

THE CITY AND BOROUGH OF JUNEAU, ALASKA
COMMITTEE OF THE WHOLE MEETING
Meeting Minutes – July 20, 2020

The Assembly Committee of the Whole meeting, held virtually via Zoom Meeting, was called to order by Deputy Mayor Maria Gladziszewski at 7:05p.m.

I. CALL TO ORDER / ROLL CALL

Assemblymembers Present: Wade Bryson, Rob Edwardson, Michelle Bonnet Hale, Maria Gladziszewski, Loren Jones, Carole Triem, Alicia Hughes-Skandijs, Greg Smith, and Mayor Beth Weldon.

Assemblymembers Absent: None.

Staff Present: Deputy City Manager Mila Cosgrove, Municipal Clerk Beth McEwen, City Attorney Robert Palmer, Deputy Clerk Diane Cathcart, Library Director Robert Barr, Assistant City Attorney Emily Wright, Parks and Recreation Director George Schaaf, Finance Director Jeff Rogers, Public Works/Engineering Director Katie Koester

II. APPROVAL OF AGENDA

Mayor Weldon requested removal of Item B – Ordinance 2020-35(b) from the agenda, as the Assembly has just passed Emergency Ordinance 2020-41 at the Special Assembly meeting prior to this meeting which would take effect immediately rather than Ordinance 2020-35(b), which, if adopted, would have had a later effective date.

Mr. Jones requested removal of Item C – Ordinance 2019-06(AG)(c) from the agenda, due to a recommendation from the City Manager to postpone action.

Ms. Gladziszewski said that they will address that agenda item when they get to Item C.

III. AGENDA TOPICS

A. PUBLIC TESTIMONY TO BE TAKEN ON: Ordinance 2020-32: An Ordinance Establishing a Systemic Racism Review Committee.

Public Testimony:

Phillip Moser, a Valley resident, applauded the Assembly for taking up this ordinance. He suggested the Assembly implement a democratic process for bringing on committee members to help uplift the voices who have not been heard. Mr. Moser said he acknowledged the difficult task of addressing systemic racism through working within the system that perpetuated inequality in the first place. He added that he thought the ordinance looks really nice so far, and recommended Assembly approval. He also recommended the Assembly expand the language to include systemic inequalities based off of class, and mentioned that classism and racism are often intertwined.

John Sisk, a Douglas resident spoke in support of the ordinance. He shared that he does not have personal experience of systemic racism impacting his life in Juneau, and mentioned that he is a white male. He might be among those who are least likely to be aware of the negative effects of systemic racism on his fellow residents here in Juneau. He explained that is the reason why he supported this ordinance, he wanted to ensure that no one in our community is disadvantaged by racism in any form, whether it is obvious discrimination, or less conspicuous racism that may show up inadvertently through our rules, policies, and practices of government. Mr. Sisk said that this ordinance would establish a systemic racism committee to inform the Assembly, as well as the community, and would help avoid establishing rules that may lead to or contribute to systemic racism. He concluded by saying he believed this ordinance is a good step forward, and urged the Assembly to pass the ordinance.

Alex Fritz, a Valley resident, said that he believed people of color in our community deserve equal treatment from city government. He expressed concern about the wording of the ordinance, and is concerned about the committee becoming a political or manipulative force in the CBJ. It is great for the Assembly to hear input on their legislative actions, but he would want there to be a system of caution. Mr. Fritz said the Assembly might be strong-armed into voting for something they do not agree with, because of the moral implications if they did not. He described a scenario in which the committee identifies something as systemically racist, and if an Assemblymember opposed it, it may appear as if that member is supporting systemic racism. He suggested that the input that comes from the committee is kept confidential and only for the sole consideration of the Assembly. He addressed the language of the ordinance that describes members as having had experience with unlawful discrimination and said he is concerned that those who have had that experience may come from one particular political side of the aisle, and thinks it would be helpful to have a balanced representation on the committee.

Richard Peterson, a Juneau resident, shared that he is President of Tlingit & Haida. He said he is in favor of this ordinance and believed that this ordinance is the first step in the right direction to create inclusiveness and respect. He added that our diversity is our strength, and this is an opportunity to let our neighbors know that we honor and respect them. Mr. Peterson said that having a committee to ensure that CBJ works towards erasing systemic racism is groundbreaking. He mentioned that Tlingit & Haida are standing by ready and willing to be a partner with CBJ in building a strong community.

