

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE (COW)**
DRAFT Meeting Minutes – February 14, 2022

I. CALL TO ORDER

The Assembly Committee of the Whole Meeting, held in the Assembly Chambers and broadcasted virtually via Zoom, was called to order by Deputy Mayor Gladziszewski at 6:00p.m. However, due to technical difficulties, the meeting was recessed and resumed at 6:20p.m.

II. ROLL CALL

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

Assemblymembers Absent: ‘Wáahlaal Giidaak

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Community Development Director Jill Maclean, Parks & Recreation Director George Schaaf, Chief Housing Officer Scott Ciambor, Assistant City Attorney Sherri Layne

III. APPROVAL OF AGENDA

The agenda was approved as presented.

IV. APPROVAL OF MINUTES

A. December 20, 2021 Assembly Committee of the Whole DRAFT Minutes

Hearing no objections, the minutes of the December 20, 2021 meeting were approved by unanimous consent.

V. AGENDA TOPICS

A. Hazard Mapping Update/The Glory Hall “TGH” Grant

Hazard Mapping Update

Links were provided to the November 29, 2021 Lands Housing & Economic Development Committee packet and the December 20, 2021 Assembly Committee of the Whole packet for backup materials.

Manager Watt provided a memo in the packet along with some additional resource materials that were provided as supplemental materials in the red folder. Mr. Watt’s memo makes recommendations related to risks and time periods. Mr. Watt noted that avalanches and landslides have significant differences and while they have had a lot more data and the ability to track avalanche information over time, they have less data on landslides in the area. He notes that

in his memo, when he is making recommendations related to the 50 year timeline, it is primarily talking about landslides in that timeline rather than avalanches. He said from a policy standpoint, it is easier to work on avalanche policies than it is to work on landslide policies. He went through a series of maps that were provided comparing the avalanche and landslide color coded maps.

In speaking to the landslide type of events, Manager Watt said that the severe events could be broken into two distinctively different types of hazardous events: the high frequency/relatively low hazard event or a “gully washer event”; and the low frequency/catastrophic events which would be “what happens if the whole mountain collapses” type of event. He then proceeded to go into detail with the various maps as to when/how these types of events would play out in different possible scenarios.

He said that we want to update the hazard maps as they have been hard to work with for not only staff but also the property owners. He said it is worth updating them and we want to do two things as a results of the two studies. We want to inform the public about risk and we also want to make land use policy decisions about restricting development and/or requiring higher degrees of engineering to protect against those kinds of events. Mr. Watt said it is a complicated topic and what most of us want to know is how do we responsibly determine how best to live and develop downtown. This is where we are and not to be cavalier about hazards, everyone worldwide lives with some types of hazards. He said there are hazards not just in the downtown area but there are slopes in other parts of the community such as Douglas, Lemon Creek, Heizelman’s Ridge as well.

Mr. Watt said he is hoping the Assembly will accept his recommendation (as found on the bottom of his memo, packet page 18) which is that we address the risks that are predicted to occur within an understandable timeline, 50-years or so, as opposed to geological timelines. He compared that to the types of timelines referenced in the Canadian geological survey paper that referenced “possible” which is something predicted to occur between 100-1000 years. He said that his premise is that if something is possible in the 100-1000 year timeline, it is pretty fuzzy and likely probably beyond level of what they may want to limit activity. He said if the Assembly was in agreement with his recommendation, the next steps would be to funnel this to the Community Development Department and the Planning Commission. He noted that the last time the Assembly looked at this, it accepted the Planning Commission’s recommendation which was not to adopt the maps at that time but rather to develop code changes in concert with the maps. Mr. Watt said that his recommendation is to develop code in concert with the maps along with the philosophical sidebar related to the timing as listed above.

Mr. Watt then answered questions from Assemblymembers related to how the maps inform the code development process, the timelines as they relate to climate change, avalanche forecasting vs. zones, updates from what Sitka decided to do, and any industry impacts for insurance or financing that this may bring about. He also addressed the Mayor’s questions about the “ALARP” (As Low As Reasonably Practical) designation mentioned in the Canada geological survey as well as Ms. Hales questions about the “Cold Storage Slide” in downtown.

He spoke to the differences between gully washer events vs. those that would be bedrock failure types of events that could potentially wipe out the areas in the “moderate” zone in downtown Juneau. He also spoke to the differences between the avalanche maps vs. the landslide hazard mapping and from a practical matter, the new avalanche mapping doesn’t change much from our historical avalanche maps. He said that that the impact pressures makes sense and the severe avalanche areas, they already have a good policy in place of not adding dwelling units in those severe zones. He said they are going to balance that are already living in those severe zones and they have chosen the risk to live in those areas. He said that is the razor’s edge they are walking from a policy standpoint, not more development but allow those who already there to live peaceably. He said in looking at historical records, there were a number of avalanches that did reach tidewater or Glacier Highway in the 1960ish timeframe.

Mr. Watt said that with respect to Sitka, they have a different type of geology they are dealing with which includes slopes with an under layer of volcanic dust. He spoke to the Haines area and while he hasn’t been there in person since their landslide, he has looked at a lot of aerial photography and Google Earth. He said the thing that worries him is that that Juneau, much like Haines, has a lot of slopes that are less steep, less shallow to bedrock, forested, no obvious signs that a particular location would be an area of concern. He said that Emergency Programs Manager Tom Mattice advised him that there is a workgroup in Sitka that is trying to contemplate some early warning monitoring systems. He said they are going to participate with that workgroup in the hopes of seeing where that might lead on the informational side as opposed to the restricted development side.

Mr. Watt said that with respect to insurance or financing, he isn’t entirely sure the impacts but thinks that while the hazard maps do affect insurance and bank loans, he doesn’t feel they are prohibitive. They do make it harder. He said that people are buying and selling homes downtown and people are buying flood insurance. He explained that CDD had recommended to the Planning Commission not to regulate in the moderate (yellow area of downtown) zone of the maps. He said they had some push back from the public that they didn’t want to be on a map, even if it wasn’t regulating them, because they don’t know what banks, underwriters and insurance companies might do in the future; while it may not currently be an issue, it is a legitimate concern. He noted that they made several changes to CBJ code recently, such as non-conforming certificates, to help people with changes that banks and underwriters have made. He said they do need to be mindful of that and it is another part of the balancing act between making responsible choices and not have a chilling effect on lending.

