ASSEMBLY HUMAN RESOURCES COMMITTEE AGENDA

February 03, 2025 at 6:00 PM

Assembly Chambers/Zoom Webinar

https://juneau.zoom.us/j/95241164899 or 1-253-215-8782 Webinar ID: 952 4116 4899

A. CALL TO ORDER

B. LAND ACKNOWLEDGEMENT

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. *Gunalchéesh*!

C. ROLL CALL

D. APPROVAL OF AGENDA

E. APPROVAL OF MINUTES

1. **January 6, 2025 Assembly HRC Meeting Minutes - Draft**

F. AGENDA TOPICS

2. **Youth Activities Board (YAB) Appointments**

Per Resolution 2820, the Youth Activities Board (YAB) consists of nine members as follows: A Parks and Recreation Advisory Committee member (nominated by PRAC), a Juneau Arts & Humanities Council member (nominated by JAHC), and seven public members, one of which must be 18 years or younger at time of appointment.

Youth Activities Board Roster

There are two (2) vacant general public seats each with various terms, one beginning imediately and ending August 31, 2025 and the other beginning immediately and ending August 31, 2026.

Suggested Motion: to forward to the full Assembly for approval, the recommenation to appoint ________________ to a Youth Activities Board general public seat for a term beginning immediately and ending August 31, 2025 and to a full term beginning September 1, 2025 and ending August 31, 2028 since this term ends within 6-months of appointment; and to appoint _______________ to a Youth Activities Board general public seat for a term beginning immediately and ending August 31, 2026 and ask for unanimous consent.

3. **Ordinance 2025-13 Election Code Ranked Choice Voting**

Information only to start the conversation.

G. OTHER BUSINESS

4. **For Reference: State Statute 3 AAC 306.060 & CBJ Code 20.30.020 - Relating to Marijuana License Protests for Local Governing Bodies**

5. **Recommended Protest of AMCO Marijuana License #25190 - Alaskan Coffee Pot LLC d/b/a Alaskan Coffee Pot**

The CBJ Finance Department is recommending protest of the renewal of a retail marijuana store license #25190 for Alaskan Coffee Pot LLC d/b/a Alaskan Coffee Pot. This recommended protest of license

#25190 is for the following unpaid 2024 Sales Tax Quarters: 2ndQ $32,334.37, including penalties and interest, and 3rdQ $30,023.88, including penalties and interest, for a total due: $62,368.25 as of January 31, 2025; ***4thQ sales tax is due January 31, 2025 and is yet to be paid at the time this packet was published.*** Copies of the notice sent to the licensee is included in the Assembly HRC and the regular Assembly meeting packets.

This recommended protest is before the Assembly Human Resources Committee to review and make recommendations to forward to the full Assembly for final recommendations.

The State of Alaska Alcohol & Marijuana Control Office (AMCO) allows local governing bodies a 60-day comment period on all liquor and marijuana licenses throughout the borough. CBJ's comment period to recommend protest or to waive protest ends February 10, 2025.

H. STAFF REPORTS

I. STANDING COMMITTEE TOPICS - *for discussion as meeting time allows*

6. **Boards & Committees Discussion & Updates**

    1. August 30, 2004 Assembly Committee of the Whole Packet - Airport Audit Report
    2. Historic Resources Advisory Committee - Discussion Regarding Sunsetting or Restructuring of Committee's Charge
    3. Ordinance 2025-17 v. HRC An Ordinance Amending the City and Borough Code Relating to Quasi-Judicial and Appeal Review Boards

J. COMMITTEE MEMBER COMMENTS AND QUESTIONS

K. NEXT MEETING DATE

Monday, March 3, 2025 at 6pm, Assembly Chambers/Zoom Webinar

L. SUPPLEMENTAL MATERIALS

M. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, e-mail: city.clerk@juneau.gov.

ASSEMBLY HUMAN RESOURCES COMMITTEE MINUTES

January 06, 2025 at 6:00 PM

Assembly Chambers/Zoom Webinar

https://juneau.zoom.us/j/95241164899 or 1-253-215-8782 Webinar ID: 952 4116 4899

A. **CALL TO ORDER** *HRC Chair Adkison called the Assembly Human Resources Committee meeting to order at 6:00 p.m. in the Assembly Chambers and via Zoom.*

B. LAND ACKNOWLEDGEMENT - *Read by Assemblymember Hall*

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. *Gunalchéesh*!

C. **ROLL CALL**

Members Present: Chair Ella Adkison, Wade Bryson, Maureen Hall, and Neil Steininger

Members Absent: None

Staff/Others Present: Municipal Clerk Beth McEwen, Tech Clerk Kevin Allen, City Attorney Emily Wright, Deputy City Manager Robert Barr, Juneau Commission on Aging Chair Deborah Craig, and Juneau Commission on Aging Member Linda Kruger

D. APPROVAL OF AGENDA – *agenda approved as presented*

E. APPROVAL OF MINUTES – *both sets of minutes approved as presented*

1. **December 16, 2024 Regular Assembly HRC Meeting Minutes - Draft**

2. **December 17, 2024 Full Assembly as HRC for BRH/PC Interviews Meeting Minutes – Draft**

F. AGENDA TOPICS

3. **Juneau Commission on Aging (JCOA) Annual Report & Appointments**

Chair Adkison recused herself from this discussion since her mother is a member of JCOA and turned the gavel over to Assemblymember Bryson for this agenda topic.

JCOA Chair Deborah Craig and JCOA member Linda Kruger gave a presentation highlighting the portions of the annual report and JOCA's vision and priorities for the coming year. One of the goals of the JCOA is to develop an Office of Aging since seniors represent 30% of Juneau's population. JCOA's first priority is the continued partnership with CBJ and AARP in Age-Friendly network and planning. Second priority is the creation of a community center focused on senior needs; hopefully being able to access the Marie Drake Gym at some point for activities. The third priority is forwarding the concept of universal housing.

JCOA Annual Report

The 2024 Juneau Commission on Aging Annual Report and Brochure are included in your packet for review.

JCOA Appointments

Per Resolution 2944; the JCOA shall consist of nine voting members appointed from the general public. Members shall be appointed to staggered two-year terms. The assembly shall appoint members from a diverse population of people with knowledge of issues relating to aging or with expertise on health, housing, transportation, finances, insurance, and other areas of concern for seniors in Juneau. At least five public members shall be 65 years of age or older. Four public members shall serve without restriction as to age.

There are currently three (3) 65+ seats and three (3) general public seats with various terms up for action. JCOA seats are 2-year terms.

Juneau Commission on Aging - Current Roster

MOTION: by Ms. Hall to forward to the full Assembly for approval, the reappointment of **Deborah Craig**, and **Carol Ende** to terms running January 1, 2025 through December 31, 2026 and the appointment of **Diane Kyser** to a term beginning immediately and ending December 31, 2025 to the Juneau Commission on Aging Public/65+ Seats; and the reappointment **Jennifer Garrison** and the appointment of **Barbara Murray** to terms running January 1, 2025 through December 31, 2026 and the appointment of **Chris Schapp** to a term beginning immediately and ending December 31, 2025 all to the Juneau Commission on Aging General Public Seats, and asked for unanimous consent. ***Hearing no objection, motion passed.***

4. **Resolution 3085 A Resolution to Dissolve the Sister Cities Committee and Repealing Resolutions No. 1986, 2420(c), and 2508.**

Resolution 3085 was drafted at the request of the Assembly Human Resources Committee as they continue the review of CBJ boards and committees.

MOTION: by Ms. Hall to move Resolution 3085, A Resolution to Dissolve the Sister Cities Committee and Repealing Resolutions 1986, 2420(c), and 2508 to the full Assembly for action and asked for unanimous consent. ***Hearing no objection, motion passed.***

5. **Resolution 3086 A Resolution to Dissolve the Americans with Disabilities Act Committee and Repealing Resolutions No. 1585, 1769, 1928, 2204, 2359, and 2429.**

The ADA Committee last met in September 2019 and has not been able to meet since then due to lack of quorum and lack of applicants. Staff recommended the adoption of this resolution dissolving the ADA Committee; who's duties are already part of the Manager's Office as the Deputy City Manager position sits as the ADA Coordinator for CBJ. If there is direction from the Federal Department of Justice related to ADA concerns, the Assembly can give direction to create a special committee to review those concerns if needed.

MOTION: by Mr. Bryson to move Resolution 3086, A Resolution to Dissolve the Americans with Disabilities Act Committee and Repealing Resolutions No. 1585, 1769, 1928, 2204, 2359, and 2429, and forward to the full Assembly for action and asked for unanimous consent. ***Hearing no objection, motion passed***.

G. STAFF REPORTS

6. **Law and Clerk's Office Update Regarding Boards and Committees**

The Human Resources Committee requested a review of all boards and committees. Law has communicated with all departments and has provided recommendations to streamline the breath and scope of all boards and committees.

Chair Adkison stated that she would like the HRC to get to a point where there are some motions and direction for staff to draft some resolutions by the end of the meeting; and hoped committee members had a chance to look at all the recommendations provided by staff. She requested they first review the ones being recommended to dissolve to see if there are any objections before moving on to some of the more nuanced discussions. The boards and commissions that were recommended for dissolution were building Code Advisory Committee, Historic Resources Advisory Committee Building Code Board of Appeals, and the Sales Tax Review Board and the Bidding Review Board were recommended to either be combined, or to be dissolved, and have a hearing officer in in place when appeals come forward.

One of the recommended dissolutions was the Historic Resources Advisory Committee (HRAC), and the concerns about conflicts of interest and staff time; Chair Adkison asked staff to speak to that.

City Attorney Wright gave some background on process and how staff came to the recommendations before HRC. At the request of the HRC, staff meet with each department and review how much staff time was spent supporting a board and the history of a board. Ms. Wright noted that many of them, when they started out, were 3 to 5 member boards and in the early 2000's, under Mayor Botelho, CBJ saw a massive increase to 7 to 9 member boards. CBJ was able to fill seats during that time but since then it has been a struggle to fill board seats and meet quorum. Several of the boards have fluctuated over the years with their memberships decreasing then increasing depending on community interest, such has been the case with the Juneau Human Rights Commission and the Juneau Commission on Aging.

Regarding HRAC, the feedback received from staff was about the large amount of staff time it took to support HRAC for the type of committee it was. Ms. Wright stated that her recommendations were based on the conversations she had with Department Heads and the Manager's Office. Related to HRAC specifically, it has been a committee that has consistently been averse to the Assembly's stated goals, and housing goals. Additional concerns voiced were conflicts of interest for HRAC members for projects getting reviewed as well as conflicts among members. Lastly, was the perceived and potential systemic racism when looking at historic preservation.

Mr. Bryson asked what the purpose of the HRAC was in its original formation. Mr. Barr spoke to the historical areas, neighborhoods and preservation that HRAC has reviewed which is firmly in the scope of Community Development Department work as well as the communicating with the city museum on museum work.

MOTION: by Mr. Bryson to direct staff to bring forward to the Assembly Human Resources Committee for review an ordinance to dissolve the Historic Resources Advisory Committee and ask for unanimous consent. ***Hearing no objection, the motion passed.***

HRC members continued the discussion regarding appeal boards and staff's recommendations related to appeal boards as well as advisory boards membership numbers. Staff will continue to review where it might make sense to reduce board membership and where it should stay the same. HRC will continue to keep boards and committees as a standing agenda topic to continue this work.

MOTION: by Mr. Bryson to bring forward to the Assembly Human Resources Committee legislation the dissolution of the Building Code Advisory Committee, Building Code Advisory Board of Appeals, Sales Tax Board of Appeals, and Bidding Review Board with potential future appeals related to Sales Tax or Bids going to a Hearing Officer as needed and asked for unanimous consent. ***Hearing no objections, motion passed.***

H. STANDING COMMITTEE TOPICS - ***for discussion as meeting time allows***

I. COMMITTEE MEMBER COMMENTS AND QUESTIONS - *none*

J. NEXT MEETING DATE

February 3, 2025 at 6pm, Assembly Chambers/Zoom

K. SUPPLEMENTAL MATERIALS

7. **Juneau Commission on Aging PowerPoint Presentation**
8. **CBJ Review of Boards-Committee List - Updated 1/6/2025** (YAB membership corrected)

L. ADJOURNMENT

There being no further business to come before the committee meeting adjourned at 6:46 p.m.

Presented by: The Manager
Introduced: 03/05/2018
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2820

A Resolution Reestablishing the Youth Activities Board, and Repealing Resolution 2761.

