

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE**
Meeting Minutes – May 2, 2022

I. CALL TO ORDER

The Assembly Committee of the Whole Meeting, held in persona virtually via Zoom, was called to order by Mayor Weldon at 6:00p.m. Since Deputy Mayor Maria Gladziszewski was participating via Zoom, Mayor Weldon presided during this meeting.

II. LAND ACKNOWLEDGMENT

Mr. Bryson acknowledged that the City and Borough of Juneau is on Tlingit land, and we 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!*

III. ROLL CALL

Assemblymembers Present: Maria Gladziszewski (Zoom), Wade Bryson, Alicia Hughes-Skandijs, Greg Smith, Christine Woll, Michelle Hale, Carole Triem (Zoom), and Mayor Beth Weldon.

Assemblymembers Absent: ‘Wáahlaal Gíidaak

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Finance Director Jeff Rogers, Engineering/Public Works Director Katie Koester, Parks & Recreation Director George Schaaf, Assistant Attorney Sherri Layne

IV. APPROVAL OF AGENDA

The agenda was approved as presented.

V. APPROVAL OF Minutes

Hearing no objection, the minutes of the January 24, 2022 Committee of the Whole meeting were approved as presented.

V. AGENDA TOPICS

A. 1% Sales Tax for Projects

Mr. Watt, in speaking to his memo on packet page 15, provided the timelines as well as possible process questions, with respect to placing the 1% Temporary Sales Tax projects on the October 4, 2022 election ballot.

There were three main questions that Mr. Watt asked the Assembly to answer at this meeting:

- 1) Does the Assembly feel the need to hear from Departments and Enterprise Boards, or is the CIP and legislative priority list sufficient?

- 2) Is the draft list from the March 12 COW meeting sufficient as a working document, or would the Assembly prefer a different starting point?
- 3) Would the Assembly like some type of ranked choice process to help navigate the different individual priorities and likely different preferences for different funding levels?

Assemblymembers discussed these questions and came up with a consensus answering the questions as follows:

- 1) Due to all the work on the legislative priority list, they felt that memos from staff and/or correspondence from boards, committees etc... would be sufficient. Some members expressed a desire to hear from staff from whom they don't normally hear.
- 2) The group agreed that the initial list from March 12 was a good place to begin working from and expected it to expand as they receive input from staff as well as enterprise boards and the public.
- 3) Members agreed with the idea of ranking the finalized list before it goes into an ordinance for introduction by July 11 and adoption by August 1 to be able to appear on the ballot.

Mr. Watt explained that due to the timing of this process, he proposes to provide a staff report at the May 16 Assembly meeting during which he will lay out an update on the timeline to get proposals submitted to the City Manager's Office the week prior to the June 6 COW meeting. He said that at the June 6 COW meeting, the members can then ensure that the proposed list has all the various projects that belongs on the list. He said that will also be the time when everyone understands what those projects entail. The individual Assemblymembers would then submit their ranked list priorities to the Manager's Office, which will compile the results and bring back the aggregate priorities based on those rankings to the June 27 COW meeting.

Assemblymembers expressed a desire that whomever is doing the interim PIO duties send out a notice to the public that this process is underway and for anyone from the public wishing to submit ideas, suggestions, or projects to reach out and let the Assembly and Manager's office know. Mr. Watt said they will ensure that public notice is done.

B. Sales Tax on Food

Mr. Rogers went over items in the packet along with comparisons from other Alaskan communities with respect to sales tax and also how tax exemptions overall relate to one another in the CBJ revenue map. He said that for the calculations he was able to do, if they removed sales tax from food, the average sales tax savings per household over the course of the year would be \$143. He address the points in his memo that talk to impacts that a removal of sales tax on food may have on other taxes as well as if the Assembly wants to consider potential revenue by repealing some of the current tax exemptions on the books. He said that the key question before the Assembly at this meeting is whether they want further discussion on modification to sales tax exemptions, specifically as they relate to the exemption of sales tax on food.

Mr. Rogers then proceeded to answer questions posed by Assemblymembers about sales tax exemptions on sales by non-profits, and also single item and single service tax caps. He said that

the key piece to understand is that they do not have a cap on transactions (one invoice) but rather a cap on a single service, such as painting a house, or a single item.

Assemblymembers then asked Mr. Rogers questions about the information provided in the packet, especially as it related to the table on packet page 62.

Members then discussed their preferences for whether or not to remove the tax cap on sales of a single item or single service as well as sales by non-profits. Mayor Weldon noted that Mr. Palmer had been working on an item related to the exemption of sales by non-profits that was going to be a red folder item but he got called away and couldn't finish that memo in time for the meeting.

