

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
October 10, 2016, 6:00 PM.
Municipal Building - Assembly Chambers**

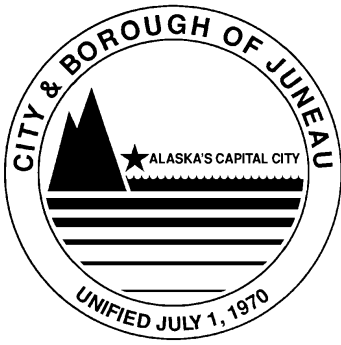
Assembly Work Session - No Public Testimony Taken

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. APPROVAL OF MINUTES**
- IV. AGENDA TOPICS**
 - A. Community Development Block Grants (CDBG)**
 - B. Fireworks Draft Ordinance**
 - C. SB91 Local Ordinance Amendments**
 - D. Priority Driven Budget Update**
- V. EXECUTIVE SESSION**
 - A. City Attorney Evaluation**
 - B. IAFF Bargaining**

VI. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

Community Development



City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: October 10, 2015

TO: Assembly Committee of the Whole

FROM: Chrissy Steadman, Planner
Community Development Department

SUBJECT: Applications for FFY 2016 Community Development Block Grant

INTRODUCTION

This memorandum contains the staff recommendation for application to the FFY 2016 Community Development Block Grant (CDBG) program.

Project ideas were solicited from the community for a grant from the federal Community Development Block Grant (CDBG) program administered in Alaska by the State Department of Community and Economic Development (DCED). Grant proposals must be sponsored by a local government and sent to DCED by December 2, 2016, where the proposals will be reviewed and compete against each other on a statewide basis. A local government has the choice of generating its own project ideas or soliciting ideas from the general public. The CBJ has a tradition of working with community organizations to develop proposals and has been successful in obtaining CDBG grants using this method in the past.

Process

CDD uses a standardized process for soliciting project ideas, review, selection and timelines. This process was developed by CDD staff and endorsed by the Human Resources Committee. The purpose is to create a level playing field for applicants, so that all applicants are submitting similar types and amounts of information about their proposal. This process helps CBJ staff and elected officials in evaluating the projects.

Display ads in the Juneau Empire advertised an informational meeting that was held August 10, 2016. Letters of invitation were also sent to social service agencies. This meeting explained the CDBG program, the CBJ process and established deadlines for project idea submittals as well as what to include in the preliminary submittal. This meeting was attended by representatives from two organizations. The deadline for proposals was 4:30 p.m. September 7, 2016. A reminder letter of this deadline was sent out to social service organizations. No proposals were received as a result of that meeting or reminder notice.

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In 2015 CDD staff recommended that CBJ apply for CDBG funds in partnership with the Juneau Housing First Collaborative (JHFC). Ultimately, that application was not awarded funds (see Attachment C). Since no proposals for FFY 2016 CDBG funds were received by CDD, JHFC approached CDD staff to discuss the practicality of applying for CDBG funds a second time. CDD and JHFC staff reviewed the grant reviewers' comments and agreed that all low scoring criteria could be improved since the project is much further along and the organizational structure of JHFC is better defined. Tlingit Haida Regional Housing Authority which is overseeing the construction of the JHFC facility has subcontracted with Elgee Rehfeld Mertz, LLC a local accounting firm to oversee the project budget. Finally, CDBG funds are critical to JHFC being able to repay the bridge loan given to JHFC by the CBJ.

BACKGROUND

Any Alaskan municipal government (except Anchorage) is eligible to apply for the Community Development Block Grants. In a typical year, applications are distributed to municipalities in late fall, and awards are made the following spring. Federal regulations require that at least 51 percent of the persons who benefit from a funded project must be low and moderate income persons as defined by the federal Department of Housing and Urban Development (HUD).

CBJ will be competing with the rest of the eligible communities in the state for this opportunity. As such, it is imperative we put together as strong a proposal as possible.

The Goals of the Program are to:

- Ensure that the CDBG funds will be used to principally benefit low and moderate income persons;
- Provide financial resources to address public facility problems which encourage community self-sufficiency, increase health and safety of local residents, and reduce the costs of essential community services, and;
- Provide capital to assist in the creation or retention of jobs that primarily benefit low and moderate income persons.

The following objectives guide distribution and use of funds:

- To support activities which provide a substantial or direct benefit to low and moderate income persons;
- To support activities which eliminate clear and imminent threats to public health and safety;
- To support local efforts toward solving public facility problems by constructing, upgrading, or reducing operational/maintenance costs of essential community facilities;
- To support activities which demonstrate the potential for long-term positive impact;

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- To support activities which encourage local community efforts to combine and coordinate CDBG funds with other available private and public resources whenever possible, and;
- To support activities which will result in business development and job creation or retention which principally benefit low and moderate income persons.

Past successful projects that CBJ has funded through the CDBG program include the Community Crisis Respite Center created under the umbrella of Gastineau Human Services, and the Family oriented homeless shelter built by Saint Vincent De Paul. The most recent CDBG grant CBJ received was in 2011 for the AWARE shelter. However, this money was returned to the granting agency as AWARE discovered unanticipated site development challenges that exceeded their budget. AWARE ultimately constructed their project at a different location without CDBG funds. The CBJ was also awarded CDBG funds in 2007. This was a unique grant proposal as it grouped four separate projects together in one application formalized by a memorandum of understanding. This grant funded renovations and energy improvements to the AWARE shelter, the Glory Hole, Gastineau Human Services housing, and the St. Vincent De Paul shelter.

We are asking the Committee of the Whole to make a recommendation to the Assembly. Printed grant applications, with original signatures must be received in Fairbanks by 5:00p.m. December 2, 2016.

PROPOSALS

This year the Community Development Department received one proposal; maximum funding available from CDBG for FFY 2016 is \$850,000.

Juneau Housing First Collaborative (JHFC)

The Juneau Housing First Collaborative (JHFC) proposes to use CDBG funds for general building construction. The Housing First project will be a mixed-use residential facility. The uses will include a first floor walk-in clinic, support offices, conference room, commercial kitchen, and dining area for the residents. The Housing First project will serve adults who experience barriers to housing stability. The proposed health clinic will house the existing Front Street Clinic and serve Housing First residents as well as the public.