WHEREAS, the Assembly wishes to acknowledge the continuing support of CBJ voters for youth programs through voter approval of sales tax levies; and

WHEREAS, it is the Assembly's policy to expend a portion of sales tax funds each year to provide supplementary funding for youth activities in the community, including artistic, cultural, athletic, and other extra-curricular academic pursuits; and

WHEREAS, the Assembly intends that these funds be distributed among various community organizations which sponsor youth activities in a manner that best serves our youth; and

WHEREAS, the Assembly believes the most appropriate way to allocate these funds among various community groups is to maintain a citizen board to accept and evaluate proposals; and

WHEREAS, the Assembly first implemented these policies by adopting Resolution No. 1804 establishing the Youth Activities Board, Resolution No. 2033 amending its membership, Resolution No. 2071 extending the Board sunset date, Resolution 2410 repealing the sunset date entirely and providing for the indefinite continuation of the Board, and Resolution 2761 setting criteria for allocation of funds for youth activity programs.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Youth Activities Board Reestablished. There is hereby reestablished the Youth Activities Board.

Section 2. Youth Activities Board Membership.

(a) The Board shall consist of nine members who shall serve without compensation. The Board membership shall consist of:

(1) One member from the Parks and Recreation Advisory Committee, nominated by the Committee;

(2) One member 18 years old or younger;

(3) One member from the Juneau Arts and Humanities Council, nominated by the Council; and

(4) Six members of the general public.

(b) Board members serving at the time of the adoption of this resolution shall serve out their terms. Nominations for appointment shall be made by the Assembly Human Resources Committee. To the extent practicable, general public nominees should not be employees or board members of organizations which exist for the purpose of providing athletic, artistic, cultural, or extra-curricular academic pursuits intended primarily for youths.

(c) Nominations pursuant to (a)(1)-(4) shall be submitted to the Assembly Human Resources Committee and forwarded to the Assembly for approval.

(d) The Board shall be organized as follows:

(1) The Board shall elect annually from its members a chair and vice-chair and such other officers as it deems necessary. The Board may establish such committees as it deems necessary.

(2) A vacancy on the Board shall exist:

(A) If a person appointed to membership fails to qualify and take office within 30 days of appointment;

(B) If a member departs from the City and Borough with the intent to remain away for a period of 90 or more days;

(C) If a member submits his or her resignation to the Assembly;

(D) If a member is physically unable to attend Board and standing committee meetings for a period of more than 90 days; or

(E) If a member misses more than 40 percent of the Board and standing committee meetings in a 12-month period.

(3) The chair of the Board shall notify the Assembly of any vacancy on the Board. Upon notification, the Assembly shall appoint a new member for the unexpired term.

(4) The Board shall meet as necessary to carry out the business of the Board but no fewer than four times per year.

(5) Any member of the Board who participates in or volunteers for, or who has an immediate family member who participates in or volunteers for a program applying for funds shall declare a conflict of interest. A Board member who has declared a conflict may not evaluate or participate in any discussion regarding that program. Immediate family includes the person's spouse, minor child, dependent, or regular member of the person's household.

Section 3. Youth Activities Board Purposes. The purposes of the Board are as follows:

(a) To prepare a Request for Proposals annually for the purpose of soliciting proposals for providing youth activities of an athletic, cultural, artistic, or academic nature. The amount of funding available will be determined by the Assembly annually as part of the adoption of the City and Borough budget.

(b) To adopt procedures for evaluating proposals received for providing youth activities.

(c) Subject to the limitations established in Section 4, to make recommendations to the Assembly in April of each year for allocating funds among proposals selected by the Board. Recommendations should reflect the intrinsically equal value to youth of athletic, cultural, artistic and academic types of activities, and reflect the range of needs identified by the qualified proposals submitted.

(d) With the assistance of staff as assigned by the Manager, to evaluate the use of the funds by each organization and to report annually to the Assembly on the expenditure of those funds.

Section 4. Criteria for Decisions. The Board shall use the following criteria when considering the allocation of funds among youth activity programs:

(a) Programs shall serve the needs of minors no older than 19 years of age, provided that programs intended for disabled youth may serve minors no older than 20 years of age.

(b) The Board shall annually place in a contingency account a sum equal to five percent of the total youth activity grant funding allocated by the Assembly. The purpose of the contingency account shall be to fund unanticipated events, purchases, or travel for youth who qualify by competition to attend advanced level competition before the end of the fiscal year. In the last six months of the fiscal year, the Board may allocate unexpended contingency funds to a qualifying community organization in accordance with this section. At the end of each fiscal year any funds remaining in the contingency fund shall revert to the general fund.

(c) All proposals considered by the Board under this program shall include a proposed method for evaluating the effectiveness of the activity. The Board, in evaluating effectiveness, may apply additional methods related to these criteria.

(d) All proposals must meet the following requirements:

(1) The program starting date must occur prior to June 30 of the fiscal year for which funding is provided.

(2) Programs may not be funded retroactively.

(3) Funding will not be awarded for administrative costs, operational costs of facilities, capital costs for facilities, or salaries and benefits for coaches or instructors, except for a guest artist, educator, or coach offering a special program in Juneau. Facility rental for a special program is allowed.

(4) All promotional or printed material must include the following statement: "This program is partially funded by the Citizens of the City and Borough of Juneau through sales tax revenues."

(5) All programs are subject to City and Borough financial audits.

(e) The Board shall evaluate proposals through a scoring method applying the following factors in order of importance:

(1) Number of hours of participation per youth.

(2) Low program cost per participant hour.

(3) Number of youth actively participating in the program.

(4) Instructor or coach's relevant experience in providing the youth program.

(5) High adult per youth ratio to support the program.

(6) Organization's past history of providing successful youth programs.

(7) Financial management of organization as indicated by overall budget.

(8) Amount of the direct and indirect support provided to the organization from other CBJ funding sources.

(9) Amount of volunteer support for the program.

(10) Existence of scholarship fund for qualified youth within the program.

(11) Provision of transportation, equipment, and other practical assistance to youth in need.

(12) Cooperative efforts with other local youth organizations.

(13) Proposals for or evidence of or acknowledgment of the CBJ grant funded from CBJ voter-approved sales tax.

Section 5. Rules for Procedure. The Rules of Procedure for Assembly Advisory Boards reestablished by Resolution No. 2686, as amended from time to time, shall govern the conduct of business by the Board.

Section 6. Administrative Support. Staff support shall be provided by the recreation superintendent or alternate designee of the Manager.

Section 7. Repeal of Resolution. Resolution 2761 is repealed.

Section 8. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this 5th day of March, 2018.

Kendell D Koelsch

Kendell D. Koelsch, Mayor

Attest:

Elizabeth J McEwen, Acting

Laurie J. Sica, Municipal Clerk Clerk

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Submission information

Form: CBJ Board Application [1]
Submitted by Visitor (not verified)
Sat, 11/23/2024 - 8:31am
24.237.31.247

First Name
Lindsey

Last Name
Wold

Residence Address
[redacted]

Mailing Address
[redacted]

Primary Phone Number
[redacted]

Secondary Phone Number

Email
[redacted]

Board, Commission, Committee

- Systemic Racism Review Committee
- Utility Advisory Committee
- Youth Activities Board

Current of Prior Experience on CBJ Boards/Commissions/Committees
N/a

Reasons for Applying
Utility Advisory Board

Reasons for Applying:
I am deeply interested in the intersection of public services and community well-being, especially in ensuring equitable access to utilities in both urban and rural areas. As a professional with experience in behavioral health, mediation, and systems-level interventions, I understand the importance of a functional and accessible infrastructure in supporting the overall health and well-being of individuals and families.

What Interests You:

The Utility Advisory Board's focus on providing essential services aligns with my passion for creating equitable solutions that benefit all members of the community, especially marginalized groups. I am particularly interested i[illegible] services can address social determinants of health and improve quality of life.

Impact You'd Like to Have:
I hope to bring a holistic perspective to the board, leveraging my skills in systemic thinking and community engagement. My goal is to ensure utility services are distributed equitably and that policies consider the needs of vulnerable populations, including those in remote areas of Southeast Alaska.

Youth Activities Board

Reasons for Applying:
As someone with extensive experience working with children and adolescents, I am committed to fostering opportunities that promote their growth and well-being. My background in developing programs such as a substance use group for teens and other initiatives in behavioral health and neuroscience positions me to contribute effectively to this board.

What Interests You:
I am passionate about providing youth with accessible, high-quality programs that enhance their mental, physical, and emotional development. I am especially interested in creating inclusive and innovative activities that address the unique challenges faced by young people in Juneau and surrounding communities.

Impact You'd Like to Have:
I aim to ensure that youth programs are diverse, evidence-based, and responsive to the community's evolving needs. By serving on this board, I hope to advocate for initiatives that build resilience, foster connection, and equip young people with tools for lifelong success.

Systemic Racism Review Committee

Reasons for Applying:
I am passionate about addressing systemic inequities and fostering inclusive environments. As a mediator and behavioral health professional, I have a strong understanding of how systemic barriers impact marginalized groups, particularly in Alaska. My research and work in culturally adapted interventions and trauma-informed care highlight my commitment to equity.

What Interests You:
The opportunity to critically examine policies and practices to ensure they are free from racial bias is of great importance to me. I am particularly interested in understanding how systemic racism affects access to mental health, education, and community resources in Southeast Alaska.

Impact You'd Like to Have:
I hope to contribute by offering a nuanced perspective rooted in both research and practice. My goal is to help the committee identify and address inequities in policies, ensuring they are inclusive and supportive of all community members, particularly Alaska Native populations and other underserved groups.

Qualifications

Utility Advisory Board

Qualifications:
I bring a strong combination of professional expertise and personal passion to the Utility Advisory Board. With a ma[illegible]s

degree in Applied Behavioral Health Research and extensive experience in systems-level thinking, I understand the critical role utilities play in the well-being and sustainability of our communities. I have a deep appreciation for [illegible] energy and its importance in Alaska's renewable energy landscape, particularly in reducing environmental impact and supporting sustainable growth in both urban and rural areas. My work in leadership roles, including as a case manager supervisor and behavioral health therapist, has equipped me with the ability to assess complex systems and advocate for equitable solutions. I also have lived and worked in remote areas of Southeast Alaska, which has given me insight into the unique challenges communities face when accessing essential services. My passion for clean energy and commitment to community well-being make me highly qualified to contribute to this board.

Youth Activities Board

Qualifications:
As a woman of color, a teen mom, and a behavioral health professional with years of experience working with youth, I bring a well-rounded and deeply personal perspective to the Youth Activities Board. My professional experience includes developing and leading therapeutic programs, such as substance group for teens and a anger management course for youth ages 13-15. I also have experience teaching psychology at the college level, giving me insight into the developmental and emotional needs of adolescents. My background in neuroscience and child development, combined with my passion for creating inclusive opportunities for young people, uniquely positions me to support initiatives that empower and uplift youth in Juneau. Additionally, my lived experience as a teen mom gives me firsthand insight into the challenges and needs of young families, which drives my commitment to creating accessible, supportive programs for all youth.

Systemic Racism Review Committee

Qualifications:
As a woman of color and a former teen mom, I bring both lived experience and professional expertise to the Systemic Racism Review Committee. I hold a master's degree in Applied Behavioral Health Research and have dedicated my career to addressing systemic inequities through behavioral health interventions, mediation, and advocacy. My academic and professional work has focused on the neurological and social impacts of childhood trauma, systemic barriers, and culturally adapted interventions. I have worked with Alaska Native populations, rural communities, and other underserved groups, gaining an understanding of how policies and practices can inadvertently perpetuate inequities. My training in mediation and Parent-Child Interaction Therapy (PCIT) has honed my ability to critically assess systems and advocate for equitable solutions. Additionally, my leadership experience as CEO of a behavioral health company and case manager supervisor demonstrates my commitment to addressing structural inequities and ensuring fair outcomes for all.

Civic Activities, Memberships or Non-profits Involved With
SouthEast Alaska Regional Health Consortium (SEARHC): Behavioral Health Therapist and Case Manager Supervisor (June 2023–Present).

Amygdala Mediation: Founder and CEO, providing mediation services with a focus on equitable communication and systemic solutions (2020–2023).

Human Connectome Project: Research Assistant focused on mapping neurological impacts of systemic barriers, including in underserved populations (2015–2017).

Angoon Therapy Services: Providing therapeutic services and community outreach in Angoon, Alaska, addressing rural access to care (2023–Present).

Working with a Group
I have extensive experience working with groups that include diverse and conflicting perspectives, both professionally and in community settings. As a behavioral health therapist and mediator, I am skilled at fostering open communication, creating safe spaces for dialogue, and ensuring all voices are heard. My training in mediation and neuroscience has taught me to approach conflicts with empathy and a solutions-oriented mindset, focusing on common goals while respecting individual differences.

In my role as a case manager supervisor at SEARHC, I led teams with varying perspectives and experien[illegible] collaborative decision-making and equitable solutions for clients. Additionally, as a founder of Amygdala Mediation, I facilitate discussions in challenging situations, helping parties resolve conflicts and develop mutually beneficial agreements.