Members discussed these topics in detail and it was reiterated that the Assembly will be seeing these topics again before they will need to be put into ordinance form to appear on the ballot. Each of the members expressed their personal opinions at this stage of the process and what they hope to see in terms of legislation being brought back to them for consideration.

Mr. Palmer noted that he will bring some proposed legislation back to the Assembly for additional consideration at a future COW or AFC meeting. The two pieces of legislation that he will be bringing back would be an ordinance removing sales tax on food if voters approve a seasonal 6% sales tax rate and another ordinance that would propose the repeal of sales by non-profit organizations.

MOTION by Mr. Smith to ask staff draft an ordinance removing sales tax on food contingent upon voters agreeing to an increase of to the summer sales tax to 6% and asked for unanimous consent. *Hearing no objections, the motion carried.*

C. Election Code Changes – Ordinance 2022-24vCOW

Ms. McEwen presented information and noted that the memo on packet page 64 gives an executive summary of the changes in the 34 page ordinance. This ordinance is a housekeeping review to clean-up election code language to provide for elections to be conducted By-Mail using the new ballot processing center. It provides language to allow for vote centers in place of polling precinct locations. It also addresses and codifies solutions to some of the issues that have come up while conducting By-Mail elections over the past few years. Some of those issues are related to protecting voters' personal information by limiting the forms of personal information required on nominating and initiative and/or referendum petitions. Ms. McEwen relayed the fact that in 2021, there were a number of initiative petition books issued on which voters' personal information was provided but those petition books were never turned into the city due to an insufficient number of signatures. The proposed language in this ordinance would require that, regardless of the sufficiency of signatures on petition books, that they are turned into the city at the end of the petition filing period in order to preserve the protection of the voters' personal identifying information (Driver's license numbers, Year of Birth, Voter ID#, last 4 digits of Social Security Number) contained in the books.

Ms. McEwen also explained that other code changes requested by the Clerk's office included codification of some of the policies and procedures that have been used in practice but were not included in the election code. Additional proposed code language relates to a new section pertaining to the rules for observers at the new ballot processing center and vote centers since the processes will differ greatly from those that were in place for precinct polling places.

Ms. McEwen then answered questions from Assemblymembers with respect to specific sections of the ordinance as well as new practices as they relate to voting process when conducting elections By-Mail.

Members then discussed their concerns pertaining to the requirement for returning petition books if there were not enough signatures to qualify for a petition to be placed on the ballot. They expressed concerns about what happened with a recent state petition process during which names from petitions had been published on social media in retaliation against the signers of that petition.

Ms. Hale said that they are trying to forward an ordinance for introduction to the Assembly. She asked Mr. Palmer to clarify that if they forward this ordinance for introduction that they could still make amendments to it at the Assembly meeting.

Mr. Palmer responded that this is one of those instances that gets to the core question at which they need to discuss the powers of committees. He said the Assembly COW is the most important committee to address related to the power held by committees. He said that if the motion is simply a recommendation to introduce an ordinance, there is a way to read that motion as allowing the Assembly to make amendments to the ordinance different than what was discussed at the COW meeting. If the motion was to introduce, and not a recommendation, that would be different. He said that the distinguishing factor between the two is whether it is a recommendation to do something or a decision to do something. Mayor Weldon noted that it looks like they will be making 'recommendations' during COW meetings from here going forward.

Ms. Hughes-Skandijs asked if this was similar to the parking ordinance that recently went through the Assembly/COW process. Mr. Palmer then explained that ordinance had a unique set of circumstances and Assembly/COW flow that was not quite similar to what this elections ordinance is going through so the election ordinance would not be handled in the same way as that parking ordinance since the COW/Assembly paths are different. He said that if the COW makes a recommendation to forward the elections ordinance to the Assembly for introduction, there would be nothing preventing the members from making amendments to the ordinance (not previously made during the COW meeting) during the public hearing/adoption process at an Assembly meeting.

Additional discussions took place with members and Mr. Palmer as it relates to how much power the Assembly Committee of the Whole and generally how much power other committees have. He said this is something he and the Clerk have struggled with in the past. The key difficulty is

in trying to determine if a committee has the power to hold something within the committee after it was introduced and referred to the committee by the Assembly. He said that they have determined that if there is a topic that is brought up in the committee and it is held within that committee prior to a piece of legislation being introduced, there is no problem with that. It is the special scenario where an ordinance is introduced at an Assembly meeting, it is then referred to a committee and the Assembly has set it for public hearing, does the committee have the power to hold it or does it have to go back to the Assembly for public hearing? He said that is the struggle we occasionally have and was the scenario with what happened to the parking ordinance at the last Assembly meeting. He said that question is how much power the COW has to make changes during that time between introduction and public hearing/adoption.

