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

February 2, 2015 5:30 PM
Assembly Chambers
AGENDA

I. ROLL CALL

Chairman Loren Jones called the meeting to order at 5:30pm.

HRC Members present: Loren Jones, Karen Crane, Maria Gladziszewski, and Debbie White

Other Assemblymembers present: Mary Becker

Staff Present: Deputy Clerk Beth McEwen, Deputy City Attorney Jane Sebens, Port Director Carl Uchytil, Finance Director Bob Bartholomew, CDD Senior Planner Teri Camery

Presenters: Fisheries Development Committee Chair Jim Becker, Sister Cities Committee Co-Chairs Sue Baxter and Maria Uchytil and committee members Chloe Watson and Joan Mize.

II. APPROVAL OF AGENDA

The clerk noted that there will be an updated status report for the liquor licenses when that is take up but otherwise no agenda changes.

III. APPROVAL OF MINUTES

A. January 12, 2015 Regular HRC Meeting Minutes

Ms. Crane noted a correction to be made to the January 12, 2015 minutes, page 3. The minutes were approved as corrected.

B. January 15, 2015 Joint HRC/SSAB Worksession Minutes

Hearing no objection, the minutes of the January 15, 2015 meeting were approved.

IV. PUBLIC PARTICIPATION

No public participation on Non-Agenda items.

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

V. AGENDA TOPICS

A. Board Matters

1. Fisheries Development Committee - Annual Report & Appointments

Ms. McEwen noted that the red folder contained an application from incumbent Greg Fisk for the Fisheries Development Committee that was submitted earlier in the day.

Fisheries Development Committee (FDC) Chair Jim Becker gave a brief report from the committee. He said the normal business of the committee has been to work on roadside fisheries and infrastructure. He said they took Jesse Kiehl out over the previous weekend to show him all the locations/properties in question. He will be bringing up some of the issues at a future Assembly Lands Committee meeting.

Mr. Becker said they spent a lot of time recently gathering information on a proposed resolution for Juneau to send to our delegation regarding the mine activity taking place in British Columbia. He said they looked at all the other resolutions passed by other communities, heard from the environmentalist community and one of the FDC members was the large mine coordinator for the State of Alaska so they had all the information available regarding this issue. The FDC sent a letter to the Assembly asking for a resolution to be drafted up to send to the Congregational and State Legislative delegations.

Mr. Becker said he was in Vancouver, BC the previous week and while there, he sat down with the Department of Fisheries and Oceans and received an update on their process. He said he does not know where we could be engaged in their process. He said there are a lot of groups contributing to the process and the FDC wasn't talking to the people who had the overall say about the BC mining activities. He said he did also confer with a group of people that were also in Vancouver talking with folks who have a lot of experience getting projects through an International Joint Commission (IJC). They reported that since there was so much concern in Southeast Alaska and we had our Federal and State delegations and all the community asking for an IJC, that possibly it might force Canada to have one. He said the way the system works is that both parties have to agree and in his opinion, that is where it should land. He said that short of landing in there for a total review, they will need to think of something else to do.

He said it was unfortunate that the state was facing the financial plight that it is as the fishermen were going to ask for DNR to be given additional funding to have a person who could stay on top of everything going on with the BC mine issues. The fishermen are very concerned with this issue since they are at the bottom end of all these rivers that may be affected by the proposed mines.

Mr. Jones thanked the committee for its work and said that the resolution they had requested is on the Assembly agenda for that same night.

Mr. Jones noted that there are presently three seats open on the Fisheries Development Committee for terms expiring January 31, 2018.

MOTION by Ms. Crane to recommend the appointments of Greg Fisk, Zach Wilkinson, and David Harman to the seats on the Fisheries Development

Committee to terms expiring January 31, 2018. Hearing no objection, the motion carried.

2. Building Code Advisory Committee - Appointment

There was one open seat on the Building Code Advisory Committee and one application from incumbent Joann Lott.

MOTION by Ms. Gladziszewski to recommend appointment of Joann Lott to the open seat expiring November 30, 2017. Hearing no objection, the motion carried.

3. Sister Cities Committee - Annual Report & Appointments

Sister Cities Committee Co-Chair Maria Uchytil and Co-Chair Sue Baxter presented the Annual Report and slide show. Members also present included Secretary Joan Mize and Treasurer Chloie Watson.

Ms. Uchytil explained the status of all the CBJ sister city relationship and the 2014 communications with each city and their goals for 2015. Highlights included the formalization of the Kalibo, Aklan, Philippines relationship in 2014. The plan on working with the local Rotary clubs and the Filipino Community to foster additional business and cultural exchanges between the two communities. Ms. Uchytil and Ms. Baxter will be taking a trip in February 2015 as Juneau's representatives to the 65th Anniversary celebration in Whitehorse, Yukon Territory, Canada. The SCC also is also working on planning a celebration to be held in Juneau in 2015 to commemorate the 155th anniversary of the founding of Vladivostok.