When working with groups, I prioritize active listening, validation of different viewpoints, and the use of evidence-based approaches to guide discussions. My ability to remain neutral while addressing systemic issues and advocating for equity allows me to build trust and foster productive collaboration, even in the presence of conflicting opinions. I view diverse perspectives as a strength and an opportunity for creative problem-solving and growth.

Meeting Schedule and Attendance
Yes

Date of Birth (Optional)

Ethnicity (Optional)
Black, white, and my grandparents tell me Cherokee descent.

Gender (Optional)
Female

Acknowledgment/Certification
Lindsey Wold

Resume, Education, etc. (Optional)

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Published on *City and Borough of Juneau Alaska Meetings* (https //juneau ak municodemeetings com)

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Submission information

Form: CBJ Board Application [1]
Submitted by Visitor (not verified)
Thu, 12/26/2024 - 6:51pm
107.116.255.101

First Name
Traci

Last Name
Ferguson Hayes

Residence Address
[redacted]

Mailing Address
[redacted]

Primary Phone Number
[redacted]

Secondary Phone Number
[redacted]

Email
[redacted]

Board, Commission, Committee
Youth Activities Board

Current of Prior Experience on CBJ Boards/Commissions/Committees
N/A

Reasons for Applying
I would love to make an impact on youth activities and allow for the future of the arts to progress in our community.

Qualifications
Past experience with coaching youth soccer through CBJ Parks and Rec. Past experience working at the Dimond Park Field House and planning games/activities for the Field Fit homeschool class (2018-2020). Parent of a 14 yo and a 9 yo.

Civic Activities, Memberships or Non-profits Involved With
Girl Scouts troop leader (2023-current)
Marketing/Communications for Juneau Arts & Humanities Council (2022-present)

Working with a Group
I offer open and clear communication, and can coordinate schedules. I actively lsten to understand witho
aggression.

Meeting Schedule and Attendance
Yes

Date of Birth (Optional)
[redacted]

Ethnicity (Optional)
White

Gender (Optional)
F

Acknowledgment/Certification
Traci Ferguson Hayes

Resume, Education, etc. (Optional)

Published on *City and Borough of Juneau Alaska Meetings* (https //juneau ak municodemeetings com)

Home > CBJ Board Application > Webform results > CBJ Board Application

Submission information

Form: CBJ Board Application [1]
Submitted by Visitor (not verified)
Wed, 01/29/2025 - 2:07pm
24.237.6.42

First Name
Misuri (Missouri)

Last Name
SMYTH

Residence Address
[redacted]

Mailing Address
Same

Primary Phone Number
[redacted]

Secondary Phone Number
[redacted]

Email
[redacted]

Board, Commission, Committee
Youth Activities Board

Current of Prior Experience on CBJ Boards/Commissions/Committees
I served on the Youth Activities Board for several months in 2024

Reasons for Applying
I am applying for a position on the YAB because I am interested in working with youth organizations, specifically the 'ARTS' in the Juneau Community.

Qualifications
Artistic Director for Alaska Youth Choir
JSD Music Teacher - 15 years
Juneau Teacher's Union (JEA) - Education Seat 4 years
Drama Teacher - FDMS & TMHS
Cultural Specialist - Educational Theater of Idaho Inc.
Juneau Fine Arts Camp - Teacher

Civic Activities, Memberships or Non-profits Involved With
Juneau Community Chorus - Artistic Director - 2023 - 2025
Cultural Specialist - Educational Theater of Idaho Inc. 2021 - 2024
Alaska Youth Choir - 1998 - 2014
JSD Music Teacher - 2009 - 2024
Drama Teacher - 2009 - 2024

Working with a Group
Robert's Rules
Restorative Practices
Consensus

Meeting Schedule and Attendance
Yes, the YAB board meets once a month regularly, and more during the Grant process.

Date of Birth (Optional)
[redacted]

Ethnicity (Optional)
South Pacific Islander

Gender (Optional)

Acknowledgment/Certification
Misuri (Missouri) Smyth

Resume, Education, etc. (Optional)

MEMORANDUM

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

155 Heritage Way
One Sealaska Plaza
Suite 202
Juneau, AK 99801
Phone: (907) 586-5242

DATE: 2/3/2025

TO: HRC

FROM: Law Department

SUBJECT: Ranked Choice Voting

The Law Department was asked to draft legislation to move the City and Borough of Juneau (CBJ) to a ranked choice voting system (RCV).

In 2020, Alaskan voters approved an initiative which moved all state elections to a ranked choice voting system. In 2024, Alaskans rejected an initiative to repeal ranked choice voting. As of today's date, two new state initiatives to repeal ranked choice voting have been filed with the State Division of Elections. Should these initiatives gain the necessary signatures, voters will be asked again whether they would like to repeal ranked choice voting in the 2026 state election. No matter what happens at the state level, CBJ may set its election process for local races.

Data from the Division of Elections show that Juneau voters overwhelmingly supported ranked choice voting. While at the state level Ballot Measure 2 (repeal RCV) showed a final margin of 49.88% yes to 50.12% no, separated by just 743 votes, at the local level the numbers were quite different.[1] For District 3 (Juneau only) the margin was 39.0% yes to 61.0% no, and for District 4 it was 25.7% yes to 74.3% no.[2]

Currently CBJ uses two types of voting systems. The first, for single winner races, is referred to as "first past the post." The second, for races with multiple winners (for example, races which state "vote for no more than 2"), is referred to as "block voting." CBJ Charter sets out that the city will have both regular and special elections, and that election processes will be set out via ordinance (Charter Article 6). CBJ Code Title 29 sets forth the process of elections.

The attached ordinance matches State law with slight adjustments for CBJ code. We have also included three sample ballots. The first is a ballot from 2021, the second is a ballot using RCV for all races, the third is a ballot that uses a combination of RCV and block voting.

Several decision points need to be made:
(1) Do you want to shift to ranked choice voting?
(2) If so, do you:
   a. Want to use RCV voting for single member races and block voting for multimember races? or
   b. Do you want to move to RCV in all races?

Things to keep in mind when making these decisions are:
- There is a benefit to having all races handled in a consistent manner; and
- Block voting has historically been where we see confusion by voters and rejected votes; but
- Moving to single member races for all races represents a change for school board and early-term assembly vacancy races.

---

[1] https://www.juneauempire.com/news/recount-of-ranked-choice-repeal-upholds-voters-rejection-and-increases-margin-by-six-votes/
[2] https://www.elections.alaska.gov/results/24GENR/map/

Presented by: The Manager
Presented: 02/03/2025
Drafted by: Law Department

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2025-13 vHRC

An Ordinance Amending the Election Procedures Code to Include General Procedures for Ballot Count, Relating to Ranked Choice Voting.

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. Chapter 29.07, Election Procedures, is amended by adding a new section to read:

Chapter 29.07 ELECTION PROCEDURES

***

<u>**29.07.155 General procedures for ballot count, ranked choice voting.**</u>

<u>(a) All regular or special elections shall be conducted by ranked-choice voting.</u>

<u>(b) When counting ballots, the Election Official or designees shall initially tabulate each validly cast ballot as one vote for the highest-ranked continuing candidate on that ballot or as an inactive ballot. If a candidate is highest-ranked on more than one-half of the active ballots, that candidate is elected and the tabulation is complete. Otherwise, tabulation proceeds in sequential rounds as follows:</u>

<u>(1) If two or fewer continuing candidates remain, the candidate with the greatest number of votes is elected and the tabulation is complete; otherwise, the tabulation continues under (2) of this subsection;</u>

(2) Votes cast for the defeated candidate shall cease counting for the defeated candidate and shall be added to the totals of each ballot's next-highest-ranked continuing candidate or considered an inactive ballot under (g)(2) of this section, and a new round begins under (1) of this subsection.

(c) When counting ballots,

(1) A ballot containing an overvote shall be considered an inactive ballot once the overvote is encountered at the highest ranking for a continuing candidate;

(2) If a ballot skips a ranking, then the next ranking shall be counted. If the next ranking is another skipped ranking, the ballot shall be considered an inactive ballot once the second skipped ranking is encountered; and

(3) In the event of a tie between the final two continuing candidates, the procedures prescribed in Charter Section 6.6 shall apply to determine the winner of the election; in the event of a tie between two candidates with the fewest votes, the tie shall be resolved by lot to determine which candidate is defeated.

(d) The Election Official or designees may not count an inactive ballot for any candidate.

(e) In this section,

(1) “Continuing candidate” means a candidate who has not been defeated;

(2) “Inactive ballot” means a ballot that is no longer tabulated, either in whole or in part, because it does not rank any continuing candidate, contains an overvote at the highest continuing ranking, or contains two or more sequential skipped rankings before its highest continuing ranking;

(3) “Overvote” means an instance where a voter has assigned the same ranking to more than one candidate;

(4) “Ranking” or “ranked” means the number assigned by a voter to a candidate to express the voter's choice for that candidate; a ranking of “1” is the highest ranking, followed by “2,” and then “3,” and so on;

(5) “Round” means an instance of the sequence of voting tabulation in an election;

(6) “Skipped ranking” means a blank ranking on a ballot on which a voter has ranked another candidate at a subsequent ranking.

***

Section 3. Effective Date. This ordinance shall be effective January 1, 2026.

Adopted this ________ day of ________________________, 2025.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

CITY AND BOROUGH OF JUNEAU
OFFICIAL BALLOT
REGULAR MUNICIPAL ELECTION
OCTOBER 5, 2021

Instructions:

To vote, completely fill in the oval next to your choice like this: ⬬
Use a blue or black ink pen to mark your ballot. NO RED INK. To vote for a person whose name is not printed on the ballot, fill in the oval and print the person's name on the blank line provided for a write-in candidate. If you make a mistake voting, draw a line through the oval and candidate or issue you voted, write "NO" next to it and then continue voting by filling in the oval next to your choice.

MAYOR
VOTE FOR NOT MORE THAN **ONE**

- ◯ Beth Weldon
- ◯ Write-in ____________

DISTRICT 1 ASSEMBLY
VOTE FOR NOT MORE THAN **ONE**

- ◯ Barbara Blake
- ◯ Paul R. Kelly
- ◯ Troy Wuyts-Smith
- ◯ Write-in ____________

DISTRICT 2 ASSEMBLY
VOTE FOR NOT MORE THAN **ONE**

- ◯ Michelle Bonnet Hale
- ◯ Kelly Fishler
- ◯ Write-in ____________

SCHOOL BOARD MEMBER
VOTE FOR NOT MORE THAN **THREE**

- ◯ Ibn Bailey
- ◯ Thom Buzard
- ◯ Elizabeth (Ebett) Siddon
- ◯ Wiljordon V. Sangster
- ◯ Aaron Spratt
- ◯ Amber Frommherz
- ◯ Write-in ____________
- ◯ Write-in ____________
- ◯ Write-in ____________

PROPOSITION NO. 1

Go to Backside of Ballot for Proposition No. 1

SAMPLE

VOTE BOTH SIDES OF BALLOT

Elizabeth J. McEwen
Municipal Clerk

CITY AND BOROUGH OF JUNEAU
OFFICIAL BALLOT
REGULAR MUNICIPAL ELECTION
OCTOBER 5, 2021

PROPOSITION NO. 1

Explanation

Juneau currently has a permanent 1% sales tax, a temporary 1% sales tax, and a temporary 3% sales tax. The temporary 1% sales tax is automatically repealed on September 30, 2023. The temporary 3% sales tax is automatically repealed on July 1, 2022. The total of all CBJ sales taxes is currently 5%.

This ballot proposition would continue the current 3% temporary sales tax rate for an additional five years, until June 30, 2027. Accordingly, if this proposition is approved, the total sales tax rate would remain at 5%. This proposition would also continue the Assembly's intended allocation of the temporary 3% sales tax revenues as follows:

Current Temporary Sales Tax (repealed July 1, 2022)		New Proposed Temporary Sales Tax (July 1, 2022 to June 30, 2027)	
1%	police, fire, street maintenance, snow removal, EMT/ambulance service, parks and recreation, libraries, and other general purposes;	1%	police, fire, street maintenance, snow removal, EMT/ambulance service, parks and recreation, libraries, and other general purposes;
1%	roads, drainage, retaining walls, sidewalks, stairs, and other capital improvements; and	1%	roads, drainage, retaining walls, sidewalks, stairs, and other capital improvements; and
1%	allocated annually by the assembly for capital improvements, general government services (including the Better Capital City account and youth activities) and Budget Reserve.	1%	allocated annually by the assembly among capital improvements, an emergency budget reserve, and other general public services.
Total 3%	Temporary sales tax until June 30, 2022	**Total 3%**	Proposed temporary sales tax starting July 1, 2022, and ending June 30, 2027

PROPOSITION NO. 1

Authorization to Renew a Temporary 3% Areawide Sales Tax Effective July 1, 2022, Intended to Be Used for Certain Purposes as Set Forth Below.