Manager Watt also provided some historical context with respect to two major landslides in downtown Juneau, one was in 1921 and one in 1935. The one in 1935 is referred to as the Cold Storage slide because there was mud on S. Franklin Street that in looking at historical photographs, was approximately 10 feet deep. He said there were fatalities associated with that 1935 slide and those should be cautionary notes to us. He said that we, as a city, did two things in the years leading up to those slides which are two things you just don’t do on steep slopes: 1) cut down all the trees for lumber and firewood that overtime the root wads no longer were stable against the mountainside and 2) the mine built a railroad along the side of the hill laterally which

necessarily changed drainage and in order to make a good railroad bed, they dumped a lot of rock over the side of the hill which added a lot of weight to the side of the mountain. He stressed that those two things are absolutely two things one should not do in a hazard area. He said in light of those factors, we need to be mindful that we have had those events especially in light of the fatalities but that it is reasonable to attribute some of the cause of those slides on the human activities that lead up to it.

When asked about policy or regulation changes or mitigation measures, if any, that might be available for buildings already within the hazard zones, he said the Assembly may want to look at policies they may want to consider with respect to pivoting current uses in certain areas for future permitting. He said that on existing buildings, this is something they will be encountering a lot. With respect to the upstairs downtown concept, can they figure out how existing buildings can be renovated to restore old apartments and that is a different burden than a new development. Comparing those to new development that is engineered to any new standards, those historic building renovations will likely be a lot harder. He noted that when they look at the mapping, he anticipates that there will likely be some public push back on where the red lines occur in the mapping vs. the location of current buildings in anticipation that some of the current buildings would in fact block some of the potential hazardous from taking place.

Additional discussion then took place between the Assemblymembers, Mr. Watt and Mr. Palmer related to the maps that are currently in effect vs. new proposed maps, the classification differences and how they differ based on avalanche or landslide hazards. Mr. Palmer, in answering questions related to liability factors provided case history and said that the liability factors are very case specific. He provided details about the Oso, Washington landslide and the county vs. the city and the “risk doctrine” involved and compared that to the incident and risk/liability factors involved with Sitka. He said that the balancing act that we walk is trying to describe activities where we have discretion and as long as we apply that discretion reasonably, we have the best defenses that we can to say we are not liable and you cannot sue us. He said that if we assume the risk, similar to what was done in Oso that might change the fact pattern somewhat. He has not seen that happen in Alaska yet but obviously, it is not far from us. In answering additional questions about regulatory actions if they were to implement something requiring disclosures to potential homebuyers or renters about the hazard zones, he said that state statutes currently provides CBJ immunity in terms of regulatory permitting actions. He noted that if that disclosure were required under Title 49, there would be a good connection to say that we would have immunity and would not be liable but if it were required outside of Title 49 that would most likely be different.

MOTION by Mayor Weldon to direct the Manager to work with the Planning Commission to develop code recommendations that address landslide and avalanche risks that are predicted to occur in an understandable time, no more frequent than every 50 years*, and to develop implementation strategies about communicating hazard risks for non-related scenarios.

Ms. Triem asked if they could change the timing from “every 50 years” to read “every 100 years.”

The committee took a brief recess.

AMENDMENT upon return from the recess Mayor Weldon amended her motion to substitute *100 in place of the 50 years timeframe.

Hearing no objection, the motion, as amended, was adopted.

The Glory Hall Grant

Mr. Watt explained that this item was left over from the December 20 COW meeting and the memo in the packet offers four options for the Assembly to consider when making its decisions and they could select one or more of the options.

Mr. Bryson informed the Assembly that he is now the newest member of the Glory Hall Board of Directors and said he did not discuss this possible conflict of interest with Mr. Palmer prior to the meeting.

Mr. Palmer asked for a brief at ease. Chair Gladziszewski called for a 5 minute break.

Chair Gladziszewski asked Mr. Palmer to speak to the conflict of interest issue. Mr. Palmer explained that the Attorney's role is to advise on conflicts of interest and it is the Chair that makes the ruling which may be challenged by the body if they choose. Mr. Palmer said that Mr. Bryson does not have a conflict of interest, by code, since Mr. Bryson does not get any compensation for her service on the board and our code specifically exempts non-profits giving rise to personal conflicts of interest. What he has advised Mr. Bryson, and others who are in similar situations, is to declare the potential conflict of interest to the body every time and if there is any specific to the topic or issue at any particular meeting, the body can make a ruling of such at that time. Chair Gladziszewski thanked Mr. Palmer and noted that she as the Chair rules that Mr. Bryson may participate in this agenda topic but that should anyone on the body wish to challenge that ruling they may do so. Hearing none, Mr. Bryson continued to participate in the meeting.

Ms. Hale said that this topic came before the Lands, Housing and Economic Development and they ran out of time to really discuss it. She said that she'd like to propose a fifth option for COW consideration. She said that there was concern at the LHED that the scoring committee was actually ruling on something that was not in their area of expertise. They actually rated the Glory Hall as their top choice and then they got information about these new hazard maps and that the Glory Hall might be in that hazard area. She said they have then taken it out of consideration. Those hazard maps have not yet been adopted and she asked if the Manager could let them know if a fifth option would be possible and that would be for the scoring committee to meet again and look at the Glory Hall again, given the new information that the Assembly has been given, and see if they recommend to the Assembly that they appropriate the \$300,000. Chair Gladziszewski asked Ms. Hale if that is to be taken as a motion. Ms. Hale said yes, that is her motion.

Chair Gladziszewski asked the Manager to clarify the monetary aspects related to the Affordable Housing Fund Grants. Mr. Watt clarified that there was an appropriating amount of money. He said that the scoring committee did not recommend the Glory Hall project because the Planning Director determined that the building permit could not be issued under today's code. He also noted that the applicant has since appealed the director's decision so that is currently going through the appeal process, what that process looks like as well as what any process might look like if the Assembly wanted to pursue any code changes and/or adoptions of hazard maps. Mr. Watt explained that this project is likely to take some time whichever route it has to take.

Ms. Hale noted that even through the LHED Committee ran out of time to consider the matter in depth, the committee did vote to forward a motion to move an appropriation of \$300,000 the Assembly or the COW for consideration. She said that she is happy they are discussing this matter at this time. She said she is worried that the scoring committee was doing something that it was not established for and that was to try to understand whether a permit would be approved and understanding hazard maps and she doesn't feel that was the right place for that to happen. Ms. Gladziszewski asked Ms. Hale to restate her motion.

MOTION by Ms. Hale that the Affordable Housing Scoring Committee look at the Glory Hall funding request again, given the new information, for example that an engineer can make a recommendation and demonstrate why a project could happen, and if the scoring committees recommends the Glory Hall project, that it come back to the Assembly for funding consideration.

Objection by Ms. Hughes-Skandijs.