Land for the project was donated by Tlingit Haida Regional Housing Authority with additional project funding from the City and Borough of Juneau, Alaska Housing Finance Corporation Special Needs Housing Grant, Alaska Mental Health Trust, the Juneau Community Foundation and the Indian Community Development Block Grant Program.

The proposal requests \$850,000 in grant funds with over \$5 million secured in matching funds. Construction costs for the facility are estimated at \$7,648,000. See attached proposal.

EVALUATION OF PROPOSALS

Will the proposal compete well at the state level?

Is it responsive to the rating criteria used by DCED? (See attachment A.) If CBJ puts in the effort to make a selection and prepare an application, we want to have a good chance of it succeeding. If a particular project is felt to be very desirable and worthy, but does not respond well to the CDBG goals, then some other means should be found to fund it.

Does the project meet local needs and concerns?

Projects which respond to officially expressed concerns should be given more consideration than those which do not.

How much matching contribution will be provided by the project sponsors?

A project that has a higher match percentage or which will attract or enable significant additional participation should score higher than one that generates little or no match.

How likely or reliable is the match?

Does the sponsor have the match on hand? How much assurance can the sponsor provide that the match will be materialized?

Juneau Housing First Collaborative

- Project is already underway.
- This project is eligible under the CDBG plan as a Community Development Project.
- The Project will serve CDBG-identified limited clientele.
- The applicant has secured \$5,848,000 in matching funds (figure does not include CBJ bridge loan).
- There is a broad positive impact for those in need of affordable medical care. The new clinic facility will be able to serve twice the number of patients than the existing location is capable of.
- The project has broad public support as evidenced in the variety of funding sources and land donation.
- The 2013 Comprehensive Plan has several policies which support this project:

- **Policy 4.1.** To facilitate the provision and maintenance of safe, sanitary and affordable housing for CBJ residents.
 - 4.1 – SOP1 Fund, or assist in securing funding for, emergency shelters, transitional housing, permanent supportive housing and appropriate supportive services for people who are homeless or near homeless...
- **Policy 4.2.** To facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.
- **Policy 13.3.** To promote quality medical and social services in the CBJ to ensure the safety, health, well-being and self-sufficiency of its residents.

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RECOMMENDATION

Based on the above review and for the reasons given below, staff is recommending that the Committee of the Whole recommend to the full Assembly that the City and Borough co-apply with the Juneau Housing First Collaborative for a FFY 2016 Community Development Block Grant:

- The JHFC proposal is at the ready to go stage.
- The JHFC proposal can be completed with the CDBG funds and the matching funds that are in hand or have been promised.
- The JHFC proposal is consistent with the State CDBG Plan.
- The JHFC has broad public support.

ATTACHMENTS:

Attachment A, which contains:

1. List of Eligible Activities from the DCED.
2. Rating Criteria in detail (from 2016 CDBG Grant Application Handbook).

Attachment B – Juneau Housing First Collaborative Proposal

Attachment C – FFY 2015 CDBG application review comments from DCCED

F. ELIGIBLE PROJECT CATEGORIES & ACTIVITIES

The State of Alaska CDBG Program may be used to fund projects in three categories: **Community Development, Planning, and Special Economic Development**. The following summary, identifying the common types of eligible activities in each category, is for general reference only. A complete list of eligible and ineligible activities can be found in Title I of the Housing and Community Development Act of 1974, as amended.

Each applicant is expected to consult with CDBG Program staff about project eligibility and structure prior to submission of an application. It is important that applications be submitted under the appropriate category.

Community Development

Under Section 105(a)(2),(4),(5),(14)&(15), CDBG grant funds may be used for:

Public Facilities

- | | |
|-----------------------------------|-----------------------------------|
| ✓ Health Clinics | ✓ Acquisition |
| ✓ Daycare Centers | ✓ Construction |
| ✓ Homeless Shelters | ✓ Reconstruction |
| ✓ Water & Sewer Systems | ✓ Installation |
| ✓ Solid Waste Disposal Facilities | ✓ Improvements |
| ✓ Flood & Drainage Facilities | ✓ Electrical Distribution Lines |
| ✓ Docks & Harbors | ✓ Fuel & Gas Distribution Systems |

Transportation Improvements

- | | |
|-----------------------|--------------------|
| ✓ Local Service Roads | ✓ Barge Facilities |
| ✓ Boardwalks | ✓ Airports |

Access to Public Facilities & Structures

- | | |
|---|--|
| ✓ Removal of architectural barriers in conjunction with current renovations | ✓ Improve access for handicapped & elderly persons |
|---|--|

Real Property

- | | |
|--------------------|--------------|
| ✓ Acquisition | ✓ Clearance |
| ✓ Building Removal | ✓ Demolition |
| ✓ Improvements | |

Fire Protection Facilities & Equipment

- | | |
|----------------|------------------|
| ✓ Acquisition | ✓ Rehabilitation |
| ✓ Design | ✓ Purchase |
| ✓ Construction | |

Note: Community Development activities do not include the purchase of any personal property or any equipment unless it is attached to a facility or building and considered an "integral structural feature." Fire protection equipment is the only exception.

Planning

Under Section 105(a)(12), CDBG grant funds may be used for:

- | | |
|---|---|
| <ul style="list-style-type: none"> ✓ Data Collection ✓ Analysis ✓ Plan Preparation ✓ Marketing Studies ✓ Feasibility Studies | <ul style="list-style-type: none"> ✓ Community Economic Development Plans ✓ Community Land Use Plans ✓ Capital Improvement Plans ✓ Plan Updates |
|---|---|

Note: Planning activities do not include engineering, architectural, and design costs related to a specific project activity. These activities may be eligible under the Community Development category.

Special Economic Development

“Special Economic Development,” as used in the CDBG Program, must meet the criteria below. See “Unique Requirements of Special Economic Development Projects” on page 9 for more information about the specific requirements for projects under this funding category.