Shall the City and Borough of Juneau, Alaska, levy and collect a temporary 3% areawide sales tax on the price of all taxable sales of goods and delivered in the City and Borough, effective July 1, 2022, for a period of five years only, in addition to the 1% permanent areawide sales tax and the 1% temporary areawide sales tax?

It is the intent of the Assembly to use the temporary 3% areawide sales tax as follows:

1% police, fire, street maintenance, snow removal, EMT/ambulance service, parks and recreation, libraries, and other general purposes;

1% roads, drainage, retaining walls, sidewalks, stairs, and other capital improvement projects; and

1% allocated annually by the assembly among capital improvements, an emergency budget reserve, and other general public services.

Total 3% Temporary Sales Tax

○ **YES Extend 3% sales tax five years?**

○ **NO Extend 3% sales tax five years?**

SAMPLE

VOTE BOTH SIDES OF BALLOT

CITY AND BOROUGH OF JUNEAU
DEMO BALLOT
DEMO ELECTION
OCTOBER 1, 2024

03-300 Auke Bay

Elizabeth J. McEwen
Municipal Clerk

Instructions
To vote, completely fill in the oval next to your choice like this:
Ranked Contest Instructions:
· Do not use red ink or a pencil to mark your ballot.
· Rank as many or few candidates as you like.
· Completely fill in no more than one oval for each candidate or column.
· For your 1st choice, fill in the oval in the first choice column.
· For your 2nd choice, fill in the oval in the 2nd choice column.
· For your 3rd choice, fill in the oval in the 3rd choiice column, and so on.
· If you make a mistake, you can ask for a new ballot.

Mayor

	1st Choice	2nd Choice	3rd Choice
John Doe	1	2	3
Jane Doe	1	2	3
Write-in	1	2	3

Assembly District 1

	1st Choice	2nd Choice	3rd Choice	4th Choice
D1 Candidate A	1	2	3	4
D1 Candidate B	1	2	3	4
D1 Candidate C	1	2	3	4
Write-in	1	2	3	4

Assembly District 2

	1st Choice	2nd Choice	3rd Choice	4th Choice
D2 Candidate X	1	2	3	4
D2 Candidate Y	1	2	3	4
D2 Candidate Z	1	2	3	4
Write-in	1	2	3	4

Board of Education Seat A

	1st Choice	2nd Choice	3rd Choice	4th Choice
Choice Alpha	1	2	3	4
Choice Bravo	1	2	3	4
Choice Charlie	1	2	3	4
Write-in	1	2	3	4

Board of Education Seat B

	1st Choice	2nd Choice	3rd Choice	4th Choice
Choice Delta	1	2	3	4
Choice Echo	1	2	3	4
Choice Foxtrot	1	2	3	4
Write-in	1	2	3	4

03-300 Auke Bay

CITY AND BOROUGH OF JUNEAU
DEMO BALLOT
DEMO ELECTION
OCTOBER 1, 2024

Elizabeth J. McEwen
Municipal Clerk

Instructions
To vote, completely fill in the oval next to your choice like this:
Ranked Contest Instructions:
· Do not use red ink or a pencil to mark your ballot.
· Rank as many or few candidates as you like.
· Completely fill in no more than one oval for each candidate or column.
· For your 1st choice, fill in the oval in the first choice column.
· For your 2nd choice, fill in the oval in the 2nd choice column.
· For your 3rd choice, fill in the oval in the 3rd choiice column, and so on.
· If you make a mistake, you can ask for a new ballot.

Mayor

	1st Choice	2nd Choice	3rd Choice
John Doe	1	2	3
Jane Doe	1	2	3
Write-in	1	2	3

Assembly District 1

	1st Choice	2nd Choice	3rd Choice	4th Choice
D1 Candidate A	1	2	3	4
D1 Candidate B	1	2	3	4
D1 Candidate C	1	2	3	4
Write-in	1	2	3	4

Assembly District 2

	1st Choice	2nd Choice	3rd Choice	4th Choice
D2 Candidate X	1	2	3	4
D2 Candidate Y	1	2	3	4
D2 Candidate Z	1	2	3	4
Write-in	1	2	3	4

BOARD OF EDUCATION
VOTE FOR NOT MORE THAN **TWO**

- Choice Alpha
- Choice Bravo
- Choice Charlie
- Choice Delta
- Choice Echo
- Choice Foxtrot
- Write-in
- Write-in

3 AAC 306.060. Protest by local government. (a) Not later than 60 days after the director sends notice of an application for a new marijuana establishment license, a new onsite consumption endorsement, renewal of a marijuana establishment license, renewal of an onsite consumption endorsement, license conversion, endorsement, transfer of a marijuana establishment license to another person, or transfer of a marijuana establishment license to another location, a local government with jurisdiction over the location of the proposed licensed premises may protest the application by sending the director and the applicant a written protest and the reasons for the protest. If an application for a transfer of a marijuana establishment license to another location proposes to relocate a licensed establishment within the jurisdiction of a different local government, the local government with jurisdiction over the proposed location may protest the application on the basis of taxes owed to the local government with jurisdiction over the current location of the licensed premises. The director may not accept a protest received after the 60-day period. If the protest is a conditional protest, the board will require the applicant to show, to the board's satisfaction, that the requirements of the local government have been met before the director may issue the marijuana establishment license. If the protest is not a conditional protest, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. (b) A local government may recommend that the board approve an application for a new marijuana establishment license, a new onsite consumption endorsement, renewal of a marijuana establishment license, renewal of an onsite consumption endorsement, license conversion, transfer of a marijuana establishment license to another person, or transfer of a marijuana establishment license to another location subject to a condition. If an application for a transfer of a marijuana establishment license to another location proposes to relocate a licensed establishment within the jurisdiction of a different local government, the local government with jurisdiction over the proposed location may recommend that the board approve the marijuana establishment license subject to a condition that is based on reasons identified by the local government with jurisdiction over the current location, if those reasons are still relevant to the proposed location. The board will impose a condition a local government recommends unless the board finds the recommended condition is arbitrary, capricious, and unreasonable. If the board imposes a condition a local government recommends, the local government shall assume responsibility for monitoring compliance with the condition unless the board provides otherwise. (c) If a local government with jurisdiction over the location of the licensed premises determines that a marijuana establishment has violated a provision of AS 17.38, this chapter, or a condition the board has imposed on the licensee, the local government may notify the board. Unless the director finds that the local government's notice is arbitrary, capricious, and unreasonable, the director shall prepare the determination as an accusation against the licensee under AS 44.62.360 and conduct proceedings to resolve the matter as provided under 3 AAC 306.820. (d) In this section, (1) "local government" means each local government with jurisdiction over the licensed premises; in case of an application for a transfer of a marijuana establishment license to another location, "local government" means the local government with jurisdiction over the proposed licensed premises; (2) "conditional protest" means a protest by a local government based on the local government's requirements that the applicant must meet before licensure, and that the applicant has not yet met but that the local government expects the applicant will be able to meet within a reasonable period of time. (e) Not later than 60 days after the director sends notice of an application for a transfer of a marijuana establishment license to another location where the local government would be different, the local government with jurisdiction over the current licensed premises may protest the application upon the basis of taxes owed by the licensee to that local government by sending the director and the applicant a written protest and the reasons for the protest. The director may not accept and the board will not consider a protest received under this subsection after the 60-day period.

20.30.020 Assembly review of license issuance, renewal, transfer, or continued operation.

(a) The assembly may protest the issuance, renewal, transfer, or continued operation of a marijuana establishment license as provided in state law. The protest shall cite any of the following criteria which the assembly determines to be pertinent:

(1) Failure of the applicant to secure a local license or permit, or if the applicant is in violation of any applicable local license or permit;

(2) That the applicant has violated a provision of AS 17.38 or regulations adopted by the state, or a condition imposed by the marijuana control board on the licensee, or if issuance of the license would violate a provision of state law or regulations;

(3) The business operated under the license is, on the date the assembly considers the license, delinquent in the payment of any sales tax or penalty or interest on sales tax arising out of the operation of the licensed premises;

(4) There are delinquent property taxes or local improvement district assessments or penalty or interest thereon arising out of real or personal property owned in whole or in part by any person named in the application as an applicant or on the permit which is to be continued where such property is used, or is to be used, in whole or in part in the business conducted or to be conducted under the license;

(5) There is a delinquent charge or assessment owing the City and Borough by the licensee for a municipal service provided for the benefit of the business conducted under the license or for a service or an activity provided or conducted by the municipality at the request of or arising out of an activity of the business conducted under the license;

(6) The business operated or to be operated under the license is violating or would violate the zoning code of the City and Borough;

(7) The business operated under the license is, on the date the assembly considers the application, in violation of state or local fire, health, or safety codes. A criminal conviction of this violation is not a prerequisite for a protest under this section;

(8) The concentration of other marijuana establishment or alcohol licenses in the area;

(9) Any factor identified by state statute or regulation as appropriate grounds for a protest;

(10) Any other factor the assembly determines is generally relevant or is relevant to a particular application.

(b) If the assembly or committee or a subcommittee thereof recommends protest of the issuance, renewal, transfer, or continued operation of a license it shall state the basis of the protest and the applicant shall be afforded notice and an opportunity to be heard at an abbreviated informal hearing before the assembly to defend the application. For the purposes of this subsection, notice shall be sufficient if sent at least ten days prior to the hearing by certified first class mail to the applicant's address identified on the state license application. At the conclusion of the hearing, the assembly decision to protest the application shall stand unless the majority of the assembly votes to withdraw the protest.

(Serial No. 2016-22(am), § 4, 8-22-2016)

OFFICE OF THE MUNICIPAL CLERK
Ph: (907)586-5278 Fax: (907)586-4552
e-mail: city.clerk@juneau.gov

January 24, 2025

Via certified, regular mail & email
Attn: Joe Markey
Alaskan Coffee Pot LLC d/b/a Alaskan Coffee Pot
2219 Dunn Street
Juneau, AK 99801
joe_acp@hotmail.com

Re: AMCO Retail Marijuana Store License #25190 Protest Recommendation

Dear Mr. Markey,

The City and Borough of Juneau has received notice of your Retail Marijuana Store License #25190 located at: 2219 Dunn St., Juneau AK 99801 from the Alcohol Marijuana Control Office on December 12, 2024.

As is our practice in these matters, staff from the Fire, Finance, Police, Community Development and Engineering/Public Works Departments reviewed your establishments to ensure compliance with CBJ Code 20.30.020.

This letter serves as notice that the CBJ Finance Department recommends the Assembly protest the issuance of this license renewal based on the following 2024 unpaid CBJ Sales Tax:
2nd Quarter amount due of $32,334.37, *including penalties and interest*
3rd Quarter amount due of $30,023.88, *including penalties and interest*
for a total balance due as of January 31, 2025 of $62,358.25.

4th Quarter sales tax payments are due as of January 31, 2025 and may be added to this protest if not submitted in a timely manner. The protest recommendation will remain in effect until your sales tax account is in full compliance.

CBJ Code 20.30 provides you with the right to an informal hearing before the Assembly to address this issue. T**his matter will be considered at the Monday, February 3, 2025 Assembly Human Resources Committee (HRC) meeting at 6:00 p.m. in the City Hall Assembly Chambers & via Zoom Webinar; the HRC will then forward a recommendation to the full Assembly for action at its regular meeting that same evening at 7:00 p.m. also in City Hall Assembly Chambers & via Zoom Webinar.** You will be given the opportunity to participate in an informal hearing before the HRC & Assembly during these meetings if you wish to do so.

Copies of the CBJ Code and Alaska Statutes pertaining to the protest process are enclosed for your reference. I urge you to work with Finance staff to ensure all issues are resolved prior to this appearing before the Borough Assembly on February 3. Please reach out if you have questions.