Ms. Hughes-Skandijs asked re: process, with an active appeal before the Planning Commission, hypothetically if the PC says that the director has interpreted the code correctly, she is concerned that they may get caught up in a Bermuda Triangle with respect to code and appeal process. She said that she didn't think the scoring committee did anything wrong, in fact they ranked it as their highest selection, however, when they ran into director's decision, that then put it out of their power so they then said let's give that money to someone else. She said that she stands with Ms. Hale's sentiment but she doesn't think this motion will keep them out of the red tape zone since this matter is already headed into a different realm with the appeal process.

Mr. Bryson expressed his concern if the Assembly says no here. He said they have asked and begged the development community to build housing in Juneau. If they say no to this, how could they expect any developer to want to purchase the building and develop that building or any other in the downtown area? He said this is the lowest hanging fruit to develop housing downtown. He spoke in support of the motion.

Mr. Smith said that he sees it differently because the code is the code and the process is the process and it is currently going through the appeal process right now. He said that he would be in favor of going with option 4 as he doesn't see what sending it back to the scoring committee would do.

Mayor Weldon said that she agreed with Mr. Smith that number 4 seems the correct path forward and Ms. Hale's motion seems like an extra step that is not needed.

Ms. Triem said that she watched the LHED Committee meeting and that the Glory Hall attended that meeting and did an in person "appeal" to the committee. She said that she didn't think that was quite fair as none of the other entities who were denied had that same opportunity. She spoke in favor of Ms. Hale's motion so that it kept things fair and within a specific process for all the applicants.

Ms. Hale said that what she is trying to do is to preserve the process. Her concern is that the scoring committee is not the place for the CDD Director to make a determination that a permit could not be issued but that was what happened. She said that during that scoring committee meeting, the CDD Director let the committee know that in her reading of the code, a permit could not be issued. Ms. Hale said that her motion is an attempt to preserve the process since she felt that determination was not one that should have been made by that committee.

Ms. Woll said that she understands where Ms. Hale is coming from but also agreed with Mr. Smith that if she was on the scoring committee, she would feel they have all the same information they previously had and it feels like an unnecessary step.

Mayor Weldon removed her objection after hearing Ms. Hale's explanation.

Ms. Hughes-Skandijs said that the scoring committee is made up of one banker, one developer plus CDD staff and it makes sense to her for the CDD Director to provide her input. She said she would maintain her objection to the motion.

Mr. Watt noted that the reason there was CDD Director's decision is that the Glory Hall was trying to get the project queued up and did a pre-application meeting at which point the Department told the Glory Hall that they could not approve the permit. He said it was not part of the grant process but rather the pre-application process at which they were informed that the project could not be permitted.

Chair Gladziszewski, commenting on the motion, said that the scoring committee met and rated it high and this all got swirled up into a process conundrum. She asked for a roll call vote on the motion.

MOTION by Ms. Hale for Option #5 to refer the matter back to the scoring committee:

Yeas: Hale, Bryson, Triem, Weldon

Nays: Hughes-Skandijs, Smith, Woll, Gladziszewski

Motion failed 4:4

MOTION by Mr. Smith to recommend the Assembly adopt Option #4 which states:

"4. Provide requested funding, to be disbursed on the condition that the project obtains

necessary permits and approvals.” and asked for unanimous consent. Hearing no objection, the motion passed.

The committee took a 10 minute break.

B. Dock Electrification Update

Mr. Watt said that the packet contained two memos, one from Port Engineering Erich Schaal and the other from Tourism Manager Alexandra Pierce. He said in looking at the big picture: They had applied for the RAISE grant but it was unsuccessful. They received a lot of feedback from the public who wanted to participate in making our application better. He said there is a new funding opportunity with another RAISE grant that just opened approximately 1 week ago. As such, there are several things he wanted to update the Assembly on. He said that he spoke with their federal lobbyist Ms. Katie Kachel and asked if Mr. Shermann from her office, who specialized in federal grants, could look over the grant application to make suggestions. Ms. Kachel has agreed to ask Mr. Shermann to assist with that. Mr. Watt said that he has had some communication with the JCOS Chair and he would like to see a way for those community advocates be able to participate more fully in the process. He said that in this case, it was 90 days and is less than 90 days right now. He said a number of people, including staff and many others participated in the USDOT debrief and lots of people took notes on what we could do better this next time. Mr. Watt said that as Ms. Pierce mentioned in her memo, they should also be realistic about their chances with respect to the RAISE grant. He said that in the debrief with Ms. Kachel, they need to do a better job answering the question “What transportation problem are they trying to solve with this solution?” He said that might be hard for the RAISE grant application.

Mr. Watt said that fortunately, there is another grant program for which the “Notice of Funding Opportunity” or “NoFO” was issued earlier that day for the “Port Infrastructure Development Program” or PIDP and CBJ got an assist from Senator Sullivan on this. He said that the PIDP is a program that funds ports across the country and the PIDP is looking to fund, among other things, to electrify ports. He said they would be doing two grant applications. He said that he will shepherd the grant process and spoke to the working relationships between the Docks & Harbors team and the CBJ Engineering/PW team and himself and hopes they can be successful. He said that in addition to those avenues, the Manager’s recommendations for Marine Passenger Fees are currently out for public comment and it includes approximately \$2.6 million for dock electrification project. He said it will go to the Assembly Finance Committee after that. He asked the Assembly to correct him if he is wrong but that his impression is that dock electrification is a priority for the community and we are not on a timeline where we are waiting to be successful for a grant. He said they will apply for grants and hope to be successful for the grants but they are also moving forward simultaneously with the project and finding funding sources where they can for it.

He said there is a readily available funding source through local and state passenger fee funds should they chose to use them in that manner. He said they will continue to pursue the grant funding opportunities and will keep the Assembly updated on all aspects of this project. He also noted that they will also need to address the procurement methods at a future date as the project

moves forward as this may be a project that might not fit the usual procurement “low bid” scenario given the unique attributes and specialties involved with the project. Mr. Watt noted that Docks & Harbors Chair and staff were present and could answer any questions the Assembly may have.

Mayor Weldon thanked staff for their memos and agreed that Mr. Watt should be the one shepherding the grant applications. She was happy to hear about Senator Sullivan’s involvement in assisting with the PIDP grant and said that she thought the additional updates could be given at PWFC meetings chaired by Mr. Bryson. She agreed with spending the Marine Passenger Fees (MPFs) on this project and reminded the public that they can comment on the City Manager’s proposed list for spending MPFs. Mayor Weldon said that since D&H Board and staff were so well represented at this meeting, she would ask that they bring back a financial proposal to the Assembly Finance Committee for this project.