Martin Stepetin, Sr., a Juneau resident thanked the Assembly for considering this ordinance. He said that systemic racism is alive and well in Juneau. He mentioned that he is currently running for the Juneau School Board and one of the biggest issues he has seen is the over-identification of Alaska Natives within the JSD. Mr. Stepetin referenced a civil lawsuit against JSD that took place twenty years ago, which accused JSD for over-identifying Alaska Native students. He believes that JSD currently over-identifies Alaska Native students more than any other school district within the State of Alaska. He said that is this committee was formed, it would prove to him that the Assembly is wholeheartedly wanting to work on these issues.

Ms. Hale thanked Mr. Stepetin for his testimony, and asked if he could clarify what the term “over-identification” of Alaska Natives meant. Mr. Stepetin answered saying the data of the JSD special education program compared to statewide school district data over-identifies Alaska Native students at a much higher rate. He added that the JSD, the Juneau School Board, and the Administration are all aware of this issue, and there is something in place, but he does not think it is aggressive enough. He referenced a time when Ketchikan School District realized that they were over-identifying Alaska Native students, and they changed it to lower the number of students they identify as needing special education.

Ms. Hughes-Skandijs asked Mr. Stepetin to explain if he meant that Alaska Native students are being over-identified in special education numbers. Mr. Stepetin clarified that Alaska Native students are being over-identified as students who need special education. He said that it has gotten to the point where the JSD was sanctioned by the State of Alaska in 2015, 2016, and 2017 for not following the funding formula. He said that if this problem is not solved quickly or properly, another civil suit could come out of this. Mr. Stepetin added that he thinks people within JSD care about this.

Ms. Gladziszewski asked Mr. Stepetin that, for example, if JSD identified 100 Alaska Native students, would he say that the accurate number would be closer to 95. Mr. Stepetin said that he does not have the data with him, but he could share a couple of local reports with the Assembly that will help them understand what he is working on.

Ms. Hale asked Mr. Stepetin if Alaska Native students are being over-identified as having special needs. Mr. Stepetin responded by identifying the two types of special education within JSD: one is for students who experience severe mental disability and need special education; the second type – where he said the problem is – meant for students who experience low to moderate mental disability, who are put into special education programs at a disproportionately higher rate than they should. He said that there are thirteen factors the state takes into account for what qualifies a student for needing special education, and most students in JSD’s special education programs only exhibit one or two of those qualifications. Mr. Stepetin believes that this committee, if formed, would draw attention to this specific problem that needs to be addressed.

Sara Frank, a Twin Lakes resident spoke in support of the Assembly forming this committee. She said that white supremacy takes many forms, not just the KKK or the N-word, white supremacy can also mean disregarding the experiences of Black and Indigenous People of Color. She added that white supremacy can also be refusing to examine the policies and practices of previous generations of white people to acknowledge the harm they caused and continue to cause. Ms. Frank explained that Black and Indigenous people have repeatedly explained that the harm of systemic racism is ongoing. She addressed white people, saying that they are not at fault for what previous generations have done, but they will be at fault for participating in white supremacy if they refuse to acknowledge the systemic racism that still affects our culture and policies today. Ms. Frank added that systemic racism will continue to cause harm unless we

confront it within ourselves and within our government. This is why she believes we need a committee to examine our policies and procedures to point out systemic racism and other barriers to help us move forward more equitably. She referenced concerns others expressed about the makeup of this committee, saying she hopes they are also concerned about the makeup of all of the other committees in Juneau. She observed that the Assembly appears to be mostly made up of white people similar to other governmental bodies in Juneau which she feels contains mostly white people. Ms. Frank concluded by thanked the Assembly for their time and for all they are doing for the community.