Under Section 105(a)(14) CDBG grant funds may be used for:

- | | |
|---|--|
| <ul style="list-style-type: none"> ✓ Commercial or Industrial Improvements ✓ Carried out by Grantee or Non-Profit Recipient ✓ Involving Commercial or Industrial Buildings, Structures, and Other Real Property Equipment & Improvements | <p>Includes:</p> <ul style="list-style-type: none"> ✓ Acquisition ✓ Construction ✓ Reconstruction ✓ Rehabilitation ✓ Installation |
|---|--|

Under Section 105(a)(17), CDBG funds may be used for:

- | | |
|---|--|
| <ul style="list-style-type: none"> ✓ Assistance (through eligible applicant) to an identified private, for-profit entity or entities | <p>The project must:</p> <ul style="list-style-type: none"> ✓ Create and maintain jobs for low or moderate income persons ✓ Assist businesses that provide goods or services needed by and affordable to low and moderate income residents |
|---|--|

Special Economic Development Projects must fit under one of those two categories.

If your project is not for the purpose of acquisition, construction, reconstruction, rehabilitation, or installation of commercial or industrial buildings, structures, and other real property equipment and improvements, OR it is not for the purpose of providing assistance to an identified private for-profit entity **IT IS NOT** appropriate to submit it under the Special Economic Development category.

Note: The examples provided under each of the three funding categories are for general information only and are not intended to be all-inclusive. Each community is encouraged to consult with CDBG Program staff about project eligibility and structure.

V.

Rating Criteria

As described previously under the Grant Selection process, applications will be reviewed at two stages: threshold review and project rating and selection. During the threshold review process, staff will screen all applications for eligibility without awarding points. An application must meet all of the threshold review requirements in order to qualify for the second stage of the selection process. The project rating and selection process, stage two, will be conducted by the ASC using the criteria described below.

Applications will be evaluated and assigned points by the ASC based on the following criteria:

CRITERION #1 / Maximum Points Available 15

Project Description & Selection / Citizen Participation Plan

- ✓ Did the applicant describe the existing conditions, the nature of the proposed project, and what needs the project will address in the community? Although not required, did the applicant submit photos that show existing conditions?
- ✓ Did the applicant describe how the community decided on this project and why?
- ✓ Is there evidence of an active citizen participation plan which encourages citizen participation, provides reasonable access to public meetings, and provides technical assistance to low and moderate income citizens in developing proposals?
- ✓ Did the applicant describe the public participation process and explain how low and moderate income residents had the opportunity to comment?
- ✓ Does the applicant demonstrate there is a community consensus about this project?
- ✓ Did the applicant attach minutes of at least one public hearing, held within six months of the submission of this application, which verifies community consensus? Do the public meeting minutes demonstrate that citizens were asked to prioritize potential CDBG requests and that the majority selected this project?
- ✓ Did the applicant submit verification of public notification of the meeting? Were sign-in sheets attached?
- ✓ Does the applicant appear to have adopted a community development plan which identifies the proposed project as a community priority?

CRITERION #2 / Maximum Points Available 25

Project Plan / Readiness

- ✓ Did the applicant provide a clear and reasonable plan for implementing the proposed project?
- ✓ Did the applicant identify specific time lines, goals, objectives, and expected outcomes? Do these appear to be reasonable and achievable?
- ✓ Has the applicant identified and addressed permitting requirements, site control, State Fire Marshal approvals if appropriate, Energy Standards if appropriate, and Cooperative/Joint Agreements if appropriate?
- ✓ Has the applicant identified other agencies which will be or should be involved with this project?
- ✓ Is the applicant ready to proceed with the proposed project upon notification of award?
- ✓ Has the applicant obtained market assurances if appropriate? (Only for Special Economic Development Projects)
- ✓ In this section, does the applicant describe in detail that substantial efforts have been made to identify and seek other resources besides CDBG to support this project?
- ✓ Did the applicant receive CDBG funding within the past two years for project design, engineering, feasibility, and/or planning?

CRITERION #3 / Maximum Points Available 25**Project Impact**

- ✓ Does the applicant provide evidence that the proposed activities will provide a substantial or direct benefit to low and moderate income persons?
- ✓ Does the applicant demonstrate that the proposed activities have the potential for long-term positive impact?
- ✓ Does the proposed project support activities that eliminate clear and imminent threats to public health and safety?
- ✓ Does the proposed project support local efforts toward solving public facility problems by constructing, upgrading, or reducing operational/maintenance costs of essential community facilities?
- ✓ Does the applicant document the specific health and safety needs that will be addressed by this proposed project? Does the applicant identify and document how long these health and safety needs have existed and the extent of the need?
- ✓ Does the applicant demonstrate that the proposed project is economically feasible and will have long-term viability?
- ✓ Does the proposed project provide development or encourage development in underdeveloped rural areas?
- ✓ Does the proposed project promote self-sufficiency and diversification in local economies?
- ✓ Does the proposed project make use of local resources and/or improve existing production/delivery capacity?

CRITERION #4 / Maximum Points Available 25**Budget / Match / In-Kind**

- ✓ Is the overall Proposed Budget reasonable?
- ✓ Has the applicant clearly identified and submitted its proposed budget according to the four budget components (CDBG Request, Cash Match, In-Kind Contributions, and Total Project Cost)? Has the applicant included a Budget Narrative?
- ✓ Has the applicant secured other funds which are needed to complete this project? Is documentation included?
- ✓ Are matching funds at least 25% of the total project cost and has the applicant documented that this match is committed to the project? Has the applicant identified the source and type of this match?
- ✓ Has the applicant identified and documented all In-Kind Contributions, including their source and type? Does the amount of In-Kind Contribution indicate that the community is committed to making this project happen and willing to contribute significantly to its support? Are the computations for In-Kind Contributions reasonable and supported with documentation?
- ✓ Has the applicant identified whether the proposed project will be Force Accounted or Contracted Out, if appropriate?
- ✓ Has the applicant completed the Labor and Fringe Benefits computation chart contained in the Application Packet? Are the proposed wage rates appropriate and reasonable? Are the Fringe Benefits appropriate and reasonable?
- ✓ Has the applicant identified costs and attached price quotes or cost estimates for materials, freight, equipment rental, equipment purchase, contractual, insurance, administration, and other line items for which CDBG funds are requested? Are the costs reasonable and appropriate?
- ✓ Is no more than 5% in administrative costs requested from the CDBG funds?
- ✓ Does it appear that the applicant can complete this project and provide a benefit to the residents of the area with the funds currently available?