Ms. Hale said that in reading the memo in the packet on page 51 from Mr. Schaal, specifically the Conclusion which states:

Conclusion:

The study team is continuing to review, catalog and categorize the comments into a matrix to identify those comments which can be addressed within the study through corrections or additions, as well as larger policy questions that reside with the Assembly. As directed from the November 1st Committee of the Whole meeting, comment matrix and recorded edits to the study will be available as part of the study in the appendices.

Ms. Hale said that she is concerned that the study didn’t do what the Assembly asked it to do and she would like to see a draft of the study again with it called out very clearly what the Assembly’s request was before it is finalized so they can ensure it is producing what they asked for.

Ms. Hughes-Skandijs said that she was not able to attend the debrief from USDOT and heard that there was a lot of good information about ways they might improve it in the future. She asked for clarification as she heard that the city may have submitted multiple applications for the RAISE grant. Mr. Watt shook his head no, they did not have multiple applications submitted.

Mr. Uchtyl stated that they did submit three RAISE grants in FY21. One was a grant for the design of the Fisherman’s Terminal, one was for the small cruise ship infrastructure. He said that is the most anyone could apply for. During the debrief, someone had asked if submitting multiple applications may jeopardize the award of any one grant in particular and they were told no, that multiple applications do not cause any detrimental effect on any of the applications submitted. Ms. Gladziszewski asked Mr. Uchtyl to clarify if CBJ was awarded any of those grants and Mr. Uchtyl said we were not.

Ms. Triem shared her impressions of the debrief process and that Mr. Hill was very helpful and her main take away was that the RAISE grant did not seem the best fit for Dock electrification but she was also encouraged to hear that the PIDP grant may be another option and possibly a better fit.

Ms. Gladziszewski asked Mr. Uchytel if they intend to submit the other RAISE applications again in this grant cycle. Mr. Uchytel responded that Mr. Hill encouraged them to look at the NoFO exactly and to really tailor the application to the NoFO. He said they are always applying for a variety of grants and that the RAISE grant had over 800 applications with only 90 awarded. He went on to share some of the pointers from Mr. Howard Hill that had been shared during the debrief. He shared that there were over 270 applications rated above Juneau, not because Juneau had a less desirable project but because the RAISE grants were prioritizing safety projects over other types of projects that weren't being done for safety reasons.

Ms. Woll said that she appreciated the policy questions at the end of Mr. Schaal's memo and while she doesn't feel that they need to get in depth with them at this time, these will need some in depth discussions in the future. She wanted to be sure that is reflected in the final report and also in the grant applications. Those are some of the topics she wants to cover in the near future and to emphasize that they will be working on ways to cut down on greenhouse gases into the future.

Ms. Triem said that she agrees that the City Manager and the Docks & Harbors need to be steering the process but she also wants to be sure that JCOS has an active role in the process.

Staff then answered a number of questions from Assemblymembers about the study, the grant process, and all emphasized their desire for staff to be sure to include the public comments and JCOS involvement in the process going forward.

MOTION by Ms. Hale for the draft study to be brought back to the Assembly, once all the public comments have been categorized and included, along with the details of what the Assembly originally requested prior to the study being finalized.

Mr. Bryson said he would be willing to offer the Public Works and Facilities Committee as the location for the review of the study. Ms. Hale said she would be willing to amend her motion to have the requested information sent to the PWFC for review and consideration.

Hearing no objection, the motion passed as amended.

C. Eaglecrest Gondola Proposal
Ordinance 2021-08(b)(am)(Z) An Ordinance Appropriating up to \$2,000,000 to the Manager for the Purchase of a Used Gondola for Eaglecrest Ski Area; Funding Provided by General Funds.

This ordinance was introduced at the February 7, 2022 Assembly meeting and referred to the Assembly Committee of the Whole (COW) with the requirement that it remain in the COW until they hear from the Eaglecrest Board and Eaglecrest Summer Task Force. There is placeholder on the February 28 Assembly agenda in case it is referred back to the Assembly for public hearing and Assembly action on February 28.

Manager Watt reported that the Assembly referred this ordinance back to the COW and noted that Eaglecrest Summer Operations Task Force (ESOTF) Chair Greg Smith held a meeting the previous Friday at which this was discussed. He said that the task force made a motion to forward the appropriation ordinance to the Assembly. He said that same evening, the Eaglecrest Board also met and sent the Assembly a supporting resolution that is in the COW red folder in support of the purchase of the gondola.

Chair Gladziszewski asked to bring Eaglecrest Chair Mike Satre and Eaglecrest Manager Dave Scanlan over into the Zoom panelists. She asked Mr. Satre to share the news from the board meeting with the COW.

Mr. Satre thanked the Assembly for inviting them to speak on this tonight and appreciated the consideration by the Assembly on this item. He said that rather than just recapping last Friday's board meeting, at their regular board meeting on February 3, he specifically did not put a resolution on that agenda to be voted upon as he wanted to set it up as a long discussion item for the members to discuss it at length. He said they took public comment before and after the discussion and in general the board has been working for the past few years to try to get to a revenue neutral position as a bare minimum. In order to do that, they had a summary of all the views, questions, comments, concerns that the board has had. They then took those to the Eaglecrest Summer Operations Task Force meeting last Friday followed up by final discussion and action on a resolution in support at the Special Eaglecrest Board meeting on Friday night. He said that the Eaglecrest Board supports the \$2 million ordinance for the purchase of the used gondola. He said that there are number of other needs after that initial \$2 million which will only get the gondola to the parking lot. He noted that Dave Scanlan has many different options they are looking at going forward that will not only utilize it to optimize their winter clientele but also provide a platform as the board and the Assembly find appropriate to pick from the menu of items possible for summer operations moving forward once the gondola is purchase. He said that everything starts with picking the conveyance.

Chair Gladziszewski thanked Mr. Satre for his synopsis. She said to be clear that the Assembly had asked for the Eaglecrest Board and the ESOTF to review this and she noted that the ESOTF did not provide any recommendations in support of the ordinance but rather they did forward the ordinance back to the Assembly COW. Mr. Smith said that was correct that they did not have a motion of support but rather they did pass a motion to forward the matter to the COW for action.

Chair Gladziszewski invited Mr. Scanlan to give his presentation. Mr. Scanlan provided a recap of why they are having this conversation. They have been working on ways to try to make themselves revenue neutral and also be able to fund the repair and replacements of their aging infrastructure while having a vital, sustainable ski area moving forward. He noted there are some large capital dollars that will need to be invested over the next 10 years and they will also need to invest in their increased wages to be able to recruit and retain staff. He went over their goals for the future to guard against the impacts of climate change while also being able to engage more non-skiing and snowboarding activities for residents and visitors alike.