Sincerely,

Diane Cathcart
Deputy Municipal Clerk

Enclosures
cc via email: Assembly & Staff Reviewers

Balance Worksheet

Alaskan Coffee Pot

Sales Tax Account #01004676

by Eric McDonald, Compliance Accountant

January 23, 2025

2Q 2024	Due 7/31/2024
15,890.55	Sales tax filed 12/27/2024
8,883.72	Marijuana tax filed 12/27/2024
24,774.27	Total sales tax due
25.00	Late filing fee
6,193.57	Late payment penalty (Aug 2024 - Dec 2024)
1,341.53	Interest (Sept 2024 - January 2025)
32,334.37	Balance due through 1/31/2025

3Q 2024	Due 10/31/2024
16,453.35	Sales tax filed 12/27/2024
9,150.39	Marijuana tax filed 12/27/2024
25,603.74	Total sales tax due
25.00	Late filing fee
3,840.56	Late payment penalty (Nov 2024 - January 2025)
554.58	Interest (Dec 2024 - January 2025)
30,023.88	Balance due through 1/31/2025

AGENDA
CITY AND BOROUGH OF JUNEAU
ASSEMBLY COMMITTEE OF THE WHOLE
WORK SESSION

Monday, August 30, 2004; 5pm
Assembly Chambers

I. **Call to Order**

II. **Airport Audit Report**

A) Packet Items

- June 18, 2004 Independent Accountant's Report - CBJ Airport by Elgee, Rehfeld, Mertz
- June 28, 2004 Committee of the Whole Minutes

B) Airport Board Comments

IV. **Adjournment**

CITY AND BOROUGH OF JUNEAU,
AIRPORT

INDEPENDENT ACCOUNTANTS' REPORT
ON APPLYING AGREED-UPON PROCEDURES

ELGEE REHFELD MERTZ, LLC

CERTIFIED PUBLIC ACCOUNTANTS

9309 Glacier Highway, Suite B-200 • Juneau, Alaska 99801
907.789-3178 • FAX 907.789.7128 • www.ermcpa.com

To Members of the Assembly,
City and Borough of Juneau, Alaska

We have performed the procedures enumerated below, which were agreed to by the City and Borough of Juneau,(CBJ), solely to assist you in evaluating the current Airport Enterprise Fund Board's administration practices, internal controls over leases and rate setting. This agreed-upon procedures engagement was performed in accordance with consulting services standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the specified users of the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

PROCEDURES:

The agreed upon procedures and our findings are as follow:

1. We performed inquiries of numerous Airport employees and Airport Board members to identify the processes used for billing and the development of the current rate structure for airport leases.

2. We reviewed selected Airport Board meeting minutes for rate change and billing transactions and the related approval and handling of related party or conflicts of interest.

3. We reviewed the current regulations governing the Airport Board for its current guidance on board member conflict of interest issues and compared that to current airport practices.

FINDINGS:

1. A Majority of the Airport Board Have Apparent Conflicts of Interest

The current ordinance for the Airport Board states, in part: "*No City and Borough airport employee may be a member of the airport board or the spouse or a member of the household of a member of the airport board. To the extent possible, appointments to the airport board shall include persons having aeronautical, engineering, financial, or other skills relevant to airport matters.*" However, the ordinance does not limit the number of members who may serve on the Airport Board who have a conflict of interest due to a financial interest.

Currently, four members of the Airport Board, a majority of the seven-member board, have conflicts of interest, or at least an appearance of a conflict of interest, due to a direct financial interest at the airport. They are Mr. Joe Johnson, Mr. Pete Carlson, Mr. Ron Swanson and Mr. Tom Williams. These financial interests relate to the ownership of one hangar by each of Mr. Williams and Mr. Carlson, two by Mr. Swanson, and several by Mr. Johnson. Also, in Mr. William's case, there is a potential conflict as a management-level employee of Ward Air, Inc. Due to the cost to build and own a hangar at the Juneau Airport, not to mention more than one hangar, none of these financial interests could be reasonably deemed as inconsequential. Accordingly, it would appear that it would be appropriate for members declare a conflict of interest pertaining to certain actions taken by the Airport Board with respect to rate setting for hangar and commercial operators, decisions relating to operations of Ward Air, Inc. (a Part 135 operator) and other matters that could be perceived as beneficial to these board members.

Airport Board governance, and airport billing and rate structure development are negatively impacted by the current structure of the Airport Board. Since a working majority of the board have conflicts of interest pertaining to significant activities of the airport, the ability of the board to operate objectively is in question. With the amount of pressure that these members must feel, both from themselves and from their tenant friends related to keeping their personal expenses to a minimum, we feel that there is undoubtedly an effect on their decisions.

We recommend that the Assembly review the Airport Board ordinance to determine whether tenants, and others with conflicts of interest, should be limited to a minority of positions (three or fewer) on the board of directors. Such a change would also require board members to provide an annual conflicts of interest statement to enable the City to monitor changes in conflicts of interest.

In the interim, before the Airport Board ordinance is reviewed and possibly changed, the Assembly may want to place greater emphasis on the tenant/non-tenant make-up of the board before making future board appointments.

2. Minutes of Significant Actions of the Finance Committee are Not Kept and the Finance Committee is Made Up Entirely of Airport Tenants

The Finance Committee of the Airport Board consists of three members, all of who have potential conflicts of interest due to a direct financial interest at the airport as previously discussed. They are Mr. Johnson, Mr. Carlson, and Mr. Williams. The Finance Committee develops the Airport budget for submission to the full board for acceptance and referral to the CBJ Assembly. Part of the budget development process includes setting rates for all revenue lines in the airport budget. The Finance Committee does not keep minutes of its meetings, so it is difficult to identify the process used, and rationale behind, the development of the budget, including rate setting. For example, the minutes for the Airport Board meeting for March 10, 2004 included the Airport Board's discussion and approval of the Fiscal 2005 and 2006 biennial budget. Attachment #2 to those minutes was an informal listing of the decisions made by the Finance Committee, including rate adjustments to be made. However, these are not formal minutes and there is no discussion as to the justification for the rate setting, including those rates that were increased and the rates that were left the same.

Because the Finance Committee consists entirely of tenants and because that committee does not keep minutes, rate setting, budget determination and other recommendations and decisions made by the Finance Committee to the Airport Board are less credible due to conflicts of interest concerns.

We recommend that the Airport Board not appoint a majority of members with conflicts of interest to the Finance Committee, and that all significant standing committees keep minutes of meetings.

3. The Board of Directors Have Not Declared Conflicts of Interest

In a memorandum to the Airport Board dated July 2, 2002, City Attorney John Corso addressed conflicts of interest questions by the Airport Board as follows:

> *The CBJ Conflict of Interest Code includes section 01.45.010, which is entitled "Misuse of Official Position". It says that a municipal officer may not "Take or withhold official action in order to affect a matter in which the municipal officer has a personal or financial interest." It also says that a municipal officer may not "Attempt to affect a personal or financial interest through coercion of a subordinate." and finally, "An assembly member, school board member, or member of any board or*

commission may not deliberate or vote on any matter in which he or she has a personal or financial interest."

Given the relatively small number of airport leases, and the significant sums of money involved, it is likely that any Board member who is party to an airport lease would have a conflict of interest in voting on a policy to amend leases as described in this memorandum. I recommend that tenant Board members refrain from voting. I have been informed that there are four such members. The Charter provides that the vote required to take action (four, in the case of the seven-member board) is reduced by one for every two members who must abstain, provided that it is never less than a third of the membership. This means that if four members step down, action requires the unanimous vote of the remaining three.

During our work, we reviewed all of the minutes of the Airport Board for fiscal 2004 to date and selected minutes from fiscal years 2003 and 2002. During our review of the minutes, the only references to conflicts of interest that were discussed were as follows:

- During a strategic planning session, facilitated by the McDowell group in September of 2003, the board identified the current board member makeup and lack of guidance for conflict of interest as areas demanding attention.
- At the November 12, 2003 Airport Board meeting, during discussions about the hangar lease reversion issue, there was discussion about the Airport Board not being able to take any action with regard to this issue due to a majority of the Board members having conflicts of interest. The approved minutes from this meeting state the following, in part, with regard to what the Board can do regarding the lease issue:

  There is a potential conflict due to a majority of tenants on the Board. In the absence of those people being able to take part in any kind of discussion, the Board would not have a quorum and the Board would not be able to do anything.

  The Board's opinion with respect to their ability to take action on the leases seems to contradict the guidance by Mr. Corso, as discussed above. It also indicates an inability for the Airport Board to act objectively on certain matters due to a majority of board members with conflicts of interest. Nevertheless, in this case, the board appeared to recognize the conflict of interest.
- At the January 14, 2004 Airport Board meeting, the Airport Board again reiterated their belief that there was a conflict of interest with respect to the hangar lease reversion issue.
- At the February 11, 2004 meeting Mr. Williams asked the Airport Board to change the wording regarding the Airport Board's lack of objection to its support of a certain federal bill. Mr. Williams indicated that the wording of the Airport Board's action may cause him to have to declare a conflict of interest.

These instances indicate that the airport board is aware of potential conflicts of interest due to their financial interest. In addition, the Board adopted new by-laws in February 2004 that established guidance on dealing with the conflict of interest issue; but this has not resolved actual or perceived conflict. The new bylaws, due to the current composition of the board (majority being tenants), contain the potential to override the Chairman's decision regarding potential conflicts.

The conflicts discussed above, do not include all potential conflicts, however. We did not identify any declarations of conflicts of interest with respect to the determination and establishment of the overall budget for the airport (as discussed under point number 2 above), rate setting for hangar owners, or rate setting for Part 135 operators (commercial operators). These are all areas that actual or perceived conflicts of interest exist. The fact that there has been no discussion of these items during the Board meetings indicates that the Airport Board members are not declaring all potential conflicts of interest.

We recommend that the Airport Board members comply with their by-laws and the CBJ's Conflict of interest Code regarding all conflicts of interest.

We were not engaged to, and did not, perform an examination, the objective of which would be the expression of an opinion on the controls discussed above. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of CBJ Assembly and Management in their evaluation the procedures used for Airports' Board practices, lease and rate setting processes and should not be used by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes.

ERM

June 18, 2004

ELGEE REHFELD MERTZ, LLC
CERTIFIED PUBLIC ACCOUNTANTS
9309 Glacier Highway, Suite B-200 • Juneau, Alaska 99801
907.789-3178 • FAX 907.789.7128 • www.ermcpa.com

May 5, 2004

Rod Swope, City Manager
City and Borough of Juneau
155 S. Seward
Juneau, AK 99801

We are pleased to confirm our understanding of the nature and limitations of the services we are to provide for the City and Borough of Juneau.

We will provide services to analyze and apply the agreed-upon procedures which you have specified, listed below, to evaluate the current Harbor Enterprise Fund's board administration practices, internal controls over procurement, and the Airport Enterprise Fund's board administration practices. These procedures will include interviewing the Enterprise Fund's management and accounting personnel to determine the flow of accounting information and controls placed in operation, as well as specific transaction and document testing as deemed necessary.

These procedures are expected to include the following:

HARBOR ENTERPRISE FUND

1. We will perform inquiries of the Harbor Enterprise Fund's personnel (and board members as necessary) to identify the processes used for contracts and procurement.

2. We will review FY2003/2004 board meeting minutes for procurement transactions and the related approval and handling of related party or conflict of interest contracts.

3. We will select a sample of procurement transactions to test compliance with the current regulations over procurement.

AIRPORT ENTERPRISE FUND

4. We will perform inquiries of the Airport Enterprise Fund's personnel (and board members as necessary) to identify the processes used for the development and setting of the current rate structure.

5. We will review FY2003/2004 board meeting minutes for rate structures and the related approval and handling of related party or conflicts of interest.

6. We will review the current regulations governing the Airport board for it's current guidance on board member conflict of interest issues and compare that to current airport practices.

Upon completion of the interviews and preparation of a draft summary report we will provide you the total hours incurred to date and an estimate of the hours anticipated for the additional optional procedures. At that time you can elect to have the following steps completed or not.

HARBOR ENTERPRISE FUND

7. We will perform inquiries of the Harbor Enterprise Fund's personnel to identify the processes used for billing and payment collection.

8. We will review FY2003/2004 board meeting minutes for billing transactions and the related approval and handling of related party or conflict of interest contracts.

9. We will select a sample of transactions to test compliance with the current regulations over billing and current rates, as well as proper segregation of duties in the collection, recording and reporting processes.

AIRPORT ENTERPRISE FUND

10. We will select a sample of billing transactions to test compliance with the current regulations over billing and current rates, as well as proper segregation of duties in the collection, recording and reporting processes.

We will submit a report listing the procedures performed and our findings. This report is intended solely for the use of the Assembly and Management, and should not be used by those who did not agree to the procedures and take responsibility for the sufficiency of the procedures for their purposes.

We plan to begin our procedures the week of May 3, 2004 and, unless unforeseeable problems are encountered, the engagement should be completed by May 31, 2004.

This engagement is solely to assist the CBJ Assembly and Management in their evaluation the procedures used for Harbor and Airports' board practices, procurement, billing and rate setting processes. Our engagement to apply agreed-upon procedures will be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of those parties specified in the report. If, for any reason, we are unable to complete the procedures, we will describe any restrictions on the performance of the procedures in our report.