The Mayor asked for clarification that when they move stuff from the COW to the Assembly that changes can still be made at the Assembly. Mr. Palmer said that isn't a problem when it is referred to the Assembly prior to introduction. He said they start getting into the problems when it is between introduction and public hearing.

Deputy Mayor Gladziszewski asked that it be made crystal clear in our rules of procedure that they can make changes at the Assembly.

Ms. Gladziszewski said that she is concerned about the petitions having to be submitted back to the clerk. She said that petitioner committees make copies of the signature pages when they are doing their process. She expressed her concern that the reason they may not chose to send it to the city was for the retaliatory reasons that had been encountered in the Recall Dunleavy petition. She said that she understands the City Clerk's concerns about the personal information but she said that she doesn't think sending it back to the city prevents anything other than people being able to see those booklets by filing a public records request.

Ms. Triem asked for clarification on the discussion and said that she didn't want to miss any important portions of the discussion. Mayor Weldon provided a recap of the previous discussion. Ms. Triem said that while she appreciates Ms. Hale for catching the concern and thinks it is a valid one, with respect to confidentiality and privacy of voter information, she would prefer to err on the side of getting the booklets back.

MOTION by Ms. Hale to recommend that the COW forward Ordinance 2022-24COW for introduction at the May 16 Assembly meeting and asked for unanimous consent.

Mr. Smith thanked the Clerk for her work to execute secure, accessible, and transparent elections. He said that he discussed this ordinance with the Clerk more than any other topic and he appreciated all the work of the Clerk on this. Mayor Weldon agreed and thanked the Clerk for ensuring that CBJ elections are conducted fair, equitable, and she pointed out the following key dates as they relate to the upcoming municipal election.

- The filing period for Municipal and School Board Candidates will be open July 15-25,
- September 4 is the last day to register to vote in the October 4 election,
- September 13 ballots will be mailed out to all eligible Juneau voters.

Hearing no objection, the motion passed by unanimous consent.

The meeting recessed at 7:10 and returned to session at 7:20p.m.

D. Street Vendor Map

Mr. Barr explained that this ordinance is largely housekeeping. It was discussed as a companion ordinance to the parking ordinance that the Assembly took action on last Monday. This ordinance updates and replaces the PD1 and PD2 with Vendor Area 1 and Vendor Area 2. The maps themselves (other than labeling) have not had any changes so it does not have any impacts to currently existing vendors.

MOTION by Ms. Woll that the COW recommend Ordinance 2020-11(b) be moved to the full Assembly for introduction. *Hearing no objection, the motion passed by unanimous consent.*

E. JPD/CCFR Armored Vehicle

Deputy Chief David Campbell, Lt. Krag Campbell, and CCFR Assistant Chief Travis Mead thanked the Assembly for the opportunity to present this information. They provided a slide-show and answered questions of the COW members.

Deputy Chief Campbell explained that the piece of equipment they are proposing to purchase is a Lenco BearCat G3 which is a purpose-built armored vehicle designed to transport EMS, Fire, and Police personnel during high risk situations. He explained that the BearCat G3 is a modified Ford F550 truck and that it does not have any offensive weapons and it to be used for the safe transport of first responders and citizens. Lt. Krag Campbell explained that the vehicle can transport up to 12 people at a time and it can be used to evacuate people from locations that would be too dangerous for fire trucks or ambulances. CCFR Assistant Chief Mead said that one of the features of the vehicle is that it is 4 wheel drive which will be able to get through hazard areas that other vehicles, including some of the ambulances, could not access. He spoke to some of the landslides that have happened in Juneau as well as other Southeast communities and how this type of vehicle may be used in those situations.

Ms. Triem asked Mr. Barr if the grant for this equipment is part of the 1033 Federal program that provides military vehicles to other jurisdictions or if this is a totally separate program. Mr. Barr said that this grant comes from the State Homeland Security program and that he does not believe it is part of the federal program that Ms. Triem was referring to for the relocation of military equipment.

Ms. Woll asked Mr. Mead if there were other vehicles available that could operate in natural disaster environments similar to this that isn't this particular piece of equipment. Assistant Chief Mead said yes, that there are four wheel drive ambulances that could be specially built to do similar things. He said that for him, this is more of a multi-use type vehicle. He said that the key piece is that it is armored and if they have to drive through a hot zone or hostile area to do their work, he wants to have the toughest vehicle they can have to have their people go in there to do

their work. He said that they have ATVs that they use for a lot of trail rescues but in the event of a landslide, he would prefer this type of vehicle over an ATV in the event of a secondary slide as it would provide more protection.

Mr. Bryson thanked them for the presentation and asked who would be trained to drive this vehicle and what the annual upkeep costs would be. Deputy Chief Campbell said that since it is a modified Ford vehicle, their JPD Ford certified mechanics would be the ones to service and do upkeep on the vehicle. He said that staff from JPD and CCFR would both be trained on using the equipment. He said that the State Troopers also use this same type of equipment in AK. Ms. Triem asked if the Troopers had any located here in Juneau and Deputy Chief Campbell said they do not have any located in Juneau or Southeast.