Mr. Scanlan then spoke to the current market conditions related to ski areas around the world and the availability for used gondolas for the length and locations that would fit the Eaglecrest terrain. He said that in light of the market conditions, they can forecast out 2-3 years in advance what areas may have used gondolas available for sale and at this time they do not see any gondolas available that would fit Juneau's needs within the next 3 years. He spoke about the proposed Pulse Gondola purchase and how that would fit in with Juneau's needs, what the per-hour capacity would be and that this lift in its current configuration could fit in a number of different locations on the mountain. He said this would provide for redundancy on the mountain in the event the Ptarmigan chair lift were not operational.

Mr. Scanlan said that looking at the process moving forward if they secure the purchase of this lift, they would continue to look at all the financials and try to possibly build a financial package together that may include some of the 1% Sales Tax funds and/or a central treasury loan. He then provided a spreadsheet with the stripped down basic gondola only capital costs which includes a purchase price of \$2 million with the project totaling \$7.3 million. He then showed a spreadsheet with potential revenue forecasts baseline financial model and answered questions from Assemblymembers regarding those models.

Ms. Triem said this looks like something that is primarily being pursued for summer operations as opposed to winter operations and asked what outreach the Eaglecrest Board has done about this topic and summer operations to the North Douglas community specifically and the public in general to get their input on these plans.

Mr. Satre explained that they have included the topic of summer operations at wide variety of Eaglecrest Board meetings, their retreats, as well as Mr. Scanlan and board members addressing community groups and doing media spotlights on it over the course of the past few years even prior to the pandemic. He said that the key to this purchase does give them a variety of options moving forward. He said that if this is approved by the Assembly for purchase, they can look at all the various scenarios and select the best scenario that meets the needs of the Assembly and the Eaglecrest Board. He said that the financial model of what Mr. Scanlan was showing tonight was the bare bones base case rate. He noted that if they don't move forward with this purchase, they will need to be looking down the road at other options which may end up costing \$15 million or more. He said whatever they do, they need to start investing capital in order to not have to pay more later in trying to put band aides on aging infrastructure.

Chair Gladziszewski said that what they are currently up against is trying to scramble and analyze a complex issue for something that government would generally take quite a bit longer to have to consider and decide upon. She said if they generally have a two year lead on things, why this is such a tight time crunch and if they could explain what the actual timelines involved truly are and why this is such a vital thing for us with this type of emergency.

Mr. Scanlan said that this particular gondola is that it is a fixed grip gondola which are rare in the ski industry and it has much lower operating and maintenance costs yet it is able to do what Eaglecrest needs it to do and it is rare for them to come up on the market very often. He said it is

currently running right now and it is scheduled to be dismantled by April 1. He said there is another buyer that is very interested in it as well. He said that if they don't have another buyer in hand, it is likely that it will no longer be available. Mr. Satre said that Mr. Scanlan has given the ski market perspective. He said that from a board perspective, what has become apparent to him is that ski areas around the world fund their winter operations by making revenues in the summer time and with Eaglecrest's aging infrastructure he would like to try to get Eaglecrest to the point where it has the potential to be financially viable and possibly put funds back into the general fund to protect for future operations.

Chair Gladziszewski thanked them both and said she was primarily looking for the critical timing pieces related to this gondola in particular.

Mr. Bryson said that prior to the pandemic when they were looking at a new gondola, they were looking at something costing \$22 million and they are looking at this gondola which would cost only \$7.5 million if they fund this. He asked what costs they would be looking at if they don't invest in the infrastructure replacement at this point. Mr. Satre said that Mr. Bryson is correct that it would be a significant cost increase if they have to invest in new equipment to replace aging infrastructure in the future as compared to the price of this used gondola.

Ms. Woll said she was not on the Assembly when the summer operations plan was put together but she spent some time reading it and she appreciates all the work that went into it and the vision that it provided for the community. She said that she liked the idea of the gondola possibly replacing the Ptarmigan lift. She asked them to explain why they wouldn't use this a replacement for the Ptarmigan lift and if they don't replace it with this gondola, what the plans would be to replace that lift might be.

Mr. Satre said that is one of the options but it is also an option that this gondola would be used to expand additional opportunities that would then allow Eaglecrest to raise enough revenues to fund a Ptarmigan replacement on the new or used market built in the 1990s or 2000s rather than something built in the 1970s. Mr. Scanlan added that one of the values of having this gondola for the summer operations would allow for it to be placed up to the ridge top so the visitors would have that view down the channel from the top of the ridge. He said the one thing he has learned about are the unique weather conditions that Eaglecrest has to contend with over the course of the year and that the Ptarmigan's current location on the mountain is ideal for the nasty weather. He said that with the financial models, a brand new replacement of Ptarmigan it is looking at somewhere between \$2.5-4.5 million depending on the type of model they might choose.

Ms. Triem said that during the public comment at the Eaglecrest Special Meeting they talked about vetting the gondola for the weather/wind analysis. She asked if that vetting process will be completed before the 2/28 timeframe. Mr. Scanlan said that is a process that will be taking a matter of months. They have some wind monitoring equipment that they can install on the ridge tops where they think they may wish to install the gondola. They would do the installation of those this summer and then gather the data over a series of months and can analyze it for specific

areas and conditions and also compare it to the historical data they already have from current locations and conditions. Ms. Triem said that seems like it would be good data to collect and asked if it was equipment and/or location specific or if they might be able to install them and collect the data for future use/needs. Mr. Scanlan agreed that they could use that data towards a wide variety of uses.

Mayor Weldon said that Ms. Triem had some of the same questions as she did with respect to winds and adverse weather conditions and how it might handle the higher elevations at Eaglecrest. She asked if they are disassembling the gondola on April 1, why they are getting rid of it, and if it is 20 years old can we still get parts for it and if they do purchase it how will it be transported and where will it be stored?

Mr. Scanlan said it is being sold and dismantled because where it is currently serving needs more uphill capacity and it is being replaced by another gondola with twice the capacity since their business has been growing. He said that the company, ProAlpine, that is working with them on the purchase also sources parts for ski resorts. He said that the key time to do any refurbishments is when the lift is on the ground and that the company he is working with would provide for refurbishments prior to it being installed in Juneau. Once it has been refurbished, it is expected to have an additional 20 years before any major repairs or additional refurbishments would be needed. He said they would be intending to do all those things to refurbish it. He also noted that they would be building parking capacity for future expansion and those areas would be built out of their CIP projects and would be the storage area for the connexes that would be storing the gondola until its installation. Mr. Satre also addressed the Mayor's comments regarding the elevation and weather conditions and how Eaglecrest would compare to the ski area in the Alps vs. elsewhere in the skiing world.