CRITERION #5 / Maximum Points Available 10**Administrative Capabilities**

- ✓ Does the Application Packet and information provided therein support that the applicant has the administrative capability to properly manage CDBG funds and comply with all federal and state requirements?
- ✓ Has the applicant identified who will have the day-to-day management responsibility and oversight for this project?
- ✓ Does the applicant have the cash resources to administer a cost reimbursable grant or have they identified an alternative course of action which will allow this project to proceed?
- ✓ Has the applicant successfully administered other federal or state grants which have had similar requirements to the CDBG program? Has the applicant documented that it was successful with those grants?
- ✓ Did the applicant attach a copy of last year's audit or Certified Financial Statement with the Application Packet? Does the audit identify findings? Have those findings been satisfactorily resolved? Did the applicant include management letters and any other reports received with its audit?
- ✓ Has the applicant noted any tax liens or judgments and addressed them?
- ✓ Has the applicant clearly described what Administration costs will be charged to this grant?
- ✓ Did the applicant use the application form provided, adding pages if needed? Was the minimum font size used in the application (at least size 12) and was it easy to read? Was supplemental information (designs, comprehensive plans, etc.) inserted in appendices attached to the back of the application?

Total Maximum Score for all Five Criteria

Project Description & Selection/Citizen Participation Plan	15
Project Plan/Readiness	25
Project Impact	25
Budget/Match/In-Kind	25
Administrative Capabilities	10

Total Maximum Score 100 Points



September 15, 2016

Ms. McNally,

Thank you for considering our proposal for the Community Development Block Grant application, in the amount of \$850,000. We believe that the Juneau Housing First Collaborative project fits the CDBG application criteria. The project will provide supportive, medical, and housing services to low and moderate income individuals and especially to individuals experiencing extreme disability. The project a community priority, is shovel ready and in progress. The project has passed all necessary environmental reviews and inspections. The City and Borough of Juneau Assembly is expecting this application because it is crucial to the reduction of the \$1.8 million dollar bridge loan.

The project has site control of the land and has secured over 6 million dollars in matching funds. The project will have substantial and positive economic impact on the community and the region through substantially reducing the amount of money and resources spent on emergency services and department of corrections time.

We anticipate that the project will be able to submit a stronger application this year than last year. Specifically, the project has raised more funds. A substantial amount of construction has been completed. There is a clear understanding of operating roles and responsibilities. The project is clearly a community priority and background work will be done to educate the Department of Commerce and Economic Development on the importance of this project to Juneau.

Thank you again for your consideration and please do not hesitate to contact me with any questions or comments at (907) 957-2885 or info@feedjuneau.org.

Best Regards

Mariya Lovishchuk

Executive Director, TGH

A. Project Description

The Juneau Housing First Collaborative (JHFC) is developing a project targeting the communities’ most vulnerable residents – the chronically homeless who are chemically dependent, exhibit an extensive history of emergency service utilization, and who have a 3 to 4 times greater chance of dying prematurely on the streets than the general population. The community facility project is being developed in response to a well-documented community need and will include 32 units of permanent supportive housing and first floor space for a Community Health Center that will provide medical, behavioral, case management and community development services to vulnerable residents below 80% AMI. It is important to note that 100% of Juneau’s most vulnerable individuals are considered as having very low annual income.(<30% AMI).

The Juneau Housing First Collaborative Board is made up of social service providers, affordable housing developers, healthcare professionals, members of the business community, and concerned residents that have extensive local experience treating, housing, and assisting the homeless.

Board Member	
Stephen Sorensen, Chair	Attorney at Law
Bruce Denton, Vice-Chair	Developer/Property Owner
Joyce Niven, Treasurer	VP Administration, Tlingit-Haida Regional Housing Authority
Bryce Johnson, Secretary	Chief of Police, City and Borough of Juneau
Pam Watts	Executive Director, Juneau Alliance for Mental Health
Doug Harris	Clinical Director, Juneau Alliance for Mental Health
Scott Ciambor	Chief Housing Officer, City and Borough of Juneau
Jeannette Lacey	Director of Case Management, Bartlett Regional Hospital
Laura Lucas	Case Manager, Front Street Community Health Center

The Juneau Housing First Collaborative project to date has received widespread community support and is a goal of the City and Borough of Juneau Assembly, the Juneau Affordable Housing Commission, Juneau Coalition on Housing and Homelessness, Downtown Improvement Group, and more.

The JHFC project is one of the highest priorities of the City and Borough Assembly. In addition to contributing \$1.5 million dollars to the overall budget, the City and Borough of Juneau Assembly approved \$1.8 million dollars of bridge funding to allow development of the project to begin. It is expected that the bridge funding will be not be used. Applying for the Community Development Block Grant funding is an essential part of the strategy to ensure that as little of the bridge funding is used as possible.

JHFC submitted an application for CDBG funds in 2015 that did not result in an award. For the 2016 application, JHFC is more confident in the proposal for two reasons 1) concerns brought up in review of the 2015 CDBG application will be addressed in this application and 2) a higher percentage of funds have been secured for this project and noted in the budget. (Rasmuson

The Vulnerability Index Survey efforts were replicated on September 21-22, 2015, by 60 volunteers. A total of 69 individuals completed the survey (54 Male, 15 Female). The average age was 45.17 years. Analysis revealed that 40 of the 69 individuals (57.9%) had a vulnerability score of 1 or higher, placing them in a high risk category for premature death. Out of these, over 65% were Alaska Native Peoples, specifically, Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA) tribal members.

