

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

June 12, 2017, 6:00 PM.

Assembly Chambers - Municipal Building

Assembly Work Session - No public testimony

I. ROLL CALL

Deputy Mayor Jerry Nankervis called the meeting to order at 6:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker, Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis, Beth Weldon and Debbie White.

Assemblymembers Absent: None.

Staff present: Rorie Watt, City Manager; Amy Mead, Municipal Attorney, Mila Cosgrove, Deputy City Manager; Laurie Sica, Municipal Clerk; Roger Healy, Engineering & Public Works Director; John Bohan, Chief CIP Engineer; Tom Mattice, Emergency Program Manager; Beth McKibben, Planning Manager; Jill MacLean, Senior Planner; Greg Chaney, Lands and Resources Manager; Robert Barr, Library Director; Bryce Johnson, Police Chief.

II. APPROVAL OF AGENDA

Mr. Nankervis noted that Ms. Gladziszewski was traveling and attempting to get to the meeting, so he asked, and without objection, the agenda items were reordered.

III. APPROVAL OF MINUTES

A. May 22, 2017 Committee of the Whole Meeting Minutes

Hearing no objection, the minutes of the May 22, 2017 Committee of the Whole meeting were approved.

IV. AGENDA TOPICS

A. Ordinance 2017-16 An Ordinance Amending the Land Use Code Relating to Alternative Development Overlay Districts.

Jill Maclean, Senior Planner, spoke about the proposed ordinance. She said that downtown Juneau and downtown Douglas were built before modern zoning and the current zoning does not "fit" the needs for future development in those areas. Staff was realizing that many projects in those areas were seeking variances for rebuilding on the properties in both areas. Variances are supposed to be used for a true hardship, and we have come up with a temporary, interim solution, called an "overlay zone," until work can be done to revise the zoning in both areas, based on area plans to be done in the near future. These overlay zones sit "on top" of the existing zoning that exists, to give property owners and the planning commissioners more options. The changes in standards regard setbacks, lot coverage and vegetative coverage. No changes will be made to density, height, and parking. The overlay zones are for use by residential projects in order to preserve the character of the neighborhoods. Both overlay zones have a sunset provision: August 1, 2019, for the downtown

Juneau area, and August 1, 2020 for downtown Douglas. She reviewed the maps of the overlay districts.

Nathaniel Dye, Planning Commissioner, said the proposed ordinance addressed the concerns of the Planning Commission. The process is similar to the conditional use process, so any proposal would have public notice and a public hearing.

Mr. Kiehl asked what the review standard would be if a permit was appealed. Ms. Mead said the general appeal code section outlined in CBJ 49.20 would apply.

Ms. White said this code change was initiated after it was discovered that someone was trying to rebuild on a site and the neighbors were supportive but the project did not fit within current zoning. It is also meant to avoid the need for variances.

MOTION, by White, to forward to the ordinance to the Assembly for a public hearing. Hearing no objection, it was so ordered.

B. Meander Way - Mendenhall River Bank Stabilization

Mr. Watt said that this proposed LID will impose a large price tag on individual property owners. Most LID's range in value between \$5,000 – \$10,000 per a lot for sewer or paving projects, and the neighbors who object are forced to pay. When the stakes are high, this poses challenges for the neighborhood. We can't minimize the threat of the river erosion, or the opportunity of having funds offered by the federal government. However, we need to take into consideration the cost to the individual property owners. We need to have a frank discussion about the willingness to impose a large assessment on an unwilling owner.

Mr. Healy said the PWFC reviewed an LID for 28 properties (one is a non-voting, assessed CBJ property). Brett Nelson with the National Resource Conservation Service (NRCS) designed the project. Tom Mattice has done much of the organizational work and has met with the neighborhood.