Other accomplishments in 2014 included working with the Airport to come up with a display case to highlight Juneau's sister cities and they have been rotating the displays in the case to highlight one or more of our sister cities and will continue to do so in the future.They also work with the school district on introducing the exchange students to the community and the School Board and Assembly. They now also have a permanent liaison position with the University of Alaska Southeast which has been very productive in their work with Whitehorse in education exchanges.

They have three primary goals for the committee during 2015 which are:
1) Strengthen committee operations.
2) Strengthen community partnerships and strengthen awareness of Sister Cities.
3) Continue to improve existing Sister City relationships.

Ms. Gladziszewski asked how a sister city gets to an emeritus status.

They explained that the Camiling, Philippines relationship was a very early sister cities relationship established in approximately 1988. As with the Mishan City relationship, there was one individual that really drove the work behind forming that relationship. Unfortunately, that person left town soon after that relationship was formed and there aren't many people in Juneau from Camiling. the SCC has tried to reach out and communicate with Camiling for quite awhile with no response and Sister Cities International has not been successful in their attempts at contact with Camiling either so the relationship is now in emeritus status.

Ms. Crane said it was good to see the committee so active in all that they have done in the past year.

Mr. Jones said with respect to the SCC wishing to recruit members through the Juneau World Affairs Council, that he would try to help make those connections. He was out publicizing the JWAC World Quest event earlier that day. World Quest is being held at Centennial Hall Friday, February 6 at 6pm.

MOTION by Ms. Gladziszewski to recommend the appointment of Maria Uchytil to the seat expiring January 1, 2018. Hearing no objections, the motion carried.

4. Wetlands Review Board - Annual Report & Appointments

HRC members shared their appreciation for the detailed report provided in the packet. Community Development Senior Planner Teri Camery was present to answer any questions the HRC members had. Ms. Camery explained the work of the board during the past year and their work on the Juneau Wetlands Management Plan (JWMP) and also on the Habitat Mapping Project.
Ms. Crane asked if this report also goes to Assembly Lands Committee as she thought much of the information in the report would be of interest to the Lands Committee. Ms. Camery said yes, that the Lands Committee would be an interim step before the final Juneau Wetlands Management Plan goes to the full Assembly.

Mr. Jones asked what, if any, the relationship might be between the Wetlands Plan and the Flood Map and the various issues around the flood zones. Ms. Camery explained the overall $1.6 million grant provided unexpected assistance with the flood mapping effort through the LiDAR and the imagery for the habitat grant. They were able to use the initial LiDAR and extend that with an additional contract with that company to refine that data for use in the flood mapping effort. That gave the city a real funding boost to do really strong, accurate flood mapping effort. That being said, the wetland management plat itself is kept separate from the flood corridor issue.She said that the flood corridor affects the wetland management plan assessments in some ways in terms of the flood control functions of wetlands so it has helped indirectly but the plans are totally separate.

Mr. Jones thanked Ms. Camery for the report and thanked the WRB for its work. He noted there is one seat on the WRB for a term expiring December 31, 2017.

MOTION by Ms. Crane to recommend the reappointment of Brenda Wright to the Wetlands Review Board to a term expiring December 31, 2017. Hearing no objection, the motion carried.

5. Youth Activities Board - Appointment of JSA Representative

Mr. Jones noted that there is one appointment to the Juneau Sports Association seat before the committee for action.

MOTION by Ms. Crane to recommend the appointment of Peter Christensen to the Juneau Sports Association seat on the Youth Activities Board to a term ending upon the end of his term on the Juneau Sports Association. Hearing no objection, the motion carried.

B. Liquor Licenses

1. Liquor License Renewals with Staff Protest Recommendations

Ms. McEwen noted that she received notice from the Sales Tax office that afternoon that Coho's Bar & Grill, LLC had submitted their third quarter sales tax return and paid the outstanding balances in full. Staff's final recommendation for License # 586 for Coho's Bar & Grill, LLC would be for the Assembly to waive its right to protest the renewal of the license.

Ms. McEwen noted that Canton House, LLC is still in arrears and Confession of Judgement (COJ) documents have been sent to the merchant for signing. A balance is still owing on the account and Finance staff is still recommending the Assembly protest the liquor license renewal for License # 2185 Canton House, LLC.

Mr. Jones asked for clarification about the COJ. Ms. McEwen explained that the COJ is in essence a payment agreement between the merchant and CBJ and there is a clause within the document that specifically states entering into a COJ does not prohibit the city from protesting liquor license actions. Ms. McEwen also explained that the COJ is an agreement requested by the merchant and was sent to the merchant for signing but according to the Sales Tax office, they had not yet received the signed COJ back in the office.

MOTION by Ms. Crane to recommend the Assembly protest the renewal of the liquor license # 2185 for Canton House, LLC based on the $62,171.20 outstanding balance owing as listed in the January 23, 2015 letter. Hearing no objection, the motion carried.

MOTION by Ms. Gladziszewski to recommend the Assembly waive its right to protest the renewal of liquor license # 586 Coho's Bar & Grill, LLC. Hearing no objection, the motion carried.