A comparison between individuals with a VI score of zero and 1 or higher was completed across multiple characteristic variables. It was found that those with higher vulnerability scores have been **homeless for a significantly longer time** than the less vulnerable individuals (111.32 months vs. 35.40 months). In addition, higher VI scoring individuals were **two times more likely to have been treated for mental illness** (55% vs. 24.14%) and **over fourteen times more likely to be experiencing tri-morbidity**. Lastly, high VI scoring individuals reported an average of **2.43 serious medical conditions versus .45 for their zero VI counterparts**.

The majority of the surveyed individuals (**79.7%**) indicated that they have abused drugs or alcohol in their lifetime. Of those, **36.4% reported consuming alcohol every day for the past month, 25.4% have used injection drugs, and 74.5% have received treatment for drug or alcohol abuse**.

Out of all of the respondents, **21 individuals (30.4%) are experiencing tri-morbidity**, the combination of mental illness, substance abuse, and a third major health condition.

The health concerns of the general Juneau population pale when compared to the population of Juneau's homeless. According to the US HUD/AHFC 2012 survey, fully 41 percent of the population self-report at least one health issue and 21 percent have a physical disability.

Conditions that require regular, uninterrupted treatment such as TB, HIV/AIDS, diabetes, hypertension, addictive disorders, and mental disorders are extremely difficult to treat or control among those without adequate housing. Many people experiencing homelessness have multiple health problems. For example, frostbite, leg ulcers, and upper respiratory infections are frequent, and are often a direct result of homelessness.

A significant concern in this community data is that Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA) tribal members, the Tlingit and Haida Peoples of Juneau are disproportionately represented in the numbers of homeless emergency service high users. Tribal members represent only 11.8% of the total Juneau population. However, according to the AKHMIS data, tribal members make up 45% of the homeless community in Juneau. **Even more disturbing, according to local Vulnerability Surveys of both 2012 and 2015, tribal members make up 55%-65% of the most vulnerable population in Juneau**. In an effort to eliminate this social injustice and assist in the healing of our overall community the creation of a community facility that will provide integrated supportive services to the most vulnerable people of Juneau in accordance to the harm reduction model of care is important.

Essential Community Development Need

Chronic homelessness is a public health disaster and a drain on community resources. With data and desire to remedy chronic homelessness in the community, the Juneau Housing First Collaborative researched best practices to come up with potential local solutions.

The JHCF Board has consulted with permanent supportive housing projects in Alaska and across the country during the design and development stage. Project leaders of the following PSH projects have been of assistance throughout the process: RurAL Cap Karluk Manor in Anchorage, Tanana Chiefs Conference in Fairbanks, Downtown Emergency Service Center in Seattle, Anishinabe Waikaigun in Minneapolis, and New San Marcos in Duluth, Minnesota.

After extensive consultation the proposed community facility that provides housing and healthcare services was determined to be the best option for the chronic homeless and overall benefit of the community. While people are safely housed the community facility will provide these individuals access to culturally appropriate medical, behavioral, and other care, saving money and saving lives.

The community facility project will follow the best practices of the US Interagency Council on the Homeless (USICH) and the Substance Abuse and Mental Health Administration (SAMHSA). In identifying and providing supportive services to Juneau's most vulnerable residents, the JCHF will combine permanent supportive housing with Housing First principles, which include:

- Residents are moved into shelter without the pre-condition of receiving treatment;
- Housing units will be targeted to the most vulnerable (Most disabled, length of time on the streets);
- Robust services and supports available on-site;
- Tenancy is not dependent on participation in services;
- Once housed, a harm reduction approach to substance abuse is taken versus an abstinence-based requirement; and
- Residents must have lease agreements and tenant protections.

Additional services will include medical, behavioral, case management, community building, and other therapeutic services. Funding is sought to create a physical space for these services.

Budget

The Juneau Housing First Collaborative Permanent Supportive Housing and Community Health Center Project requires putting together a wide-range of funding sources that each come with separate timelines and obligations. This is not unusual. In fact, HUD has indicated that it takes approximately 7.4 different funding sources to complete a supportive housing project – and more with additional uses for the facility. This can be problematic in the development phase and is an issue being addressed in the [Alaska Strategic Supportive Housing Plan](#) that calls for a funders collaborative to align and leverage resources, and streamline the process for developers of supportive housing in the state.

To date, the Juneau Housing First Collaborative has secured 83% of total funds need to complete the project. (\$6,373,000 funds out of \$7,648,000 needed.) CDBG would provide gap funding. The following funds currently awarded for this project, include:

Alaska Housing Finance Corporation Special Needs Housing Grant (\$2,250,000)
Alaska Housing Finance Corporation HOME funds (\$750,000)
Alaska Mental Health Trust Authority (\$75,000)

Juneau Housing First Collaborative Community Facility

Budget Details

Site Work

Sidewalks	34,344
Parking lot subgrades	53,666
Grading and paving	128,200
<u>Site Work Total</u>	<u>216,210</u>

New Construction

Building Outer tiles/weather protection	32,509
Vinyl Flooring	65,000
Kitchen shelving, mechanical, and electrical	54,300
Wood trim and safety rails	95,830
Mechanical fixtures and systems	157,300
Electrical fixtures and systems	167,200
Sprinkler system	15,800
Doors and Frames	24,320
Laundry room and appliances	21,531

<u>New Construction Total</u>	<u>633,790</u>
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CDBG REQUEST TOTAL	850,000
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Juneau Housing First Collaborative- ICDBG Community Facility
Project Cost