This is not a typical project and it addresses a natural hazard risk. We have generally taken a "hands-off" approach to mitigating risk on private property. Mr. Mattice was contacted by the neighbors and within the last six years we have had 5 100-year flooding events due to the action at the glacier. We were tasked to look at the funding available through the NRCS. The funding requires that this project be represented by a local sponsor and CBJ would have maintenance responsibilities for ten years, including a fence at the top of the bank, removing logs, and keeping an eye on the installation. The assessment method proposed has been an equal assessment for all 28 properties. There is uncertainty in damage and potential damage to properties along this stretch. Some have erosion to the back of their house and others have potential for erosion. Putting a defined number on the damage possible is difficult due to a number of factors in modeling. We have approached this as a whole project, the benefits are to the protection of the property and its value. The start and stop points of the project are a point of contention. He said that the start and stop point of LID's are usually a point of contention, and gave the paving of a cul-de-sac street as an example.

Mr. Mattice presented photo slides of the affected area. The river is becoming detached from its flood plain. On average we have 1 -3 feet of erosion a year. Some of the revetment is failing. We have discussed mitigation, and we discussed removing some houses. The initial project assessment was \$78,000 per home, and with the addition of more homes, we are still at a cost of \$78,000 per home. He spoke about the initial work with the "group of eight" homeowners and the expansion of the project area to include more homes based on the sonar work by NRCS and the observations of the river. He showed a map of the proposed area and said some of the homes have lost 2/3 of their backyards within a 15-month period.

Maria Gladziszewski arrived at 6:40 p.m.

Brett Nelson, Lead Engineer, with NRCS said his program is a division of the US Department of

Agriculture and their mission is to manage the emergency watershed protection program. They do conservation on private lands. Projects require a sponsor, a legal subdivision of government or a tribe, with an interest in the project. The purpose of the program is to mitigate the damage to the watershed – to avoid oil tanks, septic tanks, or homes collapsing into the river. NRCS is able to provide up to 75% of the construction costs of the project, perform the design, project management and oversight for free, and the sponsor provides all the permits and the 10-year maintenance. We started this project with one severely affected property but rivers are dynamic and can't be "spot treated." The minimum size project was 8 homes based on a cursory analysis. As we proceeded with the design, we needed better data. We had a sonar survey in the river which showed that the toe of the rock revetment there is gone from the force of the river. During preliminary design, the problem grew from one home to now four homes that have very serious problems, perhaps within losing their home during the next serious event. We have come up with what we believe in our professional judgement to be the best start and stop points. Are these points absolute? Nothing is, but there are properties at both ends of the project with very serious problems and in between it varies. It is not possible to determine which properties benefit to what degree. This project is pending funding in Congress, and is subject to appropriation. The funding in 2016 did not include this project, but he anticipated that the next time the government funded the program, Juneau would be covered. This could be in 6 months to 2 years.

Mr. Nankervis asked how NRCS established project priorities. He said that each project received a ranking modifier when submitted and it was based on immediate threat. There is not a firm definition of immediate. Given a significant flood event and the exposure of the bank, some of those homes are in imminent threat. This project has been submitted for funding at the federal level. We put it in line for funding knowing there is no binding agreement. If the project were to be awarded funds and there was no agreement the money would be moved to another project.

Mr. Kiehl asked Mr. Nelson about his confidence level in the project design to last for 10 years or 100 years. Mr. Nelson said he felt comfortable with ten years, and with proper maintenance up to 25-30 years. There isn't a warranty with this project. It is based on our best work. We have done several projects in Alaska. One complicating factor on the Mendenhall is the limited space. Mr. Kiehl said one project opponent called the design "radical." Mr. Nelson said that was because of the height of the bank provides limited options for stabilization. This is a high stress area and we have looked at rip-rap or sheet pile. We thought sheet pile would be the only option, but we are looking at a 30-foot bank, and the scour can be 28-feet deep. We can't get pile to resist the force, so this is a rip-rap project now and would slope the bank back to 1.5:1 and eats up more back yard. There will be on-going scour and if you lose the toe, you lose the entire project, so we have to build a launchable toe, stacking the rock at the toe and allow the rocks to tumble down to the maximum depth of the river. It is important to remember the head cut is at the top of the stream and it will start to put pressure on the vacant bank. When the oxbow breaks through, that will send the head cut up and down stream until it re-adjusts and it will destabilize banks.