Ms. Hughes-Skandijs asked Mr. Scanlan to clarify what the \$2.5 million vs. the \$4 million amounts related to when he provided replacement cost numbers for the Ptarmigan lift. Mr. Scanlan clarified that the \$2.5 million was to replace it with a two seat chair lift whereas the \$4 million would be to replace it with a four seat chair lift.

Ms. Hughes-Skandijs thanked him for those numbers. She said that obviously they will want to get as much life out of the Ptarmigan lift as possible but asked what Board's plan is with respect to replacing it. Mr. Satre said that Ptarmigan opened in 1975 and it wasn't new when it was installed. He said it is still going well but they are getting close to the end of its useful life barring major component replacement. It is getting close to 50 years of active service on the mountain. Ms. Hughes-Skandijs asked about the expected life span of the gondola. Mr. Scanlan said the bigger service maintenance would normally happen around the 20 years mark. The gondola they are looking at is a 1989 model and it will likely have a 40 year life span once it is installed in Juneau.

Mr. Smith asked if there was enough time for people to vet the pro forma that Mr. Scanlan provided. Mr. Scanlan said that JEDC and one other person may be looking at those financial models so they can get opinions from various sources.

Mayor Weldon said that Mr. Smith asked some of the same questions she was going to ask. She had some of her financial friends and connections at Hoonah Totem Corp. review the pro forma which Mr. Scanlan had sent out. She shared some of the concerns they brought up and she said that she would forward those for consideration. Other members had some similar concerns with respect to the pro forma.

Ms. Woll said that they just spent the past year on a rezone issue for North Douglas with concerns related to traffic and she asked if this would also need to be looked at with respect to traffic concerns as well and if that needed to be folded into the planning process. Mr. Watt said that going back to an earlier question about public participation and has the public been adequately appraised that Eaglecrest is wanting to engage in summer tourism operations. He said the answer to that is to some extent, yes, and to another extent, no. He said that there has been a lot of work done and a number of public meetings but there has not yet been a vote of the Assembly that yes they want to go this way. He said the he didn't think it would be a great surprise to the public if the Assembly pivots in that direction. He said that with respect to traffic, if they are looking at the numbers Mr. Scanlan provided, it would likely result in about a dozen tour buses or so per day. He said that CBJ has to go through its own permitting processes and Eaglecrest would not be any different. He did note that there is likely to be some issues related to operating a transport system on conservation lands and waters.

Mr. Satre spoke to the wide variety of reasons someone would take the gondola trip up to the top of the mountain and that this would be the beginning to a wide variety of opportunities.

Chair Gladziszewski asked about geotechnical studies and Mr. Scanlan said that would be part of what the \$2 million is funding. Additional Q&A then took place with respect to the various options of locations, Ptarmigan replacement vs. alternative locations, and even about the septic and water scenarios to be able to accommodate the numbers of visitors they are forecasting up the mountain on a daily basis. Mr. Satre and Mr. Scanlan answered those questions and noted that many of the final decisions will all be based on whatever conveyance the Assembly chooses to fund whether that is the proposed gondola or some other conveyance. Mr. Scanlan said with respect to the sanitation facilities, they are equipped to handle 1200 person visitor day with their current systems.

MOTION by Ms. Hale that the COW forward Ordinance 2021-08(b)(am)(Z) to the next Assembly meeting on February 28 and set it for public hearing.

In speaking to her motion, Ms. Hale said that she thinks they have had an incredibly robust discussion on this but there is even a more robust conversation that is in store for them in the future. She said that they are not making the decision tonight and as previously mentioned additional work and review of the pro form to be done before that decision is ultimately made. Her recommendation is to allow for the additional two weeks for staff to have the time needed to pull together the additional information and to also open this up for public comments both at the February 28 meeting and to also give the public an opportunity to send in their comments in the meantime.

Mr. Smith said that if it would be helpful, he could schedule an additional meeting of the ESOTF in order to discuss any of those pro forma questions or other issues in advance of the February 28 meeting. Ms. Gladyszewski said that she was seeing nods all around to Mr. Smith's suggestion.

Additional discussion took place about the timing related to the February 28 meeting date.

Ms. Woll said that she objects to the motion. She said that while she supports the overall vision that they have laid out, she really wants the Assembly to do some strategic planning instead of chasing after each individual funding request that comes in front of the Assembly at every turn.

Mayor Weldon said that she is objecting for purposes of a comment. She said that is only agreeing to this to allow Eaglecrest more time to work on their pro forma. She said that while is only somewhat concerned about the initial \$2 million request, she is much more concerned about the overall \$7.5 or more price tag.

Ms. Triem said that she objected as she doesn't think the Assembly has settled the question of whether they support summer operations up at Eaglecrest or not. She said that from the board meeting on Friday, the Assembly is being asked to purchase this and then have the public process after that. She said that Mayor had formed the ESOTF to address this question but it only recently began meeting again. Ms. Triem commented that the Visitor Industry Task Force recommended an analysis of growth and impacts on North Douglas and she said that she doesn't feel that has been done yet either.

Ms. Hughes-Skandijs also said that she will object primarily from a process standpoint, while she doesn't think that \$2 million is ever a small amount, from a process perspective it is jumping out of line in front of other projects and it still needs a lot more Assembly deliberation and public input before she could support it.

Mr. Smith spoke in support of the motion and said that he understands and hears the concerns regarding the public process. He said that if Eaglecrest is to ever have the option for self-sustaining revenues, summer operations will need to be part of it eventually. He thinks that the two weeks this motion provides will hopefully help provide some of the answers members are hoping for.

Mr. Bryson thanked everyone for their careful comments and the thoroughness in which they asked for the public process to be able to work. He said that initially he came at this from a purely business perspective and he appreciates hearing from his colleagues about taking the time necessary to involve the public and take all those public sector issues into consideration. He encouraged them that they are still business owners as owners of enterprises and they are having to compete directly in the private sector against businesses that may also want to buy this same gondola. He encourages members to support this project as it is one of the best ways they can turn Eaglecrest into a revenue neutral or possibly revenue positive enterprise.

ROLL CALL VOTE ON THE MOTION to forward Ordinance 2021-08(b)(am)(Z) to the Assembly.