Ms. Hughes-Skandijs asked what specific incidents might they have used this piece of equipment if they had it during the past 5 years.

Deputy Chief Campbell recounted a number of incidents including a landslide on Wire Street. He also recalled a dramatic incident from 2012 off the Back Loop Road where they had a multi-hour stand-off with an active shooter that was shooting up a neighborhood. The police said that there was a situation about a year and half ago where someone was committing felonious acts across the borough and was on a crime spree and they determined it was a very high risk situation. They had a 30-45 minute negotiation period during which Lt. Campbell was actively negotiating with the individual but it was considered a high risk situation and one that this piece of equipment may have been deployed for the safety of the officers and the community.

He explained that JPD/CCFR are drafting up protocols and policies under which this asset would be used. He said that he anticipates that while they would hope they never need to use it, it would likely be called up for use 3-4 times a year.

Assemblymembers asked additional questions about particular incidents and what protections are currently in place for citizens and JPD without the use of this vehicle. They also asked about policies and protocols used by JPD and CCFR.

Deputy Chief said that it takes time to have tactical officers respond and the vast majority of incidents would resolve itself before this type of vehicle would be brought in. He said that JPD receives approximately 50,000 calls a year, process 5,000 cases and 1,800 arrests per year. He said they would use the vehicle infrequently and so far they have gotten lucky in the past but they shouldn't count on luck; they should equip the right tools for the job. He spoke to the training JPD and CCFR receives and they determine the threats on a case-by-case basis and will continue to do so.

Assist. Chief Mead said from a CCFR perspective, they were issued bullet proof vests 6 years ago and they have them on the ambulance crews and they have received the appropriate training. He said that even with that training, he doesn't feel good about sending his people into warm zones and this vehicle would create opportunities for them to perform successfully.

Ms. Gladziszewski expressed her concerns about the militarization of the police and talked about their mention of creating policies to use this vehicle in specific situations. Deputy Chief Campbell said that they are trying to use the right tool for the right job. He said that he understands concerns about militarization of the police and until heard someone referring to this last week as a “tank” he had only been thinking of this in terms of a rescue vehicle. He said that JPD and Juneau citizens have a very good relationship and he is thrilled to be here to provide clarification and more information to the Assembly and public to make sure the community is aware of what this really is going to be used for. He said on a larger scale, when it comes to looking at fear and perception vs. safety, he will take safety every time.

Ms. Gladziszewski thanked Deputy Chief Campbell for his explanations. She said that since Juneau is all by itself, you can’t just call a neighboring department to borrow one if needed. She asked if Anchorage or Fairbanks also have these or if Chief Mercer and JPD are just being proactive in obtaining one. Deputy Chief Campbell deferred to Lt. Krag Campbell who is the tactical and subject matter expert for the department on this. Lt. Campbell explained that Anchorage does have a Lenco BearCat. He said that the Alaska State Troopers have three of them. He said that Fairbanks has an MRAP which is a refurbished military vehicle through the 1033 program.

Assemblymember Smith spoke to concerns he had about militarization of police and de-escalation. He asked if there were any other mitigation measures that could be taken. Lt. Campbell spoke to what people mean when they refer to militarization of the police looks like. People are concerned with the potential that it would be used for offensive purposes and he noted that it is not going to be for offensive measures.

Additional discussion took place with some discussion took place about it being painted red so that it fits in more with the CCFR fleet. Whenever talking about militarization of the police, it is often due to fear of the unknown. Deputy Chief Campbell talked about opportunities within the community to provide education and community outreach opportunities to try to alleviate some of the concerns/fears out there.

Assistant Chief Mead spoke of the language CCFR often uses with respect to hot or warm zones, as those tend to be the language they use to gauge the specific situations. He also discussed the various resources they have with which to respond to emergencies.

Additional discussion took place during which JPD/CCFR staff responded to the policies and protocols in place when they are responding to various situations.

Mayor Weldon asked if they should treat this as an informational item or if the committee wanted/needed to take action on this item? Members expressed their wishes and/or concerns. The final consensus was that it was very helpful to have the officers come and provide this

information to the Assembly. Assemblymembers would like to receive additional updates periodically and with respect to this vehicle and other policies and protocols.

Mayor Weldon noted that the message she is hearing from the Assembly loud and clear is that this vehicle is for the safety of officers, first responders, citizens and to ask that the color be painted red.

VII. ADJOURNMENT

There being no further business to come before the Assembly, the Committee of the Whole meeting was adjourned at 8:34p.m.