<u>MOTION</u>** by Mayor Weldon to enter into executive session to receive a litigation update and requested unanimous consent. ***Hearing no objection, the motion was approved by unanimous consent.***

*[Clerk Note: The Assembly Committee of the Whole recessed into Executive Session at 5:45 p.m. and returned to open session at 6:04 p.m.]*

Upon returning to open session, Mayor Weldon reported that during executive session the Assembly received an update from the City Attorney on two litigation matters, including one involving Telephone Hill. She stated that on September 25, 2025, the City Attorney was alerted by Alaska Legal Services that at least one Telephone Hill resident had not properly received notice of the termination of their rental agreement. It was determined that the property management company, JPR Management, had not provided documentation of legal proof of service. Staff confirmed that emails had been sent on May 28 and August 17 and that notices had been posted on doors, but neither was documented. New notices to vacate would be issued the following day, with a required move-out date of November 1, 2025.

## D. CALL TO ORDER - (FOR OPEN SESSION AT 6:00 PM)

Deputy Mayor Smith called the Assembly Committee of the Whole to order at 6:05 p.m.

**E. LAND ACKNOWLEDGEMENT** - Led by Mr. Kelly

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. *Gunalchéesh!*

**F. ROLL CALL**

**Assemblymembers Present:** Mayor Beth Weldon; Deputy Mayor Smith; Assemblymembers Wade Bryson, Alicia Hughes-Skandijs, Christine Woll, Paul R. Kelly, Ella Adkison, Neil Steininger, and Maureen Hall.

**Assemblymembers Absent:** None.

**Staff Present:** City Manager Katie Koester; Deputy City Manager Robert Barr; City Attorney Emily Wright; Municipal Clerk Breckan Hendricks; Police Chief Derek Bos; Visitor Industry Director Alexandra Pierce and Meeting Tech Kevin Allen.

**Others Present:** Goldbelt Inc.; President & CEO McHugh Pierre, Board Chair Katherine Eldemar.

**G. APPROVAL OF AGENDA** - *Approved by unanimous consent.*

**H. APPROVAL OF MINUTES** - *None*

**I. AGENDA TOPICS**

**1.** Goldbelt Inc. West Douglas Port https://goldbeltaani.com

Mr. Kelly disclosed that his stepchildren are Goldbelt shareholders. He noted that he had consulted with the attorney, who advised that no conflict existed, and that he would not be recusing himself. No objection was raised.

Goldbelt Inc. President and CEO McHugh Pierre and Board Chair Katherine Eldemar presented the Goldbelt Aaní development concept.

Chair Eldemar provided historical context on Alaska Native Claims Settlement Act (ANCSA) land selection and Goldbelt's 50-year evolution as a corporation, emphasizing the company's socioeconomic mission and its commitment to Juneau as a "forever company." She noted that Goldbelt owns approximately 1,830 acres along Douglas Island's coastline and that the City and Borough of Juneau holds over 3,400 acres of contiguous land interior to Goldbelt's property, calling CBJ a key neighbor in any development scenario.

Mr. Pierre outlined the phased development plan for a 277-acre portion of the property.

**Stage 1** — Infrastructure, welcome center, and dock facilities, including roads, wastewater

treatment, and power access via an existing Alaska Electric Light & Power (AEL&P) easement. A key rationale for the semi-private cruise destination model is to generate a customer base capable of supporting an estimated $60 million utility infrastructure investment.
**Stage 2** — Retail, restaurants, trail systems, water-based activities, and a replica Tlingit village intended to serve as a living cultural center for education and preservation.
**Stage 3** — Long-term community amenities including daycare, employee housing, hydroponics, and an aviation center.

Mr. Pierre emphasized that once developed, Goldbelt is projected to become CBJ's largest taxpayer, and that the development was preceded by land feasibility analysis. He noted Goldbelt's intent to accommodate local businesses within the facility rather than displace them. Assembly discussion focused primarily on the capacity of North Douglas Highway to absorb additional traffic. Mr. Pierre stated that the facility was specifically designed to minimize road traffic, with guests arriving primarily by water, and that Goldbelt was exploring a shuttle ferry service to connect the site to existing attractions such as Mendenhall Glacier. A traffic study is currently underway.

In response to questions about business community engagement, Mr. Pierre noted that Goldbelt has met with many local business owners and intends to offer storefront opportunities within the facility. On the five-ship cruise limit, Mr. Pierre stated that prospective customers intend to honor the existing agreement and that the project is intended to be complementary to, not in conflict with, downtown activity.