Ms. Weldon asked what maintenance meant for CBJ. He said the project included sloping the bank back, laying geotextile and sands, to install piping from water moving from the bank, and covering the sands with rip rap. A 1.5:1 slope is steep, so there are safety implications, and it will need a fence(which can have gates for access). If logs get on the bank they have to be removed, the fence will need to be maintained, if a log dislodges rocks, equipment will be needed to restore the revetment. That is not a strong likelihood, unlike the Yukon with ice chunks that dislodge rip rap.

Ms. White asked if the state could be the governmental sponsor and Mr. Nelson said they have in the past. She asked what happens regarding maintenance after ten years. Mr. Nelson said that NRCS operates differently than the Corps of Engineers which generally owns a project. At the completion of this project, you will have to visit with the attorneys – to determine who owns the project – who does the maintenance after the project is not our concern. He said it was possible the work would still be there in 100 years but he could not predict what the river would do. 25-30 years is a professional guess on his part.

Mr. Gregory asked Ms. Mead about HB 146, adopted by the State of Alaska in 2014 that referenced

a property tax exemption for deteriorated property, and if there was any way to apply this to the homeowners in this situation. Ms. Mead said that exemption has not been adopted by CBJ, so we would need to adopt a code amendment, and we would need to determine if all of the properties are equally affected and qualify for the exemption.

Ms. Weldon asked if NRCS had ever paid less than 75% on a project. He said yes, but that would not be the case with this project. There are not pieces of this that can be knocked off and done locally. We would put out a federal contract and do the entire project with the 75/25 split cost.

Ms. Gladziszewski said the Assembly has heard that this is overbuilt. Mr. Nelson said there will always be a difference of opinion. He said he has been an engineer since 1997 and with the NRCS since 2005. He provided information about the rest of the team. We have done about a dozen of these projects and have background in the work. If you were to go out and hire two consulting engineers, you will get three different opinions. NRCS will provide the design free of charge. If the homeowners or CBJ wants to hire their own engineers, and it comes under the seal of a licensed engineer in Alaska, that can qualify for this project, but the cost would not be for NRCS to bear. Ms. Gladziszewski asked how sure he was about the start and end points. He demonstrated the points on a map. The benefit of the end is that if there are any offsite effects, this is all uninhabited land, and the river bends after that, so there is limited downstream erosion. The upstream end is more of a fixed point. This is a several million dollar investment and you have to start it at a stable point to not suffer potential loss. The start point is his best professional judgement.

Mayor Koelsch asked Mr. Mattice if there is an evacuation plan for those four houses. Mr. Mattice said that there is a homeowner contact list for notification and there is an evacuation plan.

Ms. White asked what other communities handle this type of project. Mr. Healy said many communities often let the homeowners address the situation on their own. Mr. Healy said that was an option – to do nothing. That is the position in the Mat-su borough. The situation is similar and the river is DNR property with private property abutting. Ms. White asked if CBJ was setting a precedent to fix neighborhood properties considering the variety of hazard zones in CBJ. Ms. Mead said that the Assembly was never obligated to take action due to the discretion to be able to spend money. The LID code has elements in it that require further discussion before moving forward.

Mr. Nankervis said the LID code states LID's address properties specially benefited, and it is a question if some are benefited. He asked about the requirement to maintain for ten years. Ms. Mead said that any time the municipality makes an improvement to a natural situation, there is liability and our ten year window would start from the end of the project and our exposure would last for the ten years from that time. In this case, our ten years could be extended every time we do maintenance.