Because the agreed-upon procedures listed above do not constitute an examination, we will not express an opinion on the CBJ Harbor or Airport Enterprise Funds. In addition, we have no obligation to perform any procedures beyond those listed above.

We estimate that our hours for these services will fall within the hours for additional services provided with our audit contract with the CBJ (currently approximately 60 hours are available). As indicated above, after we have completed the interviews and our evaluation of the controls we will estimate the hours needed to complete the optional sampling steps listed above. Hours in excess of the audit contract hours will be billed at our standard hourly rates, which range from $140 to $157 an hour. You will also be billed for out-of-pocket costs such as report production, typing, postage, etc. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation.

We appreciate the opportunity to assist you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us. If the need for additional services arises, our agreement with you will need to be revised. It is customary for us to enumerate these revisions in an addendum to this letter. If additional specified parties of the report are added, we will require that they acknowledge in writing their responsibility for the sufficiency of the procedures.

Sincerely,

ERM

RESPONSE:

This letter correctly sets forth the understanding of Elgee Rehfeld Mertz, LLC and the City and Borough of Juneau.

By: [signature]

Title: Deputy City Attorney

Date: May 6, 2004

CITY AND BOROUGH OF JUNEAU
ASSEMBLY COMMITTEE OF THE WHOLE WORK SESSION

Monday, June 28, 2004
Assembly Chambers

I. Call to Order: Chairman Jim Powell called the meeting to order at 5:00 p.m.

Members Present: Deputy Mayor Jim Powell; Mayor Bruce Botelho, Jeannie Johnson, Dan Peterson, Stan Ridgeway, Merrill Sanford, Randy Wanamaker, Marc Wheeler.

Members Absent: David Stone.

Staff Present: Rod Swope, City Manager; Peggy Boggs, Assistant City Attorney; Laurie Sica, Municipal Clerk; Allan Heese, Airport Manager.

II. Approval of Minutes

A. May 3, 2004 Committee of the Whole

MOTION, by Johnson, to approve the minutes of the May 17, 2004 Committee of the Whole meeting. Hearing no objection, it was so ordered.

III. Audit Report on the Airport

Max Mertz, an auditor for Elgee, Rehfeld and Mertz, said that in response to an Assembly request, they have reviewed the Airport Board and Docks and Harbors Board operations. The audit contract allows for 80 hours of specific services, and this work was done under that provision. The auditing firm will finish the report on the Docks and Harbors Board soon. Ms. Karen Brewer-Tarver, an audit manager who was present in the audience, performed the work. Mr. Mertz said he owns a hangar at the airport, and so did not do the actual audit, but did the finalization of the work, as presented.

Finding 1 – 4 of 7 members of the board, a majority, have a conflict of interest on matters that can affect the airport board's ability to carry out its business. All four are hanger owners, and in one case, a member is a managerial employee of a tenant of the airport.

Finding 2 – the Airport Board Finance Committee – a 3-member sub-committee of the Airport Board, is entirely made up of members with a conflict. In addition, that committee was not keeping minutes. Regarding the development of the rate structure and billing, there was no record of how business was conducted.

Finding 3 – Regarding declaration of conflicts of interest - there was no discussion that we could find that declarations of conflicts were complete in all matters.

Mayor Botelho asked if the auditors ever asked Airport Board members why the board did not comply with the advice of the city attorney. Mr. Mertz said no, and if there is a defense of that, the members can bring this to the Assembly.

Ms. Johnson asked the nature of the ownership interests in relationship to the overall airport operations. Mr. Mertz said the conflict is one in which a financial ownership interest is significant. The value of a hangar is significant. The perception is that there could be action taken by board members to protect that interest. We are not saying that was done in any particular circumstance. There are a host of areas that would have an effect on the future value of that type of interest. It may make sense to have some hangar owners, but it should not be a majority of the board. There is a judgement call to be made. Regarding the employment situation with the one board member, there are so many areas that impact his interest, he asked how that member could effectively serve.

Ms. Johnson asked if the concerns were the ownership of hangars or the lease rate of land. Mr. Mertz said that the ownership of hangars was the most significant of the two.

Mr. Ridgeway asked how the hangars work regarding ownership. Mr. Heese said that there are some privately owned hangars, which take up the footprint of leased land. There are commercial owners whose footprint can take up a greater portion of leased land. Regarding paving on a tenant's leased land, the tenant would have the decision on how to handle the leased land, otherwise if it is airport land the board would make decisions.

Ms. Johnson asked about the ability to direct where things are constructed on the airport and if there is any land available now? Mr. Heese said the airport is land poor now. The airport is in the EIS process to obtain land, and there are a few small pockets available.

Mayor Botelho asked regarding hangars, is there an issue at the end of the lease about how the sale is to take place – does the hangar owner have an automatic right to renewal or is it open to all comers?

Mr. Heese said the current tenant has the first opportunity to sell or lease. The chair of the Board said, from the audience, that it is muddy -there are different leases all over the place.

Ms. Boggs provided information on the conflict of interest code. Board members cannot deliberate on any issue of which they have a financial interest. If the interest is insignificant or of a large class, there is no conflict. If the influence has insignificant effect, there is no conflict. It is a matter of degrees. In this case, there is a potential for a conflict of interest. A lease is a contract, there is bargaining, there are terms of the lease to be negotiated. Regarding land use issues, more facts are needed, but this could pose a potential conflict. CBJ Law has not issued a written opinion since 2002 on this issue.

Ms. Johnson asked if a board member thinks they have a conflict, what would be the proper procedure. Ms. Boggs said there are provisions for the law department to issue informal and formal opinions, and they are open to every board member.

Mr. Powell asked about the standard for review – and if it is the same procedure for Assemblymembers. Ms. Boggs said yes. Mr. Powell asked if more time was needed by the law department to review the three comments of the auditor. Ms. Boggs said that regarding the first finding, the law department doesn't know how many hangars there are. We don't know if those who own hangars constitute a large class of people. Regarding the second finding, minutes need to be kept. Regarding the third finding, declarations of a conflict of interest are mandatory if there is an indication that there may be a conflict.

Mayor Botelho said it would be helpful to know where the conflicts arise in the work of the board in general categories, and if there a point where the conflict is so pervasive that it would prevent a member to carry out the work of the board.

Mr. Mertz said that a person in question is a management level employee of Ward Air. When the financial livelihood is dependent on the airport itself – virtually every decision made will effect, either directly or indirectly, a business operating at the airport. Rate setting, allocation issues regarding Alaska airlines and the 135 operators, and terminal expansion are some of the major decisions the board effects.

Mr. Wheeler asked for a process to make decisions on board member appointments - should we ask our legal staff to advise on potential conflicts? Mr. Mertz said the hospital board is a good example -- there are two doctors, but not six. You want the perspective, but not the majority. It has to do with the degree of control. It makes sense to have some determination of what conflicts a person may have and may bring to the board.

Mr. Ridgeway said conflicts are inevitable, but the way that it has been dealt with is to create advisory boards. The minutes appear to show most members have some sort of conflict. There are not a lot of outsiders coming to the airport board. Perhaps we should consider an advisory board of user groups and have a separate business board. Mr. Mertz said that struck him as well, that the people who show up to the meetings have direct interests in the operation of the airport, which is good, however, because of the strong involvement of the tenants, it makes more sense to limit the potential insiders with interest on the board. The airport board was an advisory board previously, and expansion can be cumbersome. He has seen an advisory group to a board work effectively, and not.

Mr. Heueisen said the people who serve on the board, whether there is a perceived conflict or not, have the best interest of the airport at heart, and he has not seen people make decisions which personally benefit them. He is an insurance agent, and has gone to the attorney, personally, several times, for an opinion on conflict. At the time board appointments were made, he asked for no more tenants to be appointed to the board. The problem is the perception of a conflict, whether there is a real conflict or not. When the issue of leases come up, how are they to act? He has made the call that he doesn't feel the airport board has the ability to make decisions on leases. In the future, he asked the Assembly to count the number of people who are tenants, and appoint some. Their opinion is valuable, but it should not be a majority. He appoints the committees, and he picked the members on the Finance Committee due to their expertise. He purposely left them off the leasing committee. The operations committee chair has the most experience out there. They do their best, but he asked the Assembly to please not send them any more conflicted people.

Mr. Wheeler asked if it is possible to appoint non-members to the committees. Mr. Heueisen said that on standing committees it was not, but on ad-hoc committees it was possible. Mr. Heueisen said he was finance chair previously and the meetings were recorded, but no written minutes were made. It appears that the recording has stopped, but we can record all meetings.

Board members in the audience said that the auditors had not spoken with them about this issue.

Mr. Powell asked the assembly about accepting the report tonight, or if more information was needed.

MOTION, by Johnson, to accept the report.

Mr. Wanamaker asked what accepting the report means, if it was to accept it without making any determination on findings.

Mr. Powell said yes. We can qualify the acceptance with follow up actions. Mr. Botelho suggested receiving the report.

Hearing no objection, the report was received.

Ms. Johnson said to allow only three tenants to be board members, the Assembly would need to make an ordinance change. Board appointments are scheduled for this Wednesday. She would like to delay those appointments for further recommendations from the Attorney's office. The timing is unfortunate and we do not have enough information on the degree of conflict. She asked if the Assembly wished to do the same with the harbor board.

<u>MOTION</u>, by Johnson, to delay the consideration of airport board appointments for approximately 30 days.

Ms. Johnson said there are two members who have the appearance of conflict, that are up for reappointment, and two applicants have apparent conflicts. The Assembly needs to know the degree of conflict.

Mr. Wheeler said it makes sense, and the establishing ordinance needs to be reviewed in the Human Resources Committee.

Mr. Wanamaker said delaying appointments and allowing members to continue to act is prudent. There is a presumption of a conflict now, and the information in the report goes back and forth regarding the conflict with the definitions. There are a lot of things wrong with the conflict of interest code. The Assembly needs to do a comprehensive revision of the conflict of interest code. The city attorney, potential candidates and board members need to discuss conflicts before they are brought to the Assembly. He is concerned about protecting people's legal rights.

Mr. Ridgeway agreed to delay appointments. The Assembly should consider delaying all appointments, including those to Eaglecrest, to stay on the subject. Mr. Ridgeway said that a total revision may be needed of all the boards. We will always have this conflict of interest issue before us due to people's personal interest in serving. There are some areas where we could look at advisory boards.

Mayor Botelho supported the idea of delay. He suggested the need to set some time aside at the next meeting to allow Airport board members with potential conflicts to discuss this with the Assembly, before any appointment interviews. He suggested moving forward with the interviews for the Eaglecrest Board, as we need to stay on track with time.

Mr. Sanford said that most of the board members on the Eaglecrest Board are users or part-time employees. Most of the members are those who want to see good facilities. This will be difficult to do and I would like information from the law department on the levels of conflict.

Mayor Botelho said he was not aware of employees on the Eaglecrest board, which would create a conflict, however, users of the facility could be considered in a large group of public in the same position and exempt from conflict.

Mr. Swope said he wanted to bring up concerns regarding Eaglecrest. That board is lacking members with specific financial experience, and there are no new applicants at this time, so he was going to ask for a delay in those appointments.

Mr. Wheeler said there is an appearance of conflict now, but he would like this board to be able to make decisions without the pall of the appearance.

Ms. Johnson said she spoke with Mr. Corso about conflicts a few years ago, and in a community of this size, it is going to happen – we need to know how much is too much. She appreciates holding off for 30 days.

Mr. Wanamaker prefers holding off for 60 days, to allow time to work through this. He is concerned about the conflict of interest code, and terms such as "speculative conflict of interest." This term is not in there, but we need time to come to some better informed places of decision making capabilities.

There was no objection to a 60 days delay to on appointments to the Airport, Docks and Harbors and Eaglecrest Boards, and to return the issue to the Committee of the Whole. There was no objection to reviewing the existing airport board ordinance for possible changes for limitations on tenants on the board.

Mr. Wheeler asked about Findings 2 & 3. Ms. Johnson said she was certain the airport board will comply with both of those from now on.

IV. Adjournment: 6:50 p.m.

Submitted by:
Laurie Sica
Municipal Clerk

City and Borough of Juneau, Alaska
Historic Resources Advisory Committee

January 28, 2024

CBJ Human Resources Committee
Ella Adkison, Chair; Wade Bryson; Maureen Hall; Neil Steininger

Subject: Historic Resources Advisory Committee

The Juneau Historic Resources Advisory Committee (HRAC) was shocked and devastated to hear the City Attorney recommending dissolving HRAC and claiming that city staff cited the committee has been “consistently adverse to the Assembly”; has “concerns regarding conflicts of interest”; concerns of “systematic racism”; and incidents regarding “marginalized community members.”