Laura Vess, a Downtown resident, expressed her appreciation for the Assembly passing the mask ordinance and believes these two ordinances are linked because they are both about community wellbeing. Ms. Vess shared that she is a sociologist at University of Alaska Southeast and has been working there for the past eight years. She also appreciated the comments made by the person before her, and would like to reiterate the importance of this committee. She shared that she is a white woman who teaches about systemic racism, and added that racism exists in many forms in Juneau and Southeast Alaska. She explained that systemic racism is built into our history, our institutions, policies and practices. Ms. Vess said that we need diverse committees in place that made up of the individuals who represent the community and can address the long term changes that are coming about from activism and awareness. She encouraged the Assembly to pass this ordinance and thinks the way the ordinance is written encourages people of color and diversity. She concluded her testimony by urging the Assembly to attend the Power and Privilege symposium hosted by UAS every fall, which addresses issues like this.

Marianna Moreno-Goodwin, a Douglas resident reviewed the ordinance and appreciated the work that has gone into it. She expressed some concern with the language of the ordinance saying that she is not sure if a group or committee can identify systemic racism. She is also concerned that attorneys might narrow the focus and not allow the committee the power to make any necessary changes. She said that she understands that Assemblymembers were elected and the community participated in those elections, however, there needs to be an internal equity audit of your current committees. Ms. Moreno-Goodwin shared that she had served on one of the Assembly's advisory boards and found it interesting that she was the one person who was not reappointed to the Youth Activities Board after serving for 5 years. She said that she felt her lack of reappointment was because she asked numerous questions about equity and diversity while serving on the board. Beyond a systemic racism review committee, Ms. Moreno-Goodwin said that there is a lot of work to be done within CBJ, starting with education. She urged the Assembly to become familiar with the theory and practice of racism, microaggressions and macroaggressions, and to recognize the privilege from which they benefit. She also mentioned that is important to recognize that it is next to impossible to identify systemic racism without having to go to court. They cannot assume that one or two persons can represent the total of experiences of all members of any one group. She believes this ordinance could be used as a beginning point to the extensive work that needs to be done. She said it is the responsibility of our elected officials to invest in their own education to understand the layers of racism.

Heather Koyuk, a Juneau resident, expressed her appreciation for all those who testified before her and acknowledged systemic racism as being difficult to identify and stamp out. She shared that she is an Alaska Native and understands that racism is a huge and heartbreaking part of Alaska's history. She added that racism is still present in Juneau in various ways, both small and large. She said that systemic racism is not a hard thing to recognize overall, but it is hard to identify specifically, i.e. where to make changes that would make a difference. She supports establishing a systemic racism review committee as long as it is comprised of a variety of people, including more than one Alaska Native who has experience in working for Native rights and civil rights overall.

Barbara Wáahlaal Gíidaak Blake, a Valley resident, greeted the Assembly in her native language, saying it was good to be with them. She shared that she serves as the Director of the Alaska Native Policy Center with First Alaskans Institute, a statewide Native Alaskan nonprofit working to advance the voices of Alaska Native people. She said that she also currently sits as a member of the Board of Directors for Sealaska Corporation. Ms. Blake is representing both of these entities, and both of them have submitted letters in support of this ordinance. She quoted one of the letters, stating: *“Passing this resolution in creating a systemic racism review committee is an opportunity for the City of Juneau to meaningfully stand in solidarity and do the act of hard work required to begin addressing this collective, historical trauma, and carve a pathway toward a safer, healthier world for current and future generations. Juneau can, and should, be a leader in this effort in Alaska; performative statements of allyship do nothing to interrupt and resolve systemic oppression. It takes a concerted and long-term effort to do so, and a bravery and courage of leadership in all Juneauites to advance this more perfect union. We urge you to pass this Ordinance 2020-32 to take a stand against an unjust reality of continued racial oppression and affirm your intention to serve as an antiracist governing body committed to protecting all residents of Juneau.”*

She also provided a quote from Elizabeth Peratrovich when she was giving testimony for the Anti-Discrimination Act, stating: *“No law will eliminate crimes, but at least you, as legislators, can assert to the world that you recognize the evil of the present situation and speak your intent to help us overcome discrimination.”*

Ms. Blake thanked the Assemblymembers for their time, and hoped they would seriously consider passing Ordinance 2020-32 to create a systemic racism review committee.