Mayor Koelsch asked how we get to yes with the five objecting properties. Mr. Healy said that staff believes there are equal benefits for protection of the property. One property owner is questioning the benefit to them being at the start of the project. There is a position to be made that the full benefit is not on that property. If we lower that assessment, the other properties would need to increase their assessment, so we would need another vote. The opposition of those in the middle of the project is more problematic. This riverbank protection project cannot be piecemealed and the potential for damage from starting and stopping is real. The property owners that are opposed do not currently see the benefit in having their property protected. We believe their assessment should be equal to those downstream. Ms. Mead said that we have to assess based on an engineering opinion, and we would need to do an eminent domain for work in backyards if the project required the land and the property owner was not willing. You could also do a capital improvement project by owners, if they all agree, and enter into a contractual agreement with the property owners. This is another method to keep in mind. Mr. Watt said that staff has done its due diligence with a rationale method. This leaves the Assembly in the binary position, impose the will of the many on a few owners, or don't do the project. Neither is satisfying. The property owners need to work this out and if they can resolve proportional assessments among themselves that is a better position. We do have the project by agreement method – it is rarely used but we have done it. It is hard to impose a \$78,000 assessment on an unwilling owner, but it is hard to not do a project for many when the federal government would

pay 75%.

Ms. Gladziszewski asked if CBJ was collecting enough in the LID to pay for ten years of maintenance. Mr. Healy said there was an amount in there for permitting, easements, but not for long term maintenance. In discussions with NRCS, he has not seen maintenance as an enormous burden. Ms. Gladziszewski said that when it is a city project, it is our problem, but at the same time if we don't assist, the property owners are on the entire hook.

Mr. Kiehl asked about the possibility of eminent domain and there is a bunch of property threatened with becoming submerged lands asked and if the state wants an easement to put this project in? Have we looked at making this a CBJ application for the state easement, rather than a private easement, as public easements are less expensive. Mr. Healy said they have not looked at this yet. Private easements can be \$200 per year and public easements can be cheaper and not individually born by the private property owners.

Mr. Kiehl asked about a state cost of \$94,000 and Mr. Bohan said that was the estimate of what CBJ needed for staff time and permits. The final charge would be based on actual cost. Mr. Kiehl said that if CBJ utilities could be eventually affected then the CBJ cost could potentially be waived.

Mr. Jones said he has been on the email strings and the homeowners have had significant discussions. For this to have 22 properties willing to pay this assessment says a lot for the project. They haven't been able to convince all the neighbors. One property is ready to lose its deck and there is damage at both ends of the project. You have to include all in between. Staff has done a good job on this project. We have talked about a lot of ways to mitigate this but we are limited. The homeowners have done a lot of work. They have come to us with their vote and are saying this is the best we can do and they are telling us this is vital and they need our help.

Ms. White said that the Jokuhlhaups happen in July and any decision should be made soon.

MOTION, by Jones, to ask the manager and law department to draft the necessary documents to establish the LID and return the matter to the Assembly.

Ms. Weldon objected to the motion. She said she could not swallow the \$78,000 would prefer to send it back to the homeowners and investigate the potential to exempt blighted property.

Mr. Gregory agreed with Ms. Weldon and wants to be able to investigate the property tax exemption for blighted property. He asked about the estimate of \$78,000 and whether there is any contingency for cost overruns. Mr. Healy said yes, there was a 10% contingency.

Mr. Jones said a geographic area must be defined as blighted and the neighbors across the street might object to being included in a blighted property area, this is why there are questions about adopting that type of code. We are at least six months away from obtaining any federal funds for this and if there are other nationwide issues, the money could be detoured. If we can find a way to help the homeowners, that is good. \$78,000 is an estimate. The project cost could be lower, and hopefully not higher. We need to proceed with a remedy to the problem.

Ms. White said if it is a year to funding, we could have more damage and putting off a decision can have a detrimental effect. We can continue to explore ideas, but she would like to move forward towards a solution.