Regarding the development approval process, Mr. Pierre indicated that Goldbelt does not believe a new growth area designation or formal master plan is a prerequisite for moving forward, asserting that current ordinances and permitting processes are sufficient for infrastructure development. He expressed openness to collaborating with CBJ on broader planning efforts; however, he maintained that it would be important to ensure that the City's planning process does not delay Goldbelt's progress in developing its own land. Staff noted that a more detailed discussion on master planning is scheduled for the November 3, 2025 Committee of the Whole meeting.

**2.** JPD Policy and Procedures Review and Department Introspection Following the July 30th, 2025, Officer Involved Incident

Police Chief Bos presented a memo detailing policy changes following the July 30, 2025, use-of-force incident. Chief Bos emphasized that the review remains ongoing, not final. He reported that, effective immediately, any custody case involving a loss of consciousness—whether resulting from force, overdose, or another cause—will receive a priority medical response that bypasses standard protocols. He stated that the tactic used in the July 30 incident is not part of JPD’s training or policy and that JPD is reviewing and strengthening its post-academy curriculum. He stated that the officer involved had not been taught the tactic through JPD training.

Ms. Adkison questioned the use of the term “excited delirium” in JPD materials and noted concerns regarding its medical support. Chief Bos acknowledged the concern and stated that, to the best of his knowledge, the term is not included in current JPD policy.

Ms. Hughes-Skandijs inquired about the clarity officers have regarding when certain force tactics are appropriate relative to different scenarios, expressing a need for more specific information on guidelines. Chief Bos discussed JPD’s de-escalation training and reported that a combined de-escalation and crisis-response course is in development. He also discussed efforts to track the effectiveness of various tactics to inform evidence-based training. Current medical-response training includes CPR, with JPD also providing training in Narcan, AED use, and tactical medical care. Chief Bos also discussed broader policy reviews, including policies governing the use of deadly force, and reported that JPD plans to transition from annual force-data review to more frequent, near-real-time review. He further reported that JPD plans to implement ABLE (Active Bystandership for Law Enforcement) training to provide officers with tools to intervene and accept intervention and to handle officer misconduct.

Chief Bos discussed JPD’s hiring and background-screening processes and addressed questions regarding Officer LeBlanc’s background and a prior lawsuit. He stated that the lawsuit did not identify concerns that would have prevented the officer’s hiring. He reported that JPD had already implemented screening through a new psychological-services provider prior to the officer-involved incident. Background investigations include prior records, case files, and previous employers.

Ms. Adkison asked about vetting the standards of other police departments when conducting background checks, expressing concerns over the variation in hiring standards and procedures. She questioned whether a department's lack of feedback or limited information-sharing might act as a red flag during the hiring process. Chief Bos explained that they take into account both the depth and transparency of the information provided by former employers and described the background checks JPD conducts.

Mr. Kelly inquired whether JPD also reviews media and social media records as part of their background checks in addition to department records. Chief Bos confirmed that JPD reviews media and social media records as part of the assessment process, and stated that these reviews are often initiated as an early filter for candidates.

Chief Bos discussed JPD’s efforts to strengthen relationships with the Tlingit and Haida community and noted that Alaska Native people comprise approximately 25% of Juneau’s population. He reported that discussions with the community are ongoing and that JPD is continuing to develop its engagement strategies.

Mr. Kelly expressed support for JPD’s response and its efforts toward transparency and policy improvements.

**3.** USCG Housing for Homeporting Storis

Manager Koester briefed the Assembly on ongoing discussions with U.S. Coast Guard leadership regarding housing needs associated with the homeporting of the USCGC Storis. The Coast Guard's preliminary assessment identified a need for approximately 48 family units and 23 units for unaccompanied service members, though these numbers are not final.

The Coast Guard's preferred approach is to issue a Request for Information (RFI) to the development community, offering a guaranteed lease commitment that developers can leverage for financing—thereby attracting private capital without the Coast Guard directly constructing housing. The Coast Guard prefers to integrate into broader mixed-use developments rather than build standalone military housing.

Manager Koester highlighted two CBJ-owned properties as candidates for inclusion in a potential Memorandum of Understanding (MOU) with the Coast Guard: Pederson Hill — Zoned for multifamily development, but currently constrained by the absence of a secondary access road. Development of the secondary road would also unlock approximately 12 additional acres of CBJ land for future housing. Telephone Hill — Well-positioned across from the sub-port, offering convenient access for single service members without vehicles. Utility and road realignment work is still needed.