Talia Ames, a Juneau resident shared that she is the Reentry & Recovery Department Manager at Tlingit & Haida. Ms. Ames told the Assembly that racism is built into our systems and negatively affects Alaska Native people in vastly disproportionate ways. She referenced a 2019 Department of Corrections Offender Profile which states that Alaska Natives make up 39% of the incarcerated population, but only make up 15% of the State of Alaska population. Ms. Ames also referenced two studies conducted in 2018 by the Alaska Criminal Justice Commission, which found that Alaska Native defendants are more likely to be detained in a pre-trial period than Caucasian defendants. She explained that pre-trial detentions are associated with much worse outcomes for defendants, including longer sentences. Ms. Ames stated that changes were made which allowed pre-trial detention to be determined by a risk-assessment that did not include factors such as

race. The study of the results of these changes found tentative evidence of decreasing pre-trial detention for Alaska Native defendants, and Alaska Native defendants were released at rates similar to Caucasian defendants. She said that this is one of many examples of systemic racism, and there is a lot of work to be done in Alaska. Ms. Ames said she believes that establishing this committee is a necessary addition to the work that they do, and this would be a good thing for Juneau.

Public testimony closed at 7:54p.m.

Assembly discussion:

Ms. Gladziszewski opened it up for committee discussion.

Mr. Edwardson asked to speak to the testimony they had received both via email and via testimony.

He said that one of the things that should be discussed is the definition for systemic racism and institutional racism, however he acknowledged that there are multiple definitions for both of these terms, like with any complex issue. He provided a few definitions of the two terms for the Assembly:

“Institutional racism denotes these patterns, procedures, practices, and policies which operate within social institutions. So as to consistently penalize, disadvantage, and exploit individuals who are members of non-white groups.” - Institutional Racism, a Primary Theory on Strategies for Social Change.

“Institutional racism is revealed by policies and practices in organizations and institutions that contribute to discrimination for a group of people.” - Allison & Belgrave, 2009 He said that if they choose a definition and the definition is given too narrowly, it may limit the work of the committee.

Mr. Edwardson said that a number of emails that they received asked what was driving this ordinance. He answered that the input the Assembly has received over the last several months, most notably, the ten demands from the Black Lives Matter march, and the overall concern regarding racism and systemic racism led him to proposing this ordinance. He said he believes that this is long overdue and he wanted to see a committee like this when he first joined the Assembly but there was no appetite for it. Now, with public input and the events happening around the nation, there is an appetite for a committee like this now.

Mr. Edwardson said another question they’d received related to the power of the committee. He said that the power of this committee would be the same as any other advisory committee to the Assembly – it is to advise the Assembly. He added that it would not be empowered to act, there would be no budget, no power to act, no money to spend; the committee’s purpose is to simply act as one of several advisory boards for the Assembly.

Mr. Edwardson said one question asked if it should be a charge of the Human Rights Commission. He said they don’t have the same mission but we have several committees

that are made up of a variety of experts. He explained that dealing with systemic racism requires a certain level of expertise.

He said that he does not think of any of their boards as ideological, and the idea that a board wouldn't push to impose its will on the Assembly is unrealistic. The recommendations of this committee would be no different from any other current boards that provide recommendations to the Assembly. He added that, if this committee did not come to the Assembly and say "we want you to do this", then they would not be doing their job. To assume that doing so would be ideological, rather than professional, is something he does not necessarily think is fair.

Mr. Edwardson said that as far as broadening the focus he was not in favor of broadening it as it would begin to focus on other things and dilute their discussion on systemic racism. He said that he would like to see this the COW discuss this ordinance during this meeting, send it on to the Assembly for introduction and wait to make any amendments to it when it came before the Assembly under Public Hearing.

Mr. Bryson said he was going to offer that the Assembly Human Resources Committee address this at its August 3 meeting at their joint meeting with the Juneau Human Rights Commission. The joint meeting is to discuss the #8CantWait and the Black Lives Matter movement. He mentioned that one of the charges of the JHRC is to prevent racial inequality, and they could weigh in on this and advise the Assembly. Mr. Bryson said that he would hate to think that any legislation that they have passed in the past 18-20 months that he has served on the Assembly would include anything that might be considered systemically racist. He said he would like to help move this along in HRC if that would help make a path forward for this.