Mr. Kiehl said HB146 is specific to structures that are on the property – renovation, demolition, removal or remodel to a structure, commercial or residential, where an owner owns at least two dwellings. It is not useful for single family residences. He says he thinks it is worth moving forward. We will hear from the homeowners at the public hearing. Until then the neighborhood has time to work out some issues among themselves. He appreciated all of the staff time spent on this matter.

Ms. Gladziszewski supported moving forward and the neighborhood had worked on this for a long

time. 80% support it and the support from the federal government was large. The government can't mitigate every disaster and hopefully we will be able to get those funds. She was concerned about the city getting into mitigating this risk. She supported the motion.

Mr. Gregory removed his objection based on the definition of HB 146.

Mr. Nankervis objected to the motion. He sympathized with the property owners who want the project. It is not palatable either way. He did not support requiring unwilling property owners to pay the large amount. He favored the CIP by agreement of the homeowners.

Roll call:

Aye: Gladyszewski, Jones, Kiehl, White, Koelsch

Nay: Becker, Gregory, Nankervis, Weldon

Motion passed 5 aye, 4 nay.

C. Mining Ordinance - AJ Mine Process

Mr. Watt said he provided a pointed memo in the packet and had pushed hard with his opinion, because in 2010 when the assembly appointed the advisory committee and wrote a report to answer the question about pursuing the AJ mine and under what circumstances, they gave the Assembly a play book. He said this is hard and he recommends picking up where they left off. Many people have read into my words and on this difficult community topic. There are three broad groups with opinions on the AJ. Those in opposition and they should be heartened by my comments suggesting an open and deliberative process. For those who don't know much about the AJ I am suggesting a process in which there is room to learn. And for those who support mining they should be supportive of a deliberative process. We have had such a difficult past on the AJ and the end game for a mine supporter is to find a company willing to invest in this project and if you want that you need to convey a sense of deliberation and clear direction that was absent in the 1980's. The path I've laid out is slower than some would prefer. We need to determine the most prudent way forward.

Mayor Koelsch agreed that it was important to pick up the topic where the AJ committee left off and read his proposal to form a three member Assembly sub-committee to be charged with:

- What action(s) should be taken on the proposed mining ordinance
- Recommend a process including public process to be taken
- Recommend if the sub-committee should include additional members
- Recommend timelines

When there are recommendations, the recommendations come back to the Assembly Committee of the Whole.

Mayor Koelsch said this was similar to the tax exemption sub-committee that made suggestions to the code.

Mr. Jones asked if the Assembly wants to proceed with the question about opening the AJ mine. If we are serious about that taking up where the last committee left off, since we are an owner and a regulator, we need education, and to learn about what we would require in a lease. This proposal does not point us in that direction. This one starts from the point of YES we want to open the AJ and YES we want to change the ordinance. A three person committee will likely recommend no action. I am not ready to open the AJ mine, or open the ordinance and if we were to talk about lease agreements I might be more amenable. This is going to take up a lot of staff and Assembly time and I'm not sure it is time well used.

Ms. White said the easy answer was always no, however, this group doesn't skirt the issues. I am not ready to take the easy way out. This assembly needs to grow a backbone and stop caving in to people who want to enforce mob rule. We want to promote making jobs, not breaking jobs. The pressure that we are getting is not from the majority, they are just better organized. The private sector needs to grow. Everyone in this community that wants meaningful employment should be able to get it.

This community needs a strong economy with jobs and to train people for jobs.

Ms. Weldon said she applauded the work to get to the ordinance in the 1980's. economic times have changed, we need to responsibly make jobs in Juneau. Mining jobs are higher paying jobs. We have lost state jobs. We need to look at this and see what is out there. I like the idea of lunch and learns and to get the public involved. The ordinance I brought forward may not be the final product. This is about mining in Juneau at Herbert River and Peterson River, not just the AJ. I have been hiking a lot and there is a lot of mining history in this town. Mining has changed with the times and we need to do it responsibly. I want to take a look, whether it is a lease or ordinance.