Project Funds Committed	Construction Costs	AHFC SNHG	AHFC HOME	AMHT	AMHT	CBJ \$1.5M	CBJ GAP	JCF	Glory Hole	ICDBG	CDBG	
		2,250,000	750,000	50,000	350,000	1,500,000	950,00	200,000	148,000	600,000	850,000	
Direct												
New Building Costs	5,249,696	1,239,696	750,000	50,000	159,785	719,083	936,000	181,967	21,158	558,217	633,790	5,249,696
Site Work	480,000					480,000					216,210	696,210
Utility Connections	118,504	118,504										118,504
Contractor Overhead	110,400	110,400										110,400
Contractor Fee	386,400	386,400										386,400
Total Direct	6,345,000											-
												-
Indirect			-						-			-
General Requirements	185,003	100,000				25,187		18,033		41,783		185,003
Construction Contingency	263,113				135,215	1,056			126,842			263,113
Architectural Design Fees	268,868	76,079				192,789						268,868
Architectural Supervision	33,986	33,986						-				33,986
Engineering Fees	118,800	77,415				41,385	-					118,800
Engineering Supervision	12,520	12,520						-				12,520
Survey	14,500					14,500						14,500
Soils Report	26,000					26,000						26,000
Project Audit Fee	14,000						14,000	-				14,000
Developer's Fee	150,000	95,000			55,000							150,000
Total Indirect	1,086,790											-
												-
Expensed Budget	7,431,790	2,250,000	750,000	50,000	350,000	1,500,000	950,000	200,000	148,000	600,000	850,000	7,648,000

Approved by Craig Moore

Date

Name of Applicant:	City and Borough of Juneau	Community:	Juneau
Project Title:	Housing First Collaborative Facility 1st Floor Construction	Total Cost:	\$6,215,100
		CDBG Funds Requested:	\$850,000

Project Description/Citizen Participation

- This project is very large and complicated and does not appear to be ready-to-go.
- It is difficult to understand the separation between the first floor and the rest of the building.
- There was too much information in this section—a more concise description would have been easier to read.
- It was difficult to determine who all the partners are on this project. There are so many entities involved and the project is so complicated that there is concern it won't be successful.
- The need for the project was identified, although not clearly.
- The public hearing was targeted towards social service agencies and special interest committees, not the public.
- The DUNS number was incorrect. There are four numbers for the city, but none is the one listed.

Project Plan/Readiness

- The timeline is aggressive and seemed unreasonable considering all the CDBG requirements.
- The agreement provided did not clearly explain different entities' roles and was not signed by all identified partners.
- They provided many letters of support.
- There are many pieces of the puzzle that don't appear to be put together; it's unclear whether they are ready to go.
- All the funding for this project is not secured, so there is no guarantee the project would be completed if funds are awarded.

Project Impact

- This project would have a big positive impact on the residents being served.
- The community already has several housing units and services for the homeless population, and so building another one may be a lower priority.
- The situation revolving around vouchers was poorly explained and hard to understand.

Project Budget

- The budget was confusing and unclear. It is unclear exactly how CDBG funds specifically will be used.
- Despite providing quotes from the contractor, some line items are unclear.
- Some of the items the applicant identifies for CDBG funding are not allowable as listed in Attachment E.
- There is concern that the applicant will lump CDBG into other funding instead of separating the funding sources.
- The guaranteed maximum price is already expired.
- They used the assessed value of the land as in-kind match although they are only paying one dollar a year.

Administrative Capability

- The application was well-organized and easy to navigate.
- It doesn't appear that there is a lead agency on this project—two entities are identified as doing day-to-day management. It's unclear who is in charge and who will be communicating between the different entities.
- It may be more appropriate to apply for CDBG funding when more components of the project are in place.
- There does not appear to be an agreement in place between the different entities for project management.

Category	Project Description 15	Plan Readiness 25	Project Impact 25	Budget 25	Administration 10	TOTAL
Reviewer 1	13	10	15	15	3	56
Reviewer 2	7	10	20	15	5	57
Reviewer 3	7	10	20	15	5	57

Average = 57

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-38

An Ordinance Relating to Fireworks and Providing for a Penalty.

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

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

Section 2. Amendment of Chapter. CBJ 42.20 Offenses Against Public Order, is amended by adding a new section to read:

42.20.096 Fireworks.

(a) Except as provided below or in accordance with a valid license or permit, it shall be unlawful for any person to possess, store, use or explode fireworks, or to allow fireworks to be used or exploded on his or her premises or on premises under his or her control.

(b) The following exceptions shall apply:

(1) It shall be lawful for a person to possess or store salable fireworks between the dates of December 1 through January 3, and June 1 through July 6, of each year.

(2) It shall be lawful for a person to use or explode salable fireworks, or allow salable fireworks to be used or exploded on his or her premises or on premises under his or her control, between the hours of 10:00 a.m. and 1:00 a.m., on December 31 through January 2 and July 3 through July 5, of each year.

1
2 (c) *Salable fireworks* means 1.4 G fireworks, as defined by the National Fire Protection
3 Association, and, more specifically, shall include and be limited to the following:

- 4 (1) roman candles, not exceeding 10 balls spaced uniformly in the tube, total
5 pyrotechnic composition not to exceed 20 grams each in weight, any inside tube diameter
6 not to exceed three-eighths inch;
7
8 (2) skyrockets with sticks, total pyrotechnic composition not to exceed 20 grams each
9 in weight, and the inside tube diameter not to exceed one-half inch, with the rocket sticks
10 being securely fastened to the tubes;
11
12 (3) helicopter type rockets, total pyrotechnic composition not to exceed 20 grams
13 each in weight, and the inside tube diameter not to exceed one-half inch;
14
15 (4) cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each
16 in weight, and the inside tube diameter not to exceed three-quarters inch;
17
18 (5) cone fountains, total pyrotechnic composition not to exceed 50 grams each in
19 weight;
20
21 (6) wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit
22 or 240 grams for each complete wheel, and the inside tube diameter of driver units not to
23 exceed one-half inch;
24
25 (7) illuminating torches and colored fire in any form, total pyrotechnic composition
not to exceed 100 grams each in weight;
26
27 (8) dipped sticks, the pyrotechnic composition of which contains chlorate or
perchlorate, that do not exceed five grams, and sparklers, the composition of which does
not exceed 100 grams each and that contains no magnesium or magnesium and a chlorate
or perchlorate;

(9) mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight;

(10) firecrackers with soft casings, the external dimensions of which do not exceed one and one-half inches in length or one-quarter inch in diameter, total pyrotechnic composition not to exceed two grains each in weight;

(11) novelties consisting of two or more devices enumerated in this paragraph when approved by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

(d) Violation of this section is an infraction and each occurrence of a prohibited act shall constitute a separate violation.