Ms. Triem asked Mr. Edwardson two questions. Question 1 to Mr. Edwardson was if he intended to include term limits for this board since many of our boards have term limits. Her second question related to Page 2, Line 5 of the ordinance, which states: "advise whether the ordinance likely includes a systemic racism policy", and she asked him to clarify if he meant a policy that includes an antiracist policy, or does it include something that is systemically racist.

Mr. Edwardson confirmed that the committee was intended to have term limits, and initially should have staggered term lengths. He said that the committee would be reviewing policies to see if it contains components that are systemically racist.

Mayor Weldon thanked Mr. Edwardson for bringing this forward for their consideration, it is a complex issue and is causing them all to think a lot. She asked, practically speaking, what problem this committee is actually trying to solve and does this get to the root cause of the issue. She also asked about the language on Page 1 of the ordinance, "The Assembly must only appoint candidates that it believes are legitimately representing the long term interests of those groups". She asked for Mr. Edwardson to clarify what he meant by 'those groups', as it is not defined in the ordinance. She also quoted, "Members shall have experience identifying unlawful discrimination, including based on race, color,

or national origin. Experience identifying social justice inequity or intimate knowledge of local tribal culture and practices.” She asked if they are excluding white people from this panel.

Mr. Edwardson answered that the committee does not exclude anybody, the original intention was to have the group comprised of minorities, but they cannot legally do that. He added that there are several people who do not belong to a minority group – some of whom instruct at the university level on the subject – and the Assembly can choose who they would like to represent minority groups in Juneau. He suggested they could change the wording to, “minority groups in Juneau.” He said that it doesn’t take a minority to represent that and it could be open to anyone.

Mayor Weldon said that the ordinance seemed to put this committee over the Assembly. She referenced Line 3 on Page 2, saying it prevents the Assembly from taking action on legislature between introduction and public hearing, and that they must wait until the committee has met to review the ordinance for systemic racism. She said that might be almost impossible for the timing on how this would flow.

Mr. Palmer said the way this ordinance was drafted, an ordinance or resolution that has not reviewed by this committee, would not be able to be acted upon by the Assembly and that Mr. Edwardson might be able to speak to the reasons why.

Mr. Edwardson said if the committee did not review ordinances under consideration, there would not be much purpose for the committee in the first place. His original vision was to have the committee review ordinances before introduction. He said there are a lot of things that get introduced that aren’t heard and don’t make it to the Assembly for final action. He did not think this process put the committee in an authority position over the Assembly, that this would be a process of the workflow.

Ms. Gladziszewski mentioned that she does not read the draft ordinance in the same way that Mr. Palmer explained and asked him to clarify which part he is interpreting that says the Assembly cannot act until the committee has reviewed an ordinance or resolution. She reads it to say that the committee would be charged with reviewing the legislation but it doesn’t say that if the committee doesn’t review it, the Assembly cannot act on that legislation. She said that she understands that is the intent but she is also sensitive the Mayor’s comment and what would happen in light of situations similar to what they have recently been dealing with during the pandemic at which some emergency ordinances and resolutions are brought forth and adopted at one meeting.

Mr. Palmer clarified that he was interpreting that based on the language found on page 2 of the draft ordinance, Section 2(b)(1) and 2(b)(2) but said that if the Assembly wished to clarify their intent on that, that could be something that they could amend and adjust according to the wishes of the body.

Mayor Weldon said she would not be able to support this committee having authority over the Assembly. She said it may have some potential unintended consequence, such as

if the committee didn't like a piece of legislation, they could simply choosing not to meet which would stall the Assembly. She also could not imagine a volunteer committee being able to keep up the pace of the Assembly, especially during times like this that have required several dozen meetings.

Mayor Weldon added that she liked Line 7 on page 2 under Section 2(b)(3) which states "Presenting options for curing the potential systemic racism." She appreciated offering solutions to a problem. She said she saw Line 13 on page 2 under Section 2(d) had an unintentional miss, "The committee requires three or more affirmative votes to be approved." She said that gives a minority the power to move something, so if all seven were in place it would only take three "yes" votes to outnumber the four "no" votes. She said that she thought was an unintentional miss that needs to be fixed.