Yeas: Hale, Smith, Woll, Bryson, Gladziszewski, Weldon

Nays: Hughes Skandijs, Triem

Motion passed 6 yeas, 2 nays.

The committee took a 10 minute break before moving to the last agenda topic.

D. Assembly Rules of Procedure

City Attorney Palmer provided a summary of the reasons behind the proposed changes to the Assembly Rules of Procedure and explained that a lengthy discussion was had at the Assembly Human Resources Committee meeting held the previous Monday. He also noted that the packet contained a memo from him in response to the request from the HRC and it also contained a memo from Deputy Manager Barr as well. He explained that the reason this topic and proposed changes were being brought forward was in response to incidents that have occurred involving sexual harassment by a few Zoom participants during some of CBJ's online public meetings. He said that neither this legislation nor any other measures have been implemented that would limit the ability for members of the public to interact with members of the Assembly either virtually or in person here at City Hall. He also noted that the last option mentioned in his memo to the HRC discusses the creation of a criminal prosecution ordinance. He has not yet drafted that at this time but can do so upon request by the Assembly.

Mr. Barr also explained that prior to the pandemic the issues that have come about were non-existent and to avoid the anonymous Zoom bombing incidents that have occurred, staff is recommending returning to an Assembly Rules of Procedure similar to those used pre-pandemic such that those individuals who wish to provide oral testimony be required to do so by signing up to testify in person at Assembly meetings. He noted that would not in any way eliminate the ongoing practice of individuals providing written comments to the Assembly or limit them from attending public meetings via Zoom, but rather it is strictly limiting the manner in which public oral testimony is taken during meetings. He did note that his February 11 memo goes through a list of Zoom options available and even those options they can look at should the Assembly need to go back to holding meetings via Zoom entirely for any reason.

Chair Gladziszewski asked Ms. Hughes-Skandijs for a recap of what they discussed and reviewed during the HRC meeting. Ms. Hughes-Skandijs noted that they did have Mr. Palmer's February 3 memo and the proposed resolution at the HRC meeting for discussion but that while Mr. Barr's February 11 memo was not part of their discussion the broader topic of Zoom options was part of their discussion. She said that the Resolution 2976COW that is in the COW packet is the same as what the HRC reviewed with two exceptions.

Mr. Palmer explained that the two changes found in Resolution 2976COW include the addition on line 23 "Special Order of Business" to the Assembly agenda to follow current practice and language added to lines 392-396 that requires anyone wishing to testify via Zoom to notify the Clerk's office in advance of the beginning of the meeting. He noted that this does not require

anyone who wishes to testify in person to sign-up with the Clerk's office in advance of the meeting as there will still be a sign up sheet at the beginning of the meeting that they can complete at the back of the room for in person participation.

Chair Gladziszewski clarified with Ms. Hughes-Skandijs that the HRC did not discuss the language on line 393 about requiring testimony to be signed up "prior to the meeting." Ms. Hughes-Skandijs said that was correct.

Mr. Smith asked if there was some reason that remote participation was not allowed prior to the pandemic. Mr. Watt said that mainly it was tradition. Chair Gladziszewski said that unlike the legislature where people are participating on a statewide basis, the work of the Assembly and its bodies is of a local nature and they did not have anything in the rules allowing for testimony remotely at any of the CBJ meetings whether that was at the Assembly, the Planning Commission or any other CBJ public meeting.

Mayor Weldon asked in looking at the language in lines 392-396 if that allows for accommodation of Mr. Barr's memo of options 2 and 3 as that is what she would like to see implemented. She said that she likes the idea of requiring a Zoom account for people participating via Zoom or for those that do not have a Zoom account to register with the Clerks if they intend to participate via telephone. Mr. Palmer said that is correct and he can modify the language of the resolution to whatever extent the Assembly/COW may wish to make amendments.

Ms. Hale noted that prior to the pandemic, there had been at least one instance where a member of the public testified to the difficulty she had in trying to participate in the Assembly meetings in person due to her reliance on taking the bus and that it would be beneficial for situations such as that to provide an opportunity for the public to still be able to participate remotely.

Additional discussion took place about the draft of the Assembly Rules of Procedure in alignment with Mr. Barr's Zoom option memo. Mr. Palmer noted that this version of the rules were drafted prior to Mr. Barr's memo and if they COW gives direction that they want one or more of Mr. Barr's options to be codified within the rules, he would provide a revised draft of this resolution to them at a future meeting.

Mr. Bryson noted that what they are trying to do with this changes is to eliminate anonymous testimony being given during public meetings. He said that whatever way this gets codified, as long as they can come up with a reasonable way for an individual to register to provide testimony during their meetings they are satisfying the public participation criteria while still being able to hold the public accountable for their comments by knowing who it is that is providing the public testimony.

Chair Gladziszewski said she agrees with Mr. Bryson that they are trying to ensure public participation is not being taken anonymously and while she doesn't agree with requiring a 24 hours in advance sign up, she does think there needs to be some advance sign up requirement to

be able to hold people accountable for their comments. She also noted that she has some objection to the 24 hour advance notice for public participation as written on lines 238 of the resolution and feels they should be able to continue the past practice of leaving that up to the call of the chair at the time of the meeting as sometimes things do move fast such as this Eaglecrest Gondola project has shown them.

Ms. Triem said that she specifically asked for the language to be drafted to specifically require sign up in advance of the meetings as she feels that the incidents that have occurred have seemed like crimes of opportunity. She also said that she would like to see the use of the Zoom tools that they do have available to them as outlined in Mr. Barr's memo. She said that she would like them discuss the topic of taking up public comments at committee meetings at a later meeting as that needs to be a separate conversation altogether.

Ms. Hale said she would be interested as they begin to revert back to in person meetings primarily, in looking at what Mr. Barr's memo is suggesting to look at limiting testimony to in person testimony except for those instances which would require ADA accommodations.

Ms. Triem said that she forgot to mention that she had researched what other communities in and outside of Alaska have done and how they have handled their testimony protocols and she noted that, of those, Juneau was the only community that she found within the state that did not currently require testifiers to sign up in advance of the meeting.

Additional discussion took place regarding the options in Mr. Barr's memo and how Zoom registration and authentication are managed.

Ms. Gladziszewski asked Mr. Smith to provide his insights on how public participation is done at the legislature through Legislative Information Offices (LIO).

Mayor Weldon said she would prefer to go with options 2 and 3. She would have someone register a Zoom account if they are going to participate via Zoom and if they couldn't do that, then they would need to register in advance with the Clerk to provide testimony via phone.