Mr. Gregory supported the Mayor's proposal and said the Assembly should continue to look at mining in Juneau areawide.

Ms. Becker supported the Mayor's proposal. It does not say "AJ." It should apply to any mine in the area. Mining companies should know we are serious about mining in Juneau. We have learned from the last time to do things that are not done in a damaging way. We should talk about this. She supported the three person sub-committee. There will need to be ways to include the public and this should not go on for too long.

Ms. Gladyszewski said she knows what a huge lift this work is. She learned a lot in the three months she worked on the last report. This will engage the entire Assembly. This work belongs in the Assembly. This needs to be durable. The unanimity on the Assembly was hard won. This needs to be done with a sense of fairness, with an understanding that the good of the community is at the base of it. If our goal is to promote environmentally sustainable mining, it would be best to be unanimous. I don't know what mining firms think if we send 5-4 vote messages and swing votes year after year. This is the work of the Assembly, not a three person committee.

Mr. Kiehl said he does not understand the three member approach. It appears the 3 member committee is supposed to recommend the final action, and recommend the process to final action, and whether it should be a committee at all. He was also concerned about the way a three member committee looks. It doesn't have enough people to have a variety of viewpoints and expertise. When we implemented marijuana it was 4 Assemblymembers and 3 Planning Commissioners with a 62% approval in the community on the marijuana initiative vote. A durable process is a concern. If it looks like it was railroaded through we will not end up with a durable ordinance. The manager's proposal makes more sense to me, is better for the community and if you want to open the AJ Mine.

Ms. Becker said the ordinance we had did not work last time, so we need a review of that and make it work for next time.

Mr. Kiehl said durable does not mean no changes. I don't think this is the best process. If we go about this without taking a balanced approach things will whip-saw, and whip-sawed rules are not good for investors.

Mr. Jones said that the ordinance was not the reason the AJ did not work. I think we have a good ordinance to allow the city to know if the mine will protect Juneau and to allow for mining. I think the committee is small and maybe not tasked correctly. I think we should look at the manager's proposal.

Ms. White asked if Mayor Koelsch intended that three people would work by themselves? Mayor Koelsch said the subcommittee should make the recommendations to outline.

Mr. Kiehl asked Mr. Watt, regarding the direction on May 1, there was to be a mayor and manager to come up with a plan. What was the scope of the discussion and how we arrived at two proposals when a joint plan was the vote of nine members. Mr. Watt said the more he thought about the request from the Assembly, he thought it was the wrong question. When I heard the members of the public coming forward to work on the mining ordinance, I heard that they wanted to work on the AJ. I wanted to answer the question –what is the best way to work on the AJ, and that is what I provided in my comments. Regardless of where you stand on the issue, I think it is the best way to work on the issue. If you went back to the previous advisory committee and asked them to work on the mining

ordinance, they would have fallen apart as that is not where they were in the discussion. You asked and I gave you something entirely different, and I should have clarified at the retreat when the topic was discussed. The people who brought forward the mining ordinance change are trying to do something good. The AJ is a city asset and they believe the best way to approach this is through an ordinance and good on them, but I think we should follow a different sequencing in our approach.

Ms. Gladziszewski spoke about the nature of the report and said that there were five pages of things everyone could agree on and building on that would be best, rather than diving into the contentious issues at the beginning. If we move forward with the manager's path, we may get there, or we will just split.