Section 2. Amendment of Section. Chapter 67.01.090 Prohibited uses, is amended to read:

67.01.090 Prohibited uses.

...

(c) *Firearms and other missiles prohibited.* Except as provided by CBJ 42.20.096 with respect to fireworks, no No person shall carry or discharge an air rifle, firearm or slingshot or throw stones or other missiles within the limits of any area designated in section 67.01.030, and no person shall hit a golf ball or launch other missiles within such areas other than in areas designated by the director.

...

Section 3. Amendment of Section. CBJ 03.30.065 Penal code fine schedule, is amended to read:

03.30.065 Penal code fine schedule.

Pursuant to sections 03.30.010—03.30.015 of this chapter, the following offense which is amenable to disposition without court appearance may be disposed of upon payment of the fine listed. If a person charged with this offense appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for the offense listed in the following schedule:

PENAL CODE FINE SCHEDULE

CBJ	Offense	No. of Offenses	Fine
42.20.095	Disturbing the peace	Any	\$300.00
<u>42.20.096</u>	<u>Illegal use or possession of fireworks</u>	<u>Any</u>	<u>\$100</u>
42.20.210	Off-site commercial solicitation restricted	1 st	\$150.00
...			

Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2016.

Attest:

Kendell D. Koelsch, Mayor

Laurie J. Sica, Municipal Clerk



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: Borough Assembly

FROM: Amy Gurton Mead, Municipal Attorney

DATE: October 6, 2016

SUBJECT: 2016-32

Please find attached:

1. A draft ordinance re-adding in the subsection removed from the CBJ's crime ordinance.
2. A copy of the State statute that allows the court to impose jail time for failure to pay a fine (12.55.051, see subsection (a)).
3. The section from SB 91 that makes one small change to AS 12.55.051 at subsection (a), but keeps intact the court's ability to impose jail time for failure to pay a fine. (*See sec. 73*).

AS 12.55.051(a) provides a meaningful enforcement tool for the court to encourage voluntary compliance or if not, to allow the court to otherwise hold a defendant accountable for the crime committed. Failure to pay the fine in a criminal case is considered to be contempt of court under Alaska case law.

The purpose of this section is to give the court a tool to hold someone accountable who is willfully failing to comply with a sentence imposed as a consequence for committing a crime. The judge is prohibited from imposing a jail sentence if the failure to pay the fine or restitution is because of an inability to pay, and the judge is required to make a factual finding that inability to pay is not a factor.

§ 12.55.051. Enforcement of fines and restitution, AK ST § 12.55.051

West's Alaska Statutes Annotated

Title 12. Code of Criminal Procedure

Chapter 55. Sentencing and Probation (Refs & Annos)

AS § 12.55.051

§ 12.55.051. Enforcement of fines and restitution

Currentness

(a) If the defendant defaults in the payment of a fine or any installment or of restitution or any installment, the court may order the defendant to show cause why the defendant should not be sentenced to imprisonment for nonpayment and, if the payment was made a condition of the defendant's probation, may revoke the probation of the defendant. In a contempt or probation revocation proceeding brought as a result of failure to pay a fine or restitution, it is an affirmative defense that the defendant was unable to pay despite having made continuing good faith efforts to pay the fine or restitution. If the court finds that the defendant was unable to pay despite having made continuing good faith efforts, the defendant may not be imprisoned solely because of the inability to pay. If the court does not find that the default was attributable to the defendant's inability to pay despite having made continuing good faith efforts to pay the fine or restitution, the court may order the defendant imprisoned until the order of the court is satisfied. A term of imprisonment imposed under this section may not exceed one day for each \$50 of the unpaid portion of the fine or restitution or one year, whichever is shorter. Credit shall be given toward satisfaction of the order of the court for every day a person is incarcerated for nonpayment of a fine or restitution.

(b) When a fine or restitution is imposed on an organization, the person authorized to make disbursements from the assets of the organization shall pay the fine or restitution from those assets. A person required to pay a fine or restitution under this subsection who intentionally refuses or fails to make a good faith effort to pay is punishable under (a) of this section.

(c) A defendant who has been sentenced to pay a fine or restitution may request a hearing regarding the defendant's ability to pay the fine or restitution at any time that the defendant is required to pay all or a portion of the fine or restitution. The court may deny the request if it has previously considered the defendant's ability to pay and the defendant's request does not allege changed circumstances. If, at a hearing under this subsection, the defendant proves by a preponderance of the evidence that the defendant will be unable through good faith efforts to satisfy the order requiring payment of the fine or restitution, the court shall modify the order so that the defendant can pay the fine or restitution through good faith efforts. The court may reduce the fine ordered, change the payment schedule, or otherwise modify the order. The court may not reduce an order of restitution but may change the payment schedule.

(d) The state may enforce payment of a fine against a defendant under AS 09.35 as if the order were a civil judgment enforceable by execution. This subsection does not limit the authority of the court to enforce fines.

§ 12.55.051. Enforcement of fines and restitution, AK ST § 12.55.051

(e) The Department of Law is authorized to collect restitution on behalf of the recipient unless

(1) the recipient elects as provided in (f) of this section to enforce the order of restitution without the assistance of the Department of Law; or

(2) the order requires restitution to be made in a form other than payment of a specific dollar amount.

(f) The court shall forward a copy of an order of restitution to the Department of Law when the judgment is entered. Along with the copy of the order, the court shall provide the name, date of birth, social security number, and current address of the recipient of the restitution and the defendant, to the extent that the court has that information in its possession. Upon receipt of the order and other information from the court, the Department of Law shall send a notice to the recipient regarding the recipient's rights under this section, including the right to elect to enforce the order of restitution without the assistance of the Department of Law. The information provided to the Department of Law under this subsection is confidential and is not open to inspection as a public record under [AS 40.25.110](#). The Department of Law or its agents may not disclose the information except as necessary to collect on the restitution.