Ms. Triem asked Mr. Barr if a combo of options 2 and 3 as the Mayor suggests was technically possible. Mr. Barr said that it is technically possible albeit much more complex than selecting just option 2 or just option 3. He also added that we are planning on switching platforms from Facebook to YouTube with the Assembly meeting on February 28. He noted the primary reason for that switch is due to the fact that Facebook requires people to have a FB account and YouTube does not.

Ms. Triem said that she wants to see all CBJ meetings be held via the Zoom webinars to provide the same protections to all CBJ groups that these Assembly meetings have had. She asked what that would take and that if it was money, she wanted to make sure that money was made available. Mr. Barr said that it would be a monetary difference and he doesn't know the exact amount but that it would be in the thousands of dollars but not tens of thousands.

MOTION by Mayor Weldon to direct staff to come up with a combination of options 2 and 3 and asked for unanimous consent.

Ms. Hale objected due to the ease of being able to create an email address and then set up a Zoom account. Mayor Weldon said that nothing they do is fool proof and if the solution that they come up with continues to experience problems they can remove that as an option.

Ms. Gladziszewski asked about the security and telephonic participation. Mr. Barr said that if he were to give a security rating of the options in his memo, it would fall in as option 1 being the least secure, Zoom authentication being the next level, then telephone only with no advance registration being the next security level, and in person testimony only being the most secure.

Ms. Gladziszewski said she is hearing the telephone only option as a 2.5 and asked if that was a higher security level.

Ms. Triem asked for clarification on what the Mayor's motion would or wouldn't require with respect to pre-registration. Mr. Barr and Mayor Weldon both said that they may have to go back and relook at the pre-registration requirements for options 2 and 3.

The committee then said that in light of the late hour and the complexity of all these topics, they would like to give staff direction with high level policy decisions that they want to limit anonymous participation as much as possible and to leave the technical pieces to staff to sort out. Mayor Weldon said in light of that direction, she withdrew her motion.

Mr. Smith said he also wanted to be sure that members of the public can participate remotely via telephone and was not required to have a Zoom account to be able to participate.

Additional discussion took place regarding whether the Assembly wants to require advance sign-up. Mr. Bryson said he thinks they are trying to make this more complicated that it needs to be. He suggested the approach should be to require advance sign up if they intend to participate remotely or if they don't want to register in advance, they can show-up in person at the meeting and sign up right there and then. He said that eliminates the anonymity while still allowing every option for participation remotely and/or in person in their meetings.

MOTION by Mayor Weldon to move Resolution 2976COW1 to the Assembly and asked for unanimous consent.

Mr. Smith said that he doesn't know that he supports the language in the resolution about the pre-registration requirements.

Chair Gladziszewski said that if Mr. Smith wants to make an amendment, this would be the time to do so.

Ms. Triem said that unless Mr. Smith did make an amendment, she wanted to ensure that pre-registration was required for testimony purposes.

Chair Gladziszewski said that it is the “prior to the meeting” language that she has a problem with.

Additional discussion took place about the various methods by which the public can participate and also cautioned about the staffing burden.

AMENDMENT by Mr. Smith to remove the words “prior to the meeting” from line 393.

Mayor Weldon objected to the amendment.

Additional discussion took place regarding the various ways the public can participate and whether a phone number would be considered ‘anonymous’ or not.

Ms. Woll said she will be voting against the amendment but primarily because she would like to see what the Systemic Racism Review Committee and members of the public have to say about the resolution before she decides on this aspect of the resolution.

Mr. Barr said that he wanted to be sure the Assembly realizes that these rules also apply to all CBJ boards, committees and commissions in addition to the Assembly.

ROLL CALL VOTE on the Amendment

Yeas: Smith, Gladziszewski

Nays: Triem, Woll, Bryson, Hale, Hughes-Skandijs, Weldon

Motion failed 2 yeas, 6 nays.

Chair Gladziszewski asked for an objection to the main motion to move this resolution to the full Assembly. *Hearing no objection, the motion passed by unanimous consent.*

Mr. Palmer said that Ms. Woll comments highlighted a snafu to staff as the next meeting of the Systemic Racism Review Committee is scheduled for the following day and this resolution was not on that agenda. He said that if the body wants this to go to the SRRC, it will have to wait and it would not be ready to go to the Assembly at the 2/28 Assembly meeting.

Additional discussion took place on whether they felt it needed to go to the SRRC prior to the Assembly meeting or not. It was the consensus of the body that they did not wish to wait until March to pass the resolution, however, they also felt that if the SRRC did have a chance to review it once it was passed and they had any concerns, they could bring those back to the Assembly to be addressed.

MOTION by Mayor Weldon to direct the City Attorney to draft a criminal ordinance for disruptive behavior which would include sexual harassment and pornography.

Ms. Hale said she objects to the motion as she worries about the heavy handedness of this. She said that they discussed this at the HRC and the individuals would have to be provided warning about their actions before prosecution could take place. She said the Assembly has taken some good actions tonight by forwarding this resolution onto the Assembly for action.

Mr. Smith asked about the first amendment thresholds.

Chair Gladziszewski said that for now, the motion is ask the attorney to bring back legislation to be looked at and debated at a future meeting.

Mr. Palmer said that he has begun drafting an ordinance and will be prepared to bring something back to the Assembly. He has case law from the 9th Circuit Court of Appeals that comes into play with this. He also answered questions from Assemblymembers and this will likely end up needing to a much more in depth conversation once the ordinance is brought back to the body.

ROLL CALL VOTE on the Motion directing the Attorney to draft a criminal ordinance

Yeas: Weldon, Triem, Woll, Bryson, Hughes-Skandijs, Gladziszewski

Nays: Smith, Hale,

Motion passed 6 yeas, 2 nays.

VI. SUPPLEMENTAL MATERIALS

- A. RED FOLDER-Eaglecrest Board Resolution Supporting Ordinance 2021-08(b)(am)(Z)
- B. RED FOLDER-Hazard Mapping Map Synopsis
- C. Supplemental Materials-re Gondola at Eaglecrest

Chair Gladziszewski asked if there was anything else to come before the body.

Mr. Palmer said that he had earlier provided incorrect information to the LHED Committee about only needing 2 votes for a motion to pass, it in fact does require 3 votes to pass a motion at a four member body.

Mr. Palmer also noted that when he was referring to the Oso, WA case earlier in the meeting, it was the State of WA and not the Oso County that was held liable in the lawsuit dealing with the 44 lives that were lost due to the landslide in that area. He just wanted to provide that correction to the parties of involved in the risk case that he previously referenced.

VII. ADJOURNMENT

There being no further business to come before the Assembly, the Committee of the Whole meeting was adjourned at 10:15p.m.