Mr. Nankervis said he was disappointed in the manager's memo. I think there are two separate issues. Should we look at revising the mining ordinance? Under what circumstances do we open the AJ mine? I think we need to look at the ordinance first. A three or four member sub-committee can look at adding additional members, bring that back to the COW, bring back a public process, and what action, if any, to be taken on the mining ordinance. We shouldn't have people hanging out forever and the sub-committee can lay out the timeline. The large subdivision ordinance took 5- 7 years. You have people pro-mine, anti-mine, and many in the middle. I am willing to help with educating the public. The TERC (tax exemption review committee) process worked well and it can work here. We spoke about this at the retreat. First, let's look at the ordinance, which applies borough wide. The AJ has specific issues.

Mr. Jones said he would like the mayor and manager to look at the charge to the sales tax exemption committee, the Treadwell committee, and flesh out the charge of the committee and the process for the committee to take. This would help us understand what the process will be.

MOTION, by Jones, that the COW request the mayor put together his charge to the committee and actions in a format similar to the ones in the past and appoint the subcommittee and go from there.

MOTION, by Kiehl, to amend to include all 9 Assemblymembers on the committee.

Ms. White objected. She said the mayor made his idea clear. This committee is subject to the open meetings act. He can say who he wants on a committee. The group meeting tomorrow to discuss the homeless issue is three members and we will eventually appoint more people to the group. This is an initial sub-committee. Say yes or no, and don't put it off and waste people's time.

Ms. Weldon said members of the public should be on the committee and if adding all 9 Assemblymembers, that is too much.

Ms. Gladziszewski supported adding the full Assembly.

Roll call on motion to amend to add all Assemblymember:

Aye: Gladziszewski, Kiehl

Nay: Becker, Gregory, Jones, Nankervis, Weldon, White, Koelsch

Motion failed, 2 aye, 7 nay.

Mr. Nankervis restated the main motion: that the matter be returned to Mayor Koelsch to draft a charging memo that outlines with more specificity the tasks for the subcommittee. Mr. Jones added that this document would be presented at the next Assembly meeting under the Mayor's report.

Mr. Kiehl objected to the main motion.

Roll call:

Aye: Nankervis, Weldon, Koelsch

Nay: Becker, Gladziszewski, Gregory, Jones, Kiehl, White

Motion failed, 3 ayes, 6 nays.

MOTION, by White, to allow the Mayor to create the sub-committee without writing a big description, similar to the Homelessness Committee.

Ms. White said this would be an open meeting and the members could decide to add members of the public. The Mayor needs more autonomy and should be able to form committees as he sees fit.

Mr. Kiehl objected and said the best course was in Ms. Weldon's request that the Assembly agreed to unanimously, that the Mayor and Manager jointly prepare a proposal.

Roll call:

Aye: Becker, Gregory, Nankervis, Weldon, White, Koelsch

Nay: Gladziszewski, Jones, Kiehl

Motion passed, 6 ayes, 3 nays.

Mayor Koelsch said he would present the information to the Assembly at the next Assembly meeting and would accept letters of interest from the Assembly on service on the sub-committee.

D. Transportation Network Companies

Mr Watt said he provided a copy of the letter to the Governor about the Assembly's concerns about the Uber/Lyft Bill in the packet. He spoke with an Uber representative today to discuss the logistics they would be dealing with in Juneau, at the docks, the airport and the Glacier.

Ms. White wanted the letter to speak to local control and not ask for a veto. I read the letter as to recommend a veto. Mr. Watt said the governor could not make amendments – he could only veto or not veto.

Ms. Becker asked if the representative today had any authority to say they would comply with CBJ regulations, particularly at the airport. Mr. Watt said we learned how they work and how they use their software to limit and guide the drivers. I don't know if the people here visiting are in a position to change their nationwide models, but they seemed willing to be responsive at some level to our local issues.

Ms. Gladziszewski asked if the airport and docks would be acting in uniformity. Ms. Mead said CBJ was only allowed to enforce traffic laws and impose sales tax. This would not prohibit or preclude TNC's from entering into a voluntary agreement. CBJ has no hammer – so it would be voluntary. We can't enforce a/ b zones. We can't charge them money at the airport. Ms. Mead said the state law allowed state airports to regulate, but Juneau is a municipal airport and was not addressed in the bill. We may be able to use the traffic ordinance for enforcement if the code were rationally based and equally applied.