HRAC considers these allegations extremely egregious and disturbing. HRAC would appreciate the chance to identify and discuss specific incidents to understand why such claims were made. City staff has never advised HRAC of such concerns in the past. HRAC was not made aware of these allegations prior to their public release at the Juneau Human Resource Committee (HRC) meeting on January 6, 2025. HRAC is willing to work with HRC and the Assembly to resolve these issues. Eliminating HRAC is not in the best interests of community goals.

Given that HRC has directed city staff to draft an ordinance to dissolve HRAC and without being informed of any specific incidents it is impossible to fully respond to the allegations. The following discussion regards these allegations. The claim that HRAC is “consistently adverse to the Assembly” insinuates this issue has been persistent for a long time, yet HRAC has never been made aware of such concerns. One of the charges for HRAC is to review and make recommendations about projects that might affect historic properties. HRAC’s approach has always been to hold public meetings to listen to citizens’ concerns; with preservation goals in mind, evaluate the proposed project; and make recommendations to the Assembly for their consideration. Where preservation goals conflict with other community goals it is up to the Assembly to resolve the best path forward for the community at large.

The claim of “concerns regarding conflicts of interest” has always been addressed as does the Planning Commission, Assembly or any other committee. If a member has a conflict, that member steps down from the discussion and does not vote on the issue at hand.

The concerns of “systematic racism” are particularly troubling as HRAC has always treated its members and the public with respect and dignity.

The claim of incidents regarding “marginalized community members” is also troubling. In the mid 1990’s HRAC was expanded to include a member knowledgeable in the customs and language of the Tlingit and Haida people. For many years that seat was held by Tlingit Elder Dr. Kaayistaan Marie Olson. Dr. Chuck Smythe, Senior Ethnologist at Sealaska Heritage Institute held the seat for several years and currently Lduteen Jerrick Hope-Lang holds the seat. HRAC has always valued the input from these respected and knowledgeable committee members.

During the HRC meeting of January 6, 2025, city staff was asked what HRAC has done for the community. Not knowing if HRAC will be offered the opportunity to meet with HRC, the following information is presented.

In 1984 the Assembly adopted design standards to preserve the historic character of the Downtown Historic District which is listed on the National Register of Historic Places. An empowered Design Review Board (DRB) was established to approve development proposals in the greater CBJ including downtown historic district. In 1987 HRAC[1] was established to advise the DRB regarding development compliance with the downtown historic district standards along with reviewing and making recommendations to city staff and the Planning Commission. The Community Development Department (CDD) budget featured a line item for historic preservation activities and public education about the importance of preserving historic buildings to keep downtown a vital area.

Ultimately the DRB was eliminated but the historic district standards were retained, the required historic district development permit was eliminated, the CDD preservation budget was eliminated, enforcement was eliminated, and now application of the standards often falls through the cracks. Unfortunately, the loss of these important preservation tools has, in part, put the viability of the downtown historic district in peril.

Historic preservation is an important element of a community's character, identity, and viability. Historic preservation goals and objectives are identified in the CBJ Comprehensive Plan (2013), Historic and Cultural Preservation Plan (2020), and the recently adopted Blueprint Downtown Plan (2024) which states:

> "Juneau's unique history and heritage is an asset worthy of investment. These assets attract tourists, shoppers, businesses, and residents. Over the years, many historic buildings have been lost, making those that remain even more important if downtown is to keep a link to its past. Designated historic landmarks and the centrally located Downtown Historic District are invaluable cultural resources that can contribute substantially to downtown's economic vitality and identity."

For many years, Juneau has been a leader, throughout Alaska, in its historic preservation efforts. As the State Capital, it is appropriate to be a model for the rest of the state regarding responsible preservation of historic and cultural resources. Juneau was one of the first communities in Alaska to meet the requirements of the Certified Local Government (CLG) program established by the federal National Historic Preservation Act. This program offers resources and funding opportunities to assist communities with historic preservation activities. Juneau has received CLG grants amounting to $509,628 for preservation projects and training (see list on page four of this letter). For the last three grant cycles Juneau has not applied for any grants due to no budget available for staff to support historic preservation.

HRAC understands the Assembly is looking at boards and commission for finding ways to address issues of staff time commitments, filling vacant seats, and meeting quorum yet still meet the needs of the community. With this in mind, HRAC forwards the following recommendations and suggestions. HRAC would be willing to meet with HRC for further discussion of these recommendations and suggestions.

RECOMMENDATIONS

A. **Retain HRAC's role to review projects in the Downtown Historic District.** Currently a project requiring Planning Commission (PC) action includes design review as part of the process. For projects not requiring PC action, CDD staff approves projects under the building permit process. In both cases HRAC reviews and makes recommendations for compliance with historic district standards. The PC and CDD staff do not have the appropriate expertise to adequately evaluate projects with historic district standards. The PC and CDD staff benefit greatly with HRAC involvement.

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[1] (Title 49.10.410) Historic Resources Advisory Committee:

- Reviewing and making recommendations about local projects that might affect properties identified in the local Historic Preservation Plan.
- Reviewing and developing nominations to the National Register of Historic Places for properties within CBJ.
- Cooperating and consulting with the Assembly, the Historic District Commission, the Community Development Department, and the State Historic Commission on matters concerning historical districts and historic, prehistoric, and archaeological preservation in the City and Borough.
- Reviewing and making recommendations about the collections, exhibitions, education programs, long-range plans, and other pertinent activities of the Juneau-Douglas City Museum.
- Performing other actions which are necessary and proper to carry out the above duties.

HRAC considers it imperative to retain its review role for projects in the downtown historic district to preserve the unique character of the downtown core district to maintain it as a viable economic area.

B. **Retain HRAC to assure CLG status remains in good standing.** As a CLG, Juneau benefits from state offerings including assistance writing historic preservation ordinances and plans; conducting surveys and inventories; creating local historic property designation guidelines and procedures; identifying economic incentives; training preservation commissions and staff; and providing technical and grant assistance. Being a CLG also guarantees local involvement in nominations to the National Register of Historic Places and review of federally permitted or financed projects requiring Section 106 review.

   HRAC considers it imperative to retain Juneau's CLG status to assure local involvement in federal projects that might impact historic buildings, structures, and sites. Also retaining CLG status is critical for state funding assistance for historic preservation projects.

C. **Provide adequate city staff to support HRAC and grant related historic preservation projects.** In 2022 the city received a CLG grant to perform phase two of a historic property survey of the Juneau Townsite neighborhood with a goal of applying for another grant to develop a nomination of the neighborhood to the National Register of Historic Places. CDD did not apply for the grant stating they did not have staff time for the required match. A quick look at 2022 CDD expenses for HRAC meetings liaison and a grant project shows that a position to support HRAC was about 1/8 FTE (approximately $16,700). This seems a small price to pay for preserving Juneau's history.

SUGGESTIONS

HRAC understands the Assembly's desire to make boards and commissions more efficient and reduce required staff time to support their missions. HRAC suggests the following:

1. Reduce the number of HRAC seats from 9 to 7 (required to maintain CLG status).
2. Consult with Library Director to determine if HRAC's role is needed regarding the Juneau Douglas City Museum operations. This would reduce staff commitment to HRAC.
3. Consult with CDD staff to consider the reduction of regular meetings of HRAC from monthly to periodically as required for downtown historic project reviews; reviews of National Register nominations; Section 106 reviews of federal and federally funded projects; involvement with specific grant funded projects; and other historic preservation issues. This would reduce staff time to less than 1/8 FTE yet retain HRAC benefits to the community. HRAC has always been available for special meetings to coordinate with critical permit timelines.

Thank you for your thoughtful consideration of our recommendations and suggestions. If the Assembly desires, HRAC would be pleased to discuss issues of concern.

Sincerely, for the Juneau Historic Resources Advisory Committee.

Gary Gillette, HRAC Chair

cc: Mayor and Assembly
Forrest Courtney, CDD Planner

Juneau CLG Grant Awards Totaling $509,628

Historic Preservation Planning Grants
Historic Preservation Plan, Phase 1. 2015; Phase II, 2017.
Juneau Memorial Building Use and Preservation Plan. 2012.
Juneau Downtown Historic District Design Standards Evaluation. 2005, 2006, 2007.
Historic/Cultural Preservation Plan. 1995, 1996.

Survey and Inventory Grants
Treadwell Mining Complex Historic Properties Study. 2009.
Historic Preservation Database. 2008, 2010.
Merchant's Wharf Historical Survey: Historic Property Evaluation of Alaska Coastal Airlines Hangar
Perseverance Trail Survey, Last Chance Basin to Silver Bow Basin. 2003.
Historic Building Survey of the Casey-Shattuck Neighborhood. 2000, 2003.
Historic Cemeteries in Douglas, Alaska. 1994.
Inventory and Survey of Historic Shipwrecks. (6) 1991.
Chicken Ridge Neighborhood Historic Building Survey. 1991
Report of the Treadwell Historic Resources Survey. 1990.
Report of the Juneau Dairy Farming Historic Resources Survey. 1990.
Historic Structures Report for Jualpa Mine Camp of the Alaska Juneau Gold Mining Company. 1989.
Douglas Townsite Historic Building Survey. 1988.
Juneau Townsite Historic Building Survey. 1987. Updated Survey. 2021, 2022

National Register of Historic Places Grants
Juneau Memorial Library National Register Nomination. 2004
Historic Cemeteries of Juneau and Douglas, Alaska National Register Nomination. 1996.
Chicken Ridge Historic District National Register Nomination. 1992.

Historic Preservation Development/Predevelopment Grants
Alaska-Juneau Gold Mine Power Towers. 2014.
Treadwell Saltwater Pump House Stabilization. 2013.
Stabilization of Historic Structures at Jualpa Mine Camp Historic District. 1994, 1995, 1996, 1997, 1999, 2001, 2002, 2006.

Historic Preservation Education Grants
Treadwell Mine Interpretive Panels, 2017.
Evergreen Cemetery Inventory and Interpretation. 2014.
Treadwell Mine Signs and Interpretive Shelter. 2012.
Treadwell and Jualpa Mines Interpretive Signs. 2010.
Downtown Juneau Interpretive Signs. 2005.
Interpretive Signs for Traditional Places. 2001.
Historic Preservation Web Page. 1998, 2000.

Commission Training Grants
National Alliance of Preservation Commissions Forum, 1999, 2005, 2008, 2014, 2015, 2017.
Local Historic Preservation Commission Training. 2009, 2012.
CLG Workshop. 2000.
Economic Perspectives: Making the Historic Preservation Connection Workshop. 1993, 1994.

Presented by: The Manager
Presented: 02/03/2025
Drafted by: Law Department

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2025-17 vHRC

An Ordinance Amending the City and Borough Code Relating to Quasi-Judicial and Appeal Review Boards.

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. Chapter 01.50, Administrative appeal procedures, is amended by adding the following section:

***

01.50.270 Hearing officer.

(a) If a hearing officer is needed to review decisions made under Title 19, Title 53, or Title 69, a list of available hearing officers will be established by the manager. Members of the Bidding Review Board, Sales Tax Board of Appeals, Building Code Advisory Committee, and Building Code Board of Appeals will be offered a position as a hearing officer as part of the repeal of these boards. To the extent feasible, hearing officers will have experience in the legal, financial, land use, fire, or building code fields. Hearing officers will be appointed for a period of three years. If no hearing officer is available, the manager may seek an outside appointment.

(b) The hearing officer may:

(1) Hold prehearing conferences to settle, simplify, or identify the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding;

(2) Require parties to state their positions concerning the various issues in the proceeding;

(3) Require parties to produce for examination those relevant witnesses and documents under their control;

(4) Rule on motions and other procedural matters;

(5) Regulate the course of the hearing and conduct of the participants;

(6) Establish time limits for submission of motions or memoranda;

(7) Impose appropriate sanctions against a person who fails to obey an order of the manager, including:

(A) Prohibiting the person from asserting or opposing designated claims or defenses or introducing designated matters into evidence;

(B) Excluding all testimony of an unresponsive or evasive witness; and

(C) Excluding a person from further participation in the hearing.

(8) Take official notice of a material fact not appearing in evidence, if the fact is among the traditional matters subject to judicial notice;

(9) Administer oaths or affirmations.

(c) A transcribed record of the hearing shall be made available at cost to a party that requests it.

(d) The hearing officer shall recommend a decision to the manager based on the evidence presented. The recommendation must include findings of fact and conclusions of law.

(e) The manager may remand the matter to the hearing officer with instructions or take other appropriate action.

(f) The manager shall issue a final decision after the hearing or upon failure of the person to timely request a hearing. The decision shall be issued within 20 days of the hearing, unless otherwise noted in code. A decision takes effect immediately.

(g) A final decision of the manager may be appealed to the superior court in accordance with the Alaska Rules of Appellate Procedure.