(g) The Department of Law may not begin collection procedures on the order of restitution until the recipient has been given notice and has been given 30 days after receipt of notice to elect to collect the restitution without the assistance of the Department of Law. A recipient may inform the Department of Law at a later time of the recipient's election to collect the restitution without the assistance of the Department of Law; upon receipt of that information, the Department of Law may no longer proceed with collection efforts on behalf of the recipient. A recipient who has elected under this section to collect restitution without the assistance of the Department of Law may not later request the services of that department to collect the restitution.

(h) If the Department of Law or its agents proceed to collect restitution on behalf of a recipient under (g) of this section, the actions of the Department of Law or an agent of the Department of Law on behalf of the recipient do not create an attorney-client relationship between the Department of Law and the recipient. The Department of Law or its agents may not settle a judgment for restitution without the consent of the recipient of the restitution.

(i) An action for damages may not be brought against the state or any of its agents, officers, or employees based on an action or omission under this section.

(j) The Department of Law may enter into contracts on behalf of the state to carry out the collection procedures of this section. The Department of Law may adopt regulations necessary to carry out the collection procedures of this section, including the reimbursement of attorney fees and costs in appropriate cases.

Credits

§ 12.55.051. Enforcement of fines and restitution, AK ST § 12.55.051

SLA 1978, ch. 166, § 12; SLA 1988, ch. 75, §§ 3, 4; [SLA 1992, ch. 71, §§ 5, 6](#); [SLA 2001, ch. 92, §§ 11, 12](#);
[SLA 2004, ch. 17, § 5](#).

[Notes of Decisions \(5\)](#)

AS § 12.55.051, AK ST § 12.55.051

Current with Chapters 2-6, 9-13, 16, 19-20, 23-24, 27 and 33 from the 2016 2nd Reg. Sess. of the 29th
Legislature

End of Document

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1 (7) \$500 for a violation.

2 * **Sec. 73.** AS 12.55.051(a) is amended to read:

3 (a) If the defendant defaults in the payment of a fine or any installment or of
 4 restitution or any installment, the court may order the defendant to show cause why
 5 the defendant should not be sentenced to imprisonment for nonpayment and, if the
 6 payment was made a condition of the defendant's probation, may revoke the probation
 7 of the defendant **subject to the limits set out in AS 12.55.110**. In a contempt or
 8 probation revocation proceeding brought as a result of failure to pay a fine or
 9 restitution, it is an affirmative defense that the defendant was unable to pay despite
 10 having made continuing good faith efforts to pay the fine or restitution. If the court
 11 finds that the defendant was unable to pay despite having made continuing good faith
 12 efforts, the defendant may not be imprisoned solely because of the inability to pay. If
 13 the court does not find that the default was attributable to the defendant's inability to
 14 pay despite having made continuing good faith efforts to pay the fine or restitution, the
 15 court may order the defendant imprisoned **subject to the limits set out in**
 16 **AS 12.55.110** [UNTIL THE ORDER OF THE COURT IS SATISFIED]. A term of
 17 imprisonment imposed under this section may not exceed one day for each \$50 of the
 18 unpaid portion of the fine or restitution or one year, whichever is shorter. Credit shall
 19 be given toward satisfaction of the order of the court for every day a person is
 20 incarcerated for nonpayment of a fine or restitution.

21 * **Sec. 74.** AS 12.55.055(a) is amended to read:

22 (a) The court may order a defendant convicted of an offense to perform
 23 community work as a condition of probation, a suspended sentence, [OR] suspended
 24 imposition of sentence, **or suspended entry of judgment**, or in addition to any fine or
 25 restitution ordered. If the defendant is sentenced to imprisonment, the court may
 26 recommend to the Department of Corrections that the defendant perform community
 27 work.

28 * **Sec. 75.** AS 12.55.055(c) is amended to read:

29 (c) The court may offer a defendant convicted of an offense the option of
 30 performing community work in lieu of a fine, surcharge, or portion of a fine or
 31 surcharge if the court finds the defendant is unable to pay the fine. The value of

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-32

An Ordinance Amending the General Penalty Chapter of the City and Borough Code Relating to the Payment of Fines.

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

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

Section 2. Amendment of Section. CBJ 01.40.020 Time and method of payment disposition of fines, is amended to read:

01.40.020 Time and method of payment disposition of fines.

(a) When a defendant is sentenced to pay a fine, the court may grant permission for the payment to be made within a specified period of time or in specified installments. If no such permission is embodied in the sentence, the fine shall be payable forthwith.

(b) When a defendant sentenced to pay a fine is also sentenced to probation, the court may make the payment of the fine a condition of probation.

(c) If the defendant defaults in the payment of a fine or any installment or of restitution or any installment, the court may order the defendant to show cause why the defendant should not be sentenced to imprisonment for nonpayment and, if the payment was made a condition of the defendant's probation, may revoke the probation of the defendant subject to the limits set

1
2 out in AS 12.55.110. In a contempt or probation revocation proceeding brought as a result of
3 failure to pay a fine or restitution, it is an affirmative defense that the defendant was unable to
4 pay despite having made continuing good faith efforts to pay the fine or restitution. If the court
5 finds that the defendant was unable to pay despite having made continuing good faith efforts,
6 the defendant may not be imprisoned solely because of the inability to pay. If the court does not
7 find that the default was attributable to the defendant's inability to pay despite having made
8 continuing good faith efforts to pay the fine or restitution, the court may order the defendant
9 imprisoned subject to the limits set out in AS 12.55.110. A term of imprisonment imposed
10 under this section may not exceed one day for each \$50 of the unpaid portion of the fine or
11 restitution or one year, whichever is shorter. Credit shall be given toward satisfaction of the
12 order of the court for every day a person is incarcerated for nonpayment of a fine or restitution.

13
14 ~~When a delayed payment or payment in installments is permitted, such permission may be~~
15 ~~conditioned upon the execution of a judgment bond in a reasonable amount.~~
16

17 (d) The CBJ may enforce payment of a fine against a defendant under AS 09.35 as if the
18 order were a civil judgment enforceable by execution. This subsection does not limit the
19 authority of the court to enforce fines.
20

21 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its
22 adoption.
23

24 Adopted this _____ day of _____, 2016.

25 _____
Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk