ASSEMBLY HUMAN RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES

September 12, 2016 6:00 PM
Assembly Chambers

I. ROLL CALL

Assemblymembers Present: Chairman Loren Jones, Mary Becker, Jamie Bursell, and Maria Gladziszewski (telephonically)

Staff present: Deputy Clerk Beth McEwen, Recreation Manager Dave Pusich, Finance Director Bob Bartholomew

II. APPROVAL OF AGENDA

Ms. McEwen noted there was a red folder containing four documents before the committee.

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. August 22, 2016 Assembly Human Resources Committee Minutes

Ms. Becker noted one grammatical change and Ms. McEwen noted a correction to the name under Youth Activities Board which should be listed as Liz Brooks rather than Miles Brookes.

Hearing no objection, the minutes were approved with corrections.

IV. PUBLIC PARTICIPATION

None.

(Not to exceed a total of 10 minutes nor more than 2 minutes for any individual).

V. AGENDA TOPICS

A. Board Matters

1. Historic Resources Advisory Committee - Appointments

There were two vacant seats on the Historic Resources Advisory Committee, one for a term expiring June 30, 2018 and the other for a term expiring June 30, 2019 and there were three applicants.

MOTION by Ms. Bursell to recommend the appointments of John Fox to the term expiring June 30, 2018 and Chuck Smythe to the term expiring June 30, 2019.

Ms. Becker said there were three very well qualified applicants and she hopes the applicant who was not chosen continues to be interested an apply again in the future.

Hearing no objection, the motion carried.

2. Youth Activities Board Proposed Resolution 2761 and Grant Scoring Process

Chairman Jones said they reviewed this resolution at the last HRC meeting and there had been a question raised relating to struck out language on page 5 of the resolution in the sentence “The Board shall evaluate proposals through a scoring method applying the following factors in order of importance.”

Mr. Jones explained that as a result of those questions, the packet contained the RFP materials included the scoring criteria. He asked if there were any continuing questions from committee members.

Ms. Gladziszewski asked if any YAB members in the room might be available to answer questions.
Youth Activities Board Vice Chair Liz Lange and staff liaison Dave Pusich came forward to answer questions of the committee.

Ms. Gladziszewski said her main question was about the "in order of importance” language change since moving those things around would make a difference in the types of grants they award. She said she had spoken with one of the long-tenured YAB members and he was of the opinion that it should stay like it is in the order that the resolution is currently written. She asked if the YAB members would like to explain why they felt the change was needed and how often it might change around.

Ms. Lange said they had discussions about that topic during the board’s review of the resolution. She said their goal was to allow for the flexibility to change the order of importance if needed, but the board’s intent was not be changing that order every year – just as they saw an area of need in the community that might warrant a change.

Additional discussion took place and Ms. Gladziszewski expressed her appreciation for the work of the board and the effect that this language change might have on the scoring process and she expressed her desire to leave the “in order of importance” language in the final resolution. Ms. Becker had questions as to the types of activities that receive the grant funds and the amounts given to each. Mr. Pusich and Ms. Lange described the types of grants and the amounts given to the various groups as well as the grant application and review process.

MOTION by Ms. Gladziszewski to recommend to the Assembly the adoption of Resolution 2761 with the restoration of the strikethrough words “in order of importance” such that the final sentence should read:
(e) The Board shall evaluate proposals through a scoring method applying the following factors in order of importance: …

Ms. Gladziszewski explained that her intent would be that if the scoring criteria needed changing in the future, the board could request the resolution to be changed again.

Ms. Bursell asked Ms. Lange and Mr. Pusich how they felt about that change. Ms. Lange said while that will make the change a longer process in the future, she understands how the process works and she thought it would be OK to take this path.

Hearing no objection, the motion carried.

B. Liquor Licenses

1. Liquor License Transfer #851 Rodfather's, LLC

Ms. McEwen explained the documents provided in the red folder and explained that when CBJ initially received the notice from the Alcohol Beverage Control (ABC) board that the notice indicated this was for a transfer of ownership as well as a transfer of location. CBJ subsequently learned that it was in fact only a transfer of location and not a transfer of ownership. ABC sent a revised notice of transfer to make that correction. The HRC packet included copies of the application for location transfer, the application for a Restaurant Designation Permit, and the certified letter CBJ sent to Mr. Rod Morrison regarding the Finance Department's recommendation for protest of this transfer. Ms. McEwen noted that this license was up for renewal in February 2016. At the time that renewal was before the HRC, Mr. Morrison provided a copy of the payment plan at that time. During that meeting, copies were made for the HRC and the recommendation from the HRC was to waive its right to protest provided that payment plan was adhered to.

Mr. Jones asked Mr. Rod Morrison if he wanted to speak to this. Mr. Morrison distributed updated copies of his payment plan along with a list of the payments he has made.

Mr. Morrison noted that he made the initial $5,000 payment when he signed the contract and then in November he paid $1,000 and then December 3 he paid $1,000 and then another $1,000 payment on December 21. He said he was assuming that payment on the December 21 was considered the January payment which then had him thinking that his payments in January were being applied to the February payment, February payment was applied to March, etc... He said that for some reason, no one can find the December 21 check. It was dropped off in the CBJ box at Super Bear but it has never been cashed. He said the result of that was that he was not paying a month in advance like he thought he was.

He explained that in March, he had some medical bills come up and per the payment agreement, he called the Finance Department and was given permission to skip the March payment but he was thinking he was ahead anyhow. He said when he found out about the Dec. 21 payment never being cashed, he checked with his bank and they do not show his December 21 payment clearing his account. He said that he made a payment on the Friday prior to this meeting and he will be trying to make another payment the next week, which he was told could not go back and cover March, but it will put him back into good standing.

Mr. Jones asked Finance Director Bob Bartholomew to come forward to address the Finance Department's recommendation and explain how it works out that there is a payment plan in place but still a recommendation for protest.

Mr. Bartholomew explained that the longstanding administrative practice for the Sales Tax Division is for a sales tax liability, whenever there is an outstanding balance due beyond the thirty or sixty days, they have always opposed any license action as leverage to be able to enforce payment. He said the renewal of the Rodfather's license during its biannual renewal period was an exception to that policy. He explained that with this action being requested to transfer the license to a new location, it has gone through the same review and recommendation.

Mr. Jones stated for clarification purposes for those members who were new to the HRC that if this was in fact a transfer of ownership, one of the conditions to waive the protest would be that the tax would have to be satisfied by the transfer of ownership before that happens. In this particular case, it is just a transfer for location and not ownership. This case is one in which the same licensee would be operating in a different location, and actually possibly operating whereas today they are not operating. He said, there will still be the outstanding balance from the previous location. Mr. Jones asked Mr. Bartholomew if he had a recommendation for how the HRC might proceed.

Mr. Bartholomew said he will give his recommendation but also some options. His recommendation is to not change the Finance Department policy, but following are some other options:

- If they change it, is it just for this one time/situation, or
- Are they recommending that the policy be changed for all these types of license actions in which there is no ownership change but just a location transfer or name change, or
- If the recommendation of the committee is to allow a transfer, that before the objection is released, that the business enter into a more formal payment plan in the form of an actual Confession of Judgment (COJ) filed with the courts.

Mr. Bartholomew's explained that he made an error in the language of the letter to Mr. Morrison in stating that there was currently a COJ in place. He noted that in fact, the payment plan in place currently is a less formal payment arrangement, whereas a COJ has more legal standing since it is filed in the courts. Mr. Bartholomew said he would ultimately stick with his original recommendation but there are a variety of options before the committee and none of them are easy answers.

Mr. Morrison asked to be able to provide some additional information to the committee. He explained that the reason he wants the transfer is that he does have the Papa Rod's food trailer downtown and that is only open for 2 more weeks. He said by transferring this license, it would allow him to either have it in place for the next season or to have the ability to sell it as a package and that would allow him to pay it all off and that would make everyone happy.

Ms. Becker asked how much was still remaining on the outstanding balance due.

Ms. Morrison said the letter he received the other day said $14,788. He said there was one payment from July that still had not been included in that figure and with the payment that he made the previous week, it would put the remaining amount to $12,000.

HRC members discussed the options and expressed their concern against making any major policy changes overall. While they were generally in favor of allowing this to particular one to go forward given the past action on this license earlier in the year and the diligent payments made by Mr. Morrison, they would be more in favor of CBJ waiving its right to protest if the more formal COJ plan was signed.

Ms. McEwen noted the protocols for waiving our right to protest the transfer action and also the timing involved in that if the Assembly does choose to impose a condition relating to a COJ, that it needs to happen by Friday, September 16 at the latest since the 60-day comment period ends on Saturday, September 17.

MOTION by Ms. Becker that the HRC recommend the Assembly waive its right to protest this license transfer.

Ms. Gladziszewski objected and asked that the requirement for a Confession of Judgment be included in the motion. Ms. Becker agreed to that change.

Mr. Jones restated the motion as amended:

MOTION that the HRC recommend the Assembly waive its right to protest the transfer of this license transfer as long as a Confession of Judgment is agreed to between CBJ and Mr. Morrison to be completed by September 16.

Hearing no objection, the motion carried.

C. Other Business

1. Red Folder Items for 9/12/2016 HRC packet

VI. STAFF REPORTS

A. Clerk staff verbal report re: Board Training Events

Ms. McEwen noted that the red folder contained a brief overview of the evaluations from the board training events as well as the number of attendees at the training. She said the three training sessions were well attended and she thanked Mr. Jones for coming and being part of the presenters panel. The evaluations showed that attendees would like to have longer Q&A sessions. Mr. Jones agreed and said for the sessions that he did attend the full time, he noted that there was a lot of information to cover and that there were lots of questions from attendees. He said he would have liked to see more members of the Planning Commission and empowered boards attend that segment as he felt there may have been more staff liaisons present at that session than there were board members and those boards in particular have more complex issues they are addressing. He urged for that segment at least that additional time be allowed and to work for more board member attendance at that session. He said he felt it was very good training for everyone who attended.

Ms. Becker asked if all the attendance was added up over the past few years, if there were any boards at which 100% of the board members had attended one or more training events. Ms. McEwen said there may be a couple of boards to which that may be true in which all current members have attended one of the training events during the past three years at which they were offered. She also explained that there was a very good response to her invitation and request for RSVPs and that some of those members who were not able to attend training did send in questions about various board matters that they wanted to receive clarification about.

Ms. McEwen also noted that she received very positive feedback from attendees about the tour of the CBJ website and where to look to find all the board related resources on our CBJ website.

VII. COMMITTEE MEMBER COMMENTS AND QUESTIONS

Mr. Jones noted that he would be leaving town the following night and due to other members traveling, there will not be an HRC meeting on September 26, only a regular Assembly meeting.

Ms. McEwen noted that in light of that and the fact that there are no regular HRC meetings in October due to the election and restructuring, the next regular HRC meeting will be held on November 7.

VIII. EXECUTIVE SESSION

IX. ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 6:38 p.m.