Manager Koester noted that CBJ is approximately 1,500 units short of meeting current housing demand, and that Coast Guard housing commitments could help leverage additional units for the general public. She requested Assembly direction to continue developing the MOU framework.

**MOTION** by Weldon to direct the City Manager to work on an MOU with the U.S. Coast Guard on the potential of offering CBJ land at Pederson Hill and a portion of Telephone Hill for consideration by private developers to build housing suitable for U.S. Coast Guard personnel and requested unanimous consent. ***Hearing no objection, the motion was adopted by unanimous consent.***

**4.** GLOF Mitigation: Repairs to Phase 1 and Mid-term Mitigation

Manager Koester provided an update on the Glacier Lake Outburst Flood (GLOF) mitigation planning in preparation for the October 30, 2025 meeting. Highlights include: Submitting a scope of work to the U.S. Army Corps of Engineers (USACE) for maintenance oversight of Phase 1 Hesco barriers. Staff is also exploring additional USACE support beyond technical oversight. Barrier maintenance has started, reliant on a pending funding ordinance. Phase 2 riverbank site assessments will require staff access to private properties, possibly prompting community inquiries. Current modeling is being revised to prioritize the rate of release over lake levels, reflecting observations from the August 2025 GLOF, where water levels exceeded the 16.5-foot design standard reaching nearly 18 feet. The USACE aims to propose mid-term mitigation by spring, potentially starting construction in 2027, noting the expedited process could strain public discussions. Deputy Manager Barr emphasized the efficacy of Hesco barriers, highlighting the August 2025 flood would have caused 8 feet of overflow at car bend on Killewich Dr. without them, compared to 2–3 feet in 2024.

**5.** Marine Park Transfer (pending referral from PWFC)

Visitor Industry Director Pierce summarized the history of the Marine Park renovation project and the associated transfer request, which had been forwarded from the Public Works and Facilities Committee (PWFC). Engineering staff reduced the original transfer request from $3,500,000 to $3,000,000. At its September 29 meeting, PWFC forwarded the $3,000,000 request to the Committee of the Whole for final deliberation, citing the need for full Assembly alignment before proceeding to the October 27 reorganization meeting.

The total project budget, if the transfer is approved, would be just under $10,000,000. Funding is derived from cruise ship passenger fees.

Mayor Weldon inquired about strategies to prevent the covered areas from being used for encampments, expressing concern over their potential misuse. Deputy Manager Barr explained that the response would involve direction on enforcement priorities and an emphasis on actively programming the space to mitigate that risk.

Ms. Hughes-Skandijs voiced that public input and the justification of using cruise ship passenger fees for this extensively utilized public area had influenced her perception positively.

**MOTION** by Ms. Hughes-Skandijs to forward Ordinance 2025-01(b)(E)(c) to the full Assembly. Ms. Hughes-Skandijs then sought clarification on whether this would be up for introduction or public hearing.

The City Attorney advised that, rather than reintroducing a new ordinance—which would delay the project by at least six weeks—the Assembly could forward the existing Ordinance No. 2025-01(b)(E) *[Previously introduced on July 28, 2025]* with a concurrent resolution to correct the title from $3,500,000 to $3,000,000, and direct Finance to reduce Section 2 to $3,000,000. She confirmed no code provision requires re-introduction for a title change, noting it is a practice of the Assembly rather than a code requirement.
Ms. Hughes-Skandijs withdrew her motion.

**MOTION** by Mr. Bryson to forward Ordinance 2025-01(b)(E) to the full Assembly with instructions to the City Attorney to draft a concurrent resolution *[Resolution 4030]* changing the title to reflect a $3,000,000 transfer. Mayor Weldon and Ms. Hall objected to the motion expressing concern over the total project cost.

**Roll Call Vote:** Yeas: Bryson, Steininger, Adkison, Kelly, Hughes-Skandijs, Smith (6). Nays: Weldon, Hall, Woll (3). **Motion carried. 6-3.**

## J. STAFF REPORTS - *None*

## K. NEXT MEETING DATE - NOVEMBER 3, 2025

## L. SUPPLEMENTAL MATERIALS

1. Goldbelt Aaní PowerPoint Presentation

2. **Ord2025-01(b)(E)(c) as Amended at the Sept 29, 2025 PWFC Meeting**

## M. ADJOURNMENT

*With no further business to come before the Assembly Committee of the Whole, the meeting adjourned at 8:59 p.m.*