Section 3. Amendment of Chapter. Chapter 19.02, Board of appeals, is amended as follows:

~~**19.02.010.1 Created; membership.**~~

~~In order to determine the appropriateness of orders, decisions and determinations made by the building official or fire chief concerning the application and interpretation of the codes, there is created a board of appeals consisting of seven members. Members shall be appointed by the assembly on the basis of their general building construction expertise. General building construction expertise may include, but is not limited to, knowledge, experience, or training relating to building construction, plumbing, mechanical, electrical, property maintenance, fire safety or other similar fields. Members of the board of appeals shall be appointed by the assembly for three-year staggered terms. The board of appeals shall elect from its membership a chair and a vice-chair and shall adopt reasonable rules for the conduct of its proceedings. The City and Borough shall provide secretarial and other staff support required by the board of appeals.~~

~~(Serial No. 2009-16(b), § 2, 9-21-2009; Ord. No. 2012-34, § 2, 8-27-2012)~~

19.02.010.2 Appeals.

Appeals shall be conducted in accordance with the adopted rules of procedure and must be filed within 20 days after the day the decision, notice or order was served, except that if the order appealed from relates to a building or structure which has been determined by the building official to be in such condition as to make it immediately dangerous to life, limb, property or safety of the occupants, the public, or adjacent property and is ordered vacated and is posted in accordance with the applicable section of the International Property Maintenance

Code as adopted, such appeal must be filed within ten days from the date of the service of notice and order of the building official. Appeals will be heard by a hearing officer under CBJC 01.50.270.

(Serial No. 2009-16(b), § 2, 9-21-2009; Ord. No. 2012-34, § 2, 8-27-2012)

19.02.010.3 Limitations of authority.

An application for appeal shall be based on a claim that the true intent of the building codes or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of these codes do not fully apply, or an equally good or better form of construction is proposed. The hearing officer ~~board of appeals~~ shall not be empowered to waive requirements of the building codes.

All variance requests to IRC 323.3.1 through 323.3.5 and IBC 1612 shall be heard by the Planning Commission, under procedures established per 49.70.410.

(Serial No. 2009-16(b), § 2, 9-21-2009; Serial No. 2021-19, § 11, 8-2-2021, eff. 9-1-2021)

Section 4. Amendment of Section. CBJC 19.01.119, Adoption of new international, national and uniform codes; procedures, is amended as follows:

19.01.119 Adoption of new international, national and uniform codes; procedures.

Upon the publication of new or updated versions of the international, national and uniform codes adopted under this title, ~~the building code advisory committee, with the assistance of~~ the building official and the fire chief~~,~~ shall review the new codes and proposed changes. It is the policy of the assembly to adopt international, national and uniform codes under this title with a minimum of changes. Changes proposed should be justified primarily on the basis of conditions in the City and Borough that require additional consideration. ~~Prior to proposing adoption of~~

~~new codes and changes thereto, the building code advisory committee, with the assistance of the building official and the fire chief, shall conduct a public hearing on the proposed code and changes.~~ ~~After the hearing, the~~ The manager shall present an ordinance for the adoption of the new code and changes recommended ~~by the building code advisory committee~~. The building official shall include with the ordinance a synopsis of the comments presented at the public hearing.

(Serial No. 2009-16(b), § 2, 9-21-2009)

Section 5. Repeal of Section. CBJC 53.50.061, Bidding review board, is repealed in its entirety.

~~**53.50.061 Bidding review board.**~~

~~(a) There is established a bidding review board. The bidding review board shall consist of five persons appointed by the assembly. To the extent possible, one of the members shall be an attorney licensed to practice law in the state. The members of the bidding review board shall serve three-year terms. The bidding review board shall adopt written rules of procedure for the purpose of ensuring the expeditious resolution of protests. No member of the bidding review board who has served for three consecutive terms or nine years shall again be eligible for appointment until one full year has intervened, provided, however, that this restriction shall not apply:~~

~~(1) If there are no other qualified applicants at the time reappointment is considered by the assembly human resources committee, or~~

~~(2) To qualified board members serving in board seats for which a specific occupation or expertise is set forth by ordinance.~~

~~(b) The bidding review board shall hear protests as provided in this chapter and may perform such other related duties as the manager or assembly may, from time to time, request.~~

~~(Serial No. 93-11am, § 11, 1993; Serial No. 99-03, § 3, 1999; Serial No. 2004-08, § 7, 3-22-2004)~~

Section 6. Amendment of Section. CBJC 53.50.062, Protests, is amended as follows:

53.50.062 Protests.

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(c) A written protest shall be filed with the purchasing officer within five working days after posting of notice of apparent low bidder or successful proposer.

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(g) The purchasing officer shall issue a written response to the protestor within ten working days of the date the protest is filed. If multiple protests have been filed, they may be consolidated for purposes of the response. Copies of the response shall be provided to any other protestor requesting one. The response may include an amendment of all or any part of the recommended award. The manager may, upon written request of the purchasing officer, for good cause shown, extend the date for the purchasing officer's response for such additional period as may be necessary.

(h) A protestor aggrieved by the purchasing officer's response pursuant to subsection (g) of this section may request review by <u>a hearing officer</u> ~~the bidding review board~~.

(i) The protestor may seek review of the purchasing officer's response by providing written notice of intent to request review. The protestor shall notify the purchasing officer of the intent to request review by 4:30 p.m. Alaska time the working day following issuance of the purchasing officer's response. Late notices shall not be considered.

(j) A written request for review shall be filed within five working days after the response is issued by the purchasing officer. The notice of intent to request review and the written request for review shall be in the same form as provided in subsections (b), (c), and (d) of this section.

(k)~~(j)~~ Upon receipt of a timely and complete request for review of the purchasing officer's response, the matter shall be forwarded to the hearing officer under CBJC 01.50.270 ~~bidding review board~~ and a hearing date shall be established. Once the hearing date has been established, all bidders or proposers shall be notified of the hearing in writing.

(l)~~(k)~~ The hearing officer ~~bidding review board~~ shall conduct a hearing and issue a recommendation within seven calendar days of the date the referral is made ~~to the board~~. The hearing officer ~~bidding review board~~ may, by written notice to all bidders or proposers, extend this seven-day period to a maximum of 30 days. Hearings shall be conducted informally, with due regard for the rights of the parties involved. Hearings shall be recorded.

(m) ~~(l)~~ The hearing officer's ~~bidding review board's~~ recommendation shall be based on the provisions of this Code interpreted in light of applicable state case law and generally accepted principles of government purchasing as set forth in standard treatises, decisions of the United States Comptroller General, and similar authorities. The recommendation shall contain findings of fact and conclusions of law.

(n) ~~(m)~~ The recommendation:

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(4) Shall be forwarded to the manager, or assembly if the bid amount is over $750,000.00 ~~as appropriate~~, for consideration in the award of the contract.

(o)~~(n)~~ The protest procedures established by this section, may be adapted for a procurement as necessary to maintain eligibility for state or federal funding for that procurement, provided that no such adaptation may authorize the board to grant a form of relief prohibited by subsection (m)(3) of this section.

(Serial No. 93-11am, § 12, 1993; Serial No. 95-20, § 2, 1995; Serial No. 96-31, § 5, 1996; Serial No. 97-11, § 2, 1997; Serial No. 99-03, § 4, 1999; Serial No. 2001-38, § 2, 7-2-2001; Serial No. 2019-43, § 2, 11-25-2019, eff. 12-25-2019)

Section 7. Amendment of Section. CBJC 69.05.104, Protest of tax, is amended as follows:

69.05.104 Protest of tax.

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(b) If the seller or a transportation network company that has collected or remitted sales tax on behalf of a transportation network company driver protests liability for sales tax, penalties, or interest, the seller or transportation network company shall pay the tax, penalties, and interest under a written protest filed before or with the payment and setting forth the basis for the protest. No appeal under CBJC 01.50.270 ~~from the sales tax~~

~~board of appeals~~ nor any action for a refund may be filed or maintained nor may a defense to nonpayment be maintained in a civil action unless the amount in dispute has been paid under protest as provided in this subsection. A protest accompanying a payment shall be deemed waived unless the protestor files an appeal under this chapter pursuant to and within 90 days of the protest.

(c) An appeal <u>under CBJC 01.50.270</u> ~~from the sales tax board of appeals~~ or an action for a refund may be filed, maintained, or both without the payment under protest otherwise required by subsection (b) of this section:

(1) Upon a finding by the director of finance that:

(A) The seller or the transportation network company on behalf of the transportation network company driver has registered for the sales tax and filed returns according to the schedule specified in this chapter;

(B) The contested liability arises from an audit finding;

(C) The contested liability is not of a kind regularly remitted by similarly situated sellers; and

(2) Subject to the requirement that if the appeal or action for refund is denied, interest, but not penalty, shall be charged notwithstanding relief under this subsection.

(Serial No. 83-66, § 13, 1983; Serial No. 85-44, § 7, 1985; Serial No. 2001-04am, § 2, 2-26-2001; Serial No. 2018-38(b)(am), § 10, 9-17-2018, eff. 10-18-2018)

Section 8. Amendment of Section. CBJC 69.05.180, Appeals, is amended as follows:

69.05.180 Appeals.

(a) *Informal appeal.* For controversies involving taxable sales, sales taxes, penalties and interest not exceeding $500.00, or involving procedures implemented by the treasurer, an appeal by a financially aggrieved taxpayer or merchant shall be directed to the treasurer. The treasurer shall advise the appellant of a date certain for a hearing and shall informally review the appeal claim, make written findings and state reasons for the decision. The decisions shall be maintained and indexed by the treasurer for review by the public. The appellant may appeal the decision of the treasurer to a hearing officer ~~the board of appeals~~ within 15 days after receipt of the written decision of the treasurer and failure of the appellant to so appeal shall be deemed to be a waiver of any right to appeal such decision.

(b) Hearing officer ~~*Board of appeals*~~.

(1) In order to provide an appeal mechanism for controversies involving taxable sales, sales taxes, penalties and interest, and exceeding $500.00, and in order to hear appeals from decisions of the manager as provided under subsection (a) of this section, a hearing officer will be appointed, under CBJC 01.50.270, to hear controversies. ~~there is established a board of appeals which shall consist of five members appointed by the assembly for staggered three-year terms. To the extent possible, one member of the board of appeals shall be a certified public accountant, one member shall be licensed to practice law in the state, and the remainder shall be members of the general public. The board of appeals shall elect from its membership a chair, a vice-chair and a secretary. Three members of the board of appeals shall constitute a quorum for the transaction of business.~~

~~The City and Borough shall provide secretarial and other staff support required by the board of appeals.~~

~~No member of the sales tax board who has served for three consecutive terms or nine years shall again be eligible for appointment until one full year has intervened, provided, however, that this restriction shall not apply:~~

~~(A) If there are no other qualified applicants at the time reappointment is considered by the assembly human resources committee, or~~

~~(B) To qualified board members serving in board seats for which a specific occupation or expertise is set forth by ordinance.~~

(2) The <u>hearing officer</u> ~~board of appeals~~ shall conduct a hearing on a protest no more than 60 days after the protest is filed. Decisions of the <u>hearing officer</u> ~~board of appeals~~ shall be in writing and shall be maintained and indexed by the manager for review by the public. Records and proceedings before the <u>hearing officer</u> ~~board of appeals~~ are public, except that the <u>hearing officer</u> ~~board~~ may deliberate in closed session. The <u>hearing officer's</u> ~~board's~~ authority in its review of sales tax appeals includes the authority to recommend, in writing, that the manager compromise and abate penalties and interest, and to recommend, in writing, that the manager negotiate and enter into payment plans for delinquent sales taxes, penalties and interest.

(3) <u>Hearings shall be conducted informally, with due regard for the rights of the parties involved. Hearings shall be recorded.</u> ~~The board of appeals shall adopt rules of procedure governing sales tax appeals and proceedings before the board~~

~~of appeals which rules shall become effective upon adoption, or such later date as the board may specify. Rules adopted by the board of appeals may not be inconsistent with this chapter. Upon adoption by the board of appeals, the rules and all additions and changes thereto shall be submitted to the assembly. The assembly may, by motion or resolution, modify any rules adopted by the board of appeals.~~

(c) *Review by assembly.* Any party to an appeal proceeding in this chapter shall have a right to review by the assembly in accordance with chapter 01.50 of this Code.

(Serial No. 85-72, § 2, 1985; Serial No. 86-73, § 3, 1986; Serial No. 96-32, § 4, 1996; Serial No. 2001-04am, § 3, 2-26-2001; Serial No. 2002-13, § 2, 4-15-2002; Serial No. 2004-08, § 9, 3-22-2004)

Section 9. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ________________________, 2025.

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Beth A. Weldon, Mayor

Attest:

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Elizabeth J. McEwen, Municipal Clerk