E. Attorney Resources - Misdemeanor Prosecution

Ms. Mead spoke to her memo to the Assembly requesting the hire of an additional attorney for a number of duties, including misdemeanor prosecution and collections of past due sales tax, Confessions of Judgment, civil violations and risk cases. She reviewed the request from Chief Johnson to amend code to align CBJ Code with state statutes to make misdemeanors under CBJ code. The District Attorney's office is extremely limited and they are taking virtually no misdemeanors at this point. CBJ is getting more calls for prosecution and the cases sent to the state for prosecution are not receiving attention. Chief Johnson would like to add the criminal code sections, but she would need additional staff to assist with this and collections. She discussed the dollar amounts of tax, fines and penalties due to CBJ that could be collected. She discussed the workload of the criminal section currently as compared to previous years. and the changes with the law department providing legal

service to Bartlett Regional Hospital and the School District. She said CBJ law does not have the resources to provide the level of service that the community and staff expect.

Mr. Nankervis said the criminal code changes are a separate request. It comes with work and a need for a worker.

Mr. Jones asked, even if CBJ added to attorney resources, would there be an issue with court resources or jail resources. Ms. Mead said there was not an issue with court resources and because of SB91, CBJ had sufficient jail resources.

Ms. Weldon asked if this would help alleviate the issues of thefts. Ms. Mead said it would help, but not with burglaries, which still to to the District Attorney, but the DA is not focusing on property crime – that would take a change in DA policy.

Ms. Weldon asked how many cases could an attorney handle and if there was a need for more than one additional attorney. Ms. Mead said at this time, the position she was asking for was sufficient.

Mr. Jones asked if we would pay more for public defender if more went to trial. Ms. Mead said the city public defender is paid by the city and is not based on the number of cases. Our current defender may be retiring and it may go out to bid.

Mr. Kiehl said judicial resources are not the reason for the changes, but Juneau judges have the highest case load and asked if she anticipated a timeliness issue. Ms. Mead said in other parts of Southeast there are no judges and no DA's office, so the Juneau staff is overwhelmed with the addition of SE cases.

The Assembly and Ms. Mead discussed the anticipated costs of an additional attorney and the potential revenue from increased collections. Ms. Mead said that the amount of money to be collected and the time and the nature of the work was not suited to hiring outside counsel.

Ms. White said she would like to have staff draft a supplemental to the budget to rehire the CSO position.

Mr. Watt said that each department had made cuts and that each department had discretion within its budget on how the staffing and funding would be directed. He recommended waiting a year to review the matter.

MOTION, by Gladyszewski, to direct the Attorney to work with the Police Chief to bring forward changes to criminal code. Hearing no objection it was so ordered.

MOTION, by Weldon, to direct the Attorney to move forward with hiring an additional attorney and to bring forward a supplemental budget ordinance to the Committee of the Whole for further review. Hearing no objection so ordered.

MOTION, by White, to direct the Manager to meet with the Finance Director to draft an ordinance to fund the CSO position.

Mayor Koelsch supported the motion. He receives numerous calls about a need for crime enforcement. Public safety is and must be the number one priority in this town. He recommended this be brought back to the COW to see if there is a will to fund this.

Mr. Jones, Ms. Weldon and Mr. Nankervis objected.

Roll call:

Aye: Gregory, Kiehl, White, Koelsch

Nay: Becker, Glazyszewski, Jones, Nankervis, Weldon.

Motion failed, 4 ayes, 5 nays.

Mr. Kiehl noticed the Finance Committee meeting Wednesday, June 14 and said the packet had been delivered.

V. ADJOURNMENT

There being no further business to come before the Committee, the meeting adjourned at 9:50 p.m.

Submitted by Laurie Sica, Municipal Clerk