Mr. Jones said that some of his questions that have been asked. Much of the testimony heard tonight does not match Section (b) of this ordinance which has to do with what the committee is charged with. What they heard testimony about and received emails about spanned across Dept. of Corrections, Prosecutions, School Board issues, a request for internal equity audit of CBJ, and how CBJ recruits for the city boards. The HRC has been working on getting more people to apply to serve on boards as well as run for elected office for several years. He said that he is not aware of anyone who meets the definition of committee that is willing to run for the Assembly. Mr. Jones said he was not convinced that the powers and duties listed for this committee will help much in terms of systemic racism. He said that he doesn't know how to fix it but that he will work on before it comes to the Assembly for final action.

Mr. Edwardson responded that he has heard concerns similar to Mr. Jones', but he has also heard support for this ordinance as presented.

Ms. Hale said that she is 100% convinced that systemic racism is real. She shared her experience growing up in Southeast Alaska she has seen systemic racism. She added that the Assembly and the HRC have both been very focused on trying to address these issues, and simply appointing someone will not resolve those issues. Ms. Hale agreed that we need to do something, but she is not sure if this committee is the solution. She suggested taking a look at the JHRC and possibly consider if that can be repurposed for this task.

Mr. Edwardson said he thought this conversation would go this direction. He referenced the citizens, some of whom he believes are experts, who have testified on this and in favor this ordinance. He also shared that he spoke to several people before bringing this draft forward. He asked the Assembly, if not this, then what?

Mr. Hughes-Skandijs thanked Mr. Edwardson for working on this and she does not have a great answer to his "if not this, then what" question. She said her main concern is if the committee is not able to meet between introduction and public hearing on legislation, how that might limit the Assembly in being able to act. She also expressed concern about the expectations between what the committee "can" do being greater than what it is charged to do, but felt that what it is charged to do is a step in the right direction.

Mr. Edwardson shared Ms. Hale's concerns about how this committee would interact with the Assembly. The draft included a mechanism built in for interaction. He said that much of the literature that discusses systemic racism consistently recommends that we talk about it and shine a light on the problem. In this case, he would be gathering a quorum of seven people together to review something and identify any potential problems. He added that the Assembly does not have to go with the recommendation, as long as they talked about it and it allowed the recommendation for discussion purposes.

Ms. Hale reiterated that this is a complicated discussion, and said it makes her wonder that if the JHRC is not meeting the purpose that this is trying to do, why are they not trying to modify the JHRC?

Mr. Edwardson said if the JHRC was doing what their full scope is, they would have a full time job as an advisory committee. He described the mission of the JHRC and the mission of the committee he is proposing are two different things. He would like people who are experts who are experienced in the area of racism and public policy to serve on this committee. Mr. Edwardson mentioned that even when he was the chair of the Assembly HRC, they were trying to revamp the JHRC. He noted that there is not much information – agendas and minutes – available on the JHRC, there is no information for 2019, 2018, or 2017. The relatively few meetings they had in 2016 featured agenda items that were different from what the committee would work on, and half of the meetings were cancelled due to lack of a quorum.

The Committee took a break at 8:33p.m. and resumed the meeting at 8:45p.m.

Mr. Smith asked if this committee would be charged with looking at new legislation or all (including past) legislation, and brought up if they would review other policies and practices which may contain systemically racist components.

Mr. Edwardson said he envisioned this to start with the committee looking at current issues going forward, and does not think they should go back through old legislation in the last eighteen months.

Ms. Triem expressed a few concerns about the committee:

1. The workload of the committee – experts at that level mentioned by Mr. Edwardson would be quite busy to frequently volunteer without pay to do the workload they are asking. She said she would like to pay experts for their expertise.
2. Racism in text of law vs. how they are implemented. She clarified that the law as it is written may not be inherently racist, but how it is implemented may be how it perpetuates systemic racism.
3. Given the amount of work the committee is being asked to do, she said they would need to think about staffing it and that also needs to be considered.

Mr. Edwardson believes that the experts being busy can also be applied to the Planning Commission and Hospital Board. He adds that this is a public service and the people who would be interested in this would be willing to serve. Similar to those boards, he said it would be an honor to serve and be on those bodies. In regards to the application of the law vs. the implementation the law itself, Mr. Edwardson said the expertise of the members would be able to discern institutional racism.

Mayor Weldon echoed Ms. Hale's suggestion of repurposing the purpose and mission statement if the JHRC. She also expressed concern that Mr. Edwardson is looking for a narrow group of experts, it might keep other members from the community from participating. Mr. Edwardson spoke to the expertise all of the racial groups in Juneau would all have people with experience that would qualify them to serve on this committee. He also explained that giving this to the JHRC, the members of whom who may not be experts in this field, would double their workload for a task they did not initially sign up for.

MOTION by Ms. Hale that they refer this to the HRC with the JHRC for further discussion, and to the next COW to review the recommendations from the HRC and make amendments as needed.

Objection by Mr. Edwardson. Mr. Edwardson spoke to his objection, he mentioned Mr. Bryson has been trying to revamp the JHRC, and does not know if they are fully up to speed. He did not think it would be appropriate to ask the JHRC if they can do a job better than another committee.

Mr. Bryson said he was going to request that Mr. Edwardson attend the joint HRC meeting with JHRC to work through some of these questions. He added that it might be helpful to receive input from the JHRC.

Objection by Mr. Jones. He said that every ordinance can be reviewed by any citizen and any committee. He would like to move forward from here for the ordinance to be introduced and referred back to the COW.

There was discussion about referring the ordinance to a committee, or introducing the ordinance at the next Regular Assembly meeting.

Roll Call Vote on Referring Ordinance 2020-32 to the HRC on August 3rd:

Ayes: Hale, Triem, Bryson, Gladziszewski, Mayor Weldon.

Nays: Hughes-Skandijs, Jones, Smith, Edwardson.

Motion passed. Five (5) Ayes, Four (4) Nays.

B. Ordinance 2020-35(b): An Ordinance Requiring a Face Covering in Certain Indoor Settings.

This item was removed from the Agenda at the beginning of the meeting.

C. Ordinance 2019-06(AG)(c): An Ordinance Appropriating up to \$8,500,000 to the Manager for Phases 2 and 3 of a COVID-19 Business Sustainability Grant Program; Funding Provided by the CARES Act Special Revenue Fund.

Ms. Bell and Mr. Holst both joined the meeting and said they would answer any questions the Assembly may have.

Ms. Gladziszewski asked Ms. Bell if the ESTF reviewed Version C of the ordinance, and if they think this is the version they should consider. Ms. Bell confirmed that they reviewed this version on Thursday, and this version is the one they will present for consideration.

Mr. Jones asked for Ms. Bell to provide comment on the amount of spending the ESTF is recommending towards this program. Ms. Bell answered that as the ESTF were drafting these grants in Phase 1, they anticipated there would be a greater need than they would be addressing in Phases 2 and 3.

Mr. Mertz said it is important to point out the way Phase 1 was written, the other two thirds of the expenses that are funding the grants will not be approved without Phase 2. Another contributing factor was that the ESTF anticipated demands to increase, as businesses begin to look towards the fall and winter. He said that he feels very confident that the demand is there, and believes it is critical that these grants be funded.

Ms. Jones expressed concern about the numbers not being presented in a way that the Assembly could understand. He understood the importance of the business sustainability grant, but it seemed to him that there has been no increase in the amount of money businesses can make during this time.

Ms. Triem said that there is a certain amount of need in the business community right now, and they, as an Assembly, have determined a formula to allocate that money in hopes it will match the amount of need. She believes what JEDC and ESTF are telling the Assembly is that was not entirely accurate, and they are now going to tweak that formula in Phase 2 so it can serve the amount of need in the business community. She also said she is in favor of allowing businesses to pay back one of the loans they received from CBJ by using a grant.

Ms. Triem asked for clarification regarding the prioritization and disbursement of funds for businesses in the formula. Mr. Holst answered that the ESTF and JEDC prorate the amount of all of the awards, and they do not assign a grant amount to a business until they know the entire amount of demand. He said this method contributes to fairness, but it also delays how quickly they can disburse the next round of funding. He added that they must receive all of the applications, review them all, make reward calculation for each of them, and then divide out the remaining resources.

Mr. Bryson said he would like to take a more positive view towards the business community. He asked Mr. Mertz to share any anecdotal information he had about

businesses who had to close in Juneau, and the businesses and jobs that have been saved by these grants. Mr. Mertz shared that the funding that this grant has provided has helped pay for peoples' mortgage payments and keep people employed. He added that the ESTF and JEDC will continue to work to ensure that the Assembly has adequate information regarding the details of the grant funding.

Ms. Gladziszewski asked Mr. Mertz to describe the discussion they had about trying to come up with a mechanism to assess viability and a business' likelihood to succeed. Mr. Mertz shared that he and the ESTF discussed with Mr. Palmer how to word an ordinance to require a business to describe how the grant would be necessary to sustain business operations in the application. He mentioned that they plan to update the application questions, such as asking businesses the likelihood that they will be open in the future.

Mr. Jones was concerned about the language of the ordinance not allowing the ESTF to ask businesses who have already applied for Phase 1 additional questions regarding their sustainability. Mr. Palmer said that the Assembly could not amend the requirements for Phase 1 to affect the applicants who have already received their grants. However, he said they could make any criteria they would like for Phases 2 and 3.

Mr. Jones referenced Page 4 of the ordinance, which states: "*Any business that applied for Phase 1 need not apply for Phase 2, but must notify the grant administrator that the business is requesting the eligible Phase 2 grant award; i.e. two-thirds of than the Phase 1 grant.*" He said that seemed to him that they cannot change the criteria. Mr. Palmer said that if they would like to eliminate the sentence that Mr. Jones identified, they could eliminate it. Mr. Jones said he was not sure whether or not he wanted to eliminate the sentence, and he does not have a problem with how the ordinance is written. He said that the change in the rules seem to expand what are eligible expenses and eligible debt, and those who already received Phase 1 funding will not be affected by that change. Ms. Gladziszewski said that Mr. Jones could make that change if he wanted to and make a motion. Mr. Jones chose not to make a motion.

MOTION by Mayor Weldon to move Ordinance 2019-06(AG)(c) to the August 3, 2020 Regular Assembly Meeting for Public Hearing.

Objection by Mr. Jones for purposes of a comment. His comment to Assemblymembers was for them to thoroughly read the full ordinance, he said that it had set deadlines that were not discussed with the Assembly, referring to unspent money that must be returned by November 1, 2020 and other items. Mr. Jones removed his objection.

Hearing no objections, Ordinance 2019-06(AG)(c) was forwarded to the August 3 Regular Assembly Meeting for Public Hearing.

D. Ordinance 2020-36: An Ordinance Appropriating up to \$3,000,000 to the Manager for a COVID-19 Nonprofit Sustainability Grant Program; Funding Provided by the CARES Act Special Revenue Fund.

MOTION by Mayor Weldon to move to Ordinance 2020-36 to the August 3, 2020 Regular Assembly Meeting for Public Hearing.

Objection by Ms. Hughes-Skandijs for the purpose of a question. She asked if there was a wide array of services provided by faith-based nonprofits in Juneau. Ms. Skilbred answered that faith-based nonprofits can include churches who provide services like food pantries; as well as programs like Family Promise which are run within a church that provides non-religious associated services.

Ms. Hughes-Skandijs also asked if organizations applying for grants for \$5,000 or less will be required to provide documentation that prove that they were affected by COVID-19. Ms. Skilbred answered that was to try to limit the amount of paperwork that nonprofits have to provide to receive a limited amount of funding. Ms. Hughes-Skandijs removed her objection.

Objection by Ms. Gladziszewski. She said that she would rather discuss this ordinance at an Assembly Finance Committee meeting rather than a Regular Assembly meeting.

Roll Call Vote to refer Ordinance 2020-36 to the August 3, 2020 Regular Assembly Meeting for Public Hearing:

Ayes: Mayor Weldon, Triem, Smith, Bryson.

Nays: Jones, Hughes-Skandijs, Hale, Edwardson, Gladziszewski.

Motion failed. Four (4) Ayes, Five (5) Nays.

MOTION by Mr. Jones to refer Ordinance 2020-36 to the Assembly Finance Committee meeting on July 23, 2020 and set it for Public Hearing on August 3, 2020.

Hearing no objection, the motion passed.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

There was no public participation on non-agenda items.

V. ADJOURNMENT

There being no further business to come before the Assembly Committee of the Whole, the meeting was adjourned at 10:03 p.m.

Respectfully submitted,

Municipal Clerk Beth McEwen, MMC and Lacey Davis, Administrative Assistant I