C. Other Business

1. Ordinance 2014-51(c) An Ordinance Amending the Second-hand Smoke Control Code to Regulate the Use of Marijuana.

Mr. Jones noted that the ordinance before the committee for review was

2014-51(c). Mr. Jones explained that the reason this ordinance was before the HRC at this time was due to ordinance being before the Assembly at its last meeting at which time it was up for public hearing and Assembly action. The Assembly heard public testimony on the ordinance and there was a proposed amendment offered at the meeting. Following a discussion he had with Law and also the maker of the amendment, he recommends that the HRC forward that on to the Marijuana Committee to be taken up in their review and discussion.

He asked Deputy City Attorney Jane Sebens to explain the changes in version (c) vs. version (b). The changes can be found on page 1 lines 19-21, and page 2 lines 1-5.

Ms. Sebens explained that the change on page 1 defines an "Enclosed public place" is trying to mirror the state law as much as they can as this is an ever evolving process and the more our CBJ code can align to state law the better. She said the language "or a substantial group of persons" comes out of Alaska Statute 11 in the criminal code but that is part of their definition for how they define public place. She said there is some indication that as the marijuana laws are being looked at in the legislature, that wording may appear in the marijuana laws. She said it is for a similar reason that the second change on page 2 is made so that it follows the state definition. She said there is a question as the initiative did expand the definition of marijuana. This change in the ordinance references the state statute so that it would not need to be changed once the state does finalize their statutory language (AS 17.38.900).

Ms. Gladziszewski asked about the change on page 1 "or a substantial group of persons has access" language if that has been in the criminal code for awhile. She said she doesn't exactly know what that means and asked if that has been clarified in court cases or what.

Ms. Sebens explained that is state law. She said she thought they talked about that meaning as being whether you have a public place where a group people have been invited as opposed to people coming and going that have access. She said she did not do any looking into the history of that language to know why. She said they may well be revisiting all these issues as things develop up at the legislature.

Ms. Gladziszewski said that if that is the way the state law is written she can see some logic in making it consistent but she said she does not see how it is not sure that it is better than what we have.

Ms. Crane said she assumed there would be a motion to forward this to the Marijuana Committee. She asked if there was any legal problem we might run into by not dealing with this now. She said "public place" seems to be pretty amorphous as it stands now. She asked if Ms. Sebens sees any difficulty by not adopting this ordinance at this time and waiting until it is further reviewed.

Ms. Sebens said she thinks it is helpful in that there is a very grey area about vehicles on public right of ways. Whether the vehicle being in the public right of way is in the public or if you are in your vehicle or a commercial passenger vehicle with a private group, whether that is a private or public place, so she said she think that does help, particularly until we have a better definition of public place at the state level. She said it is a lot easier to have this lined out now than to try to go back later and impose it. She said the public needs to know what is expected and we are not very far away from when that law comes into place and that these are issues that all municipalities are trying to grapple with. She said CBJ is doing a pretty good job to be ahead of the curve ball to have fewer problems than some other municipalities are going to have because of that lack of clarity.

Ms. Gladziszewski asked her to explain how this definition of "Enclosed public place" is an improvement for one of the scenarios she just outlined. She asked how this is any clearer.

Ms. Sebens said that change to "Enclosed public place" was not meant to be a substantive improvement as far as the legal effect of it; it was just trying to mirror the state's language. She said she apologized if she misrepresented that it was legal improvement that would make it more enforceable or anything else as it is not.

Mr. Jones said there is also in the Assembly packet another ordinance up for introduction that goes through some of the process of better defining public place. He said this ordinance is strictly relating to the ordinance relating to smoking in public and adding marijuana to that code section. He said in the ordinance that just passed at the Municipality of Anchorage, they took almost half a page to define what is a public place. He said he thinks they are trying to avoid some of that.

Ms. Sebens said the change on the first page of Ordinance 2014-51(c) was truly a housekeeping change and was not intended to have any substantive difference in the effect. She said it very likely could end up having a two tiered approach in which the state will have a default public place definition and municipalities may be allowed to further define that. She said does not know how that will turn out at this point but that it is very possible. This was mainly a housekeeping measure to follow other language that is already in state law.

Mr. Jones asked if there was any action by the committee. He noted that this ordinance is on the Assembly agenda under Public Hearing following this HRC meeting.

Ms. White said she did not think the committee was required to give a recommendation. Mr. Jones agreed that one was not required. There was no motion made and Mr. Jones said he'd report on what the discussion of the committee had been when this came up during the Assembly meeting.

IV. STAFF REPORTS

Ms. McEwen reported that she sent out a letter inviting all the Social Service Grant

Agencies to an HRC worksession to be held on Thursday, February 19 at Noon in the Assembly Chambers. Copies of the letter were also sent via email to all the Assemblymembers and members of the Social Services Advisory Board and paper copies were given to each of the Assemblymembers.

V. COMMITTEE MEMBER COMMENTS AND QUESTIONS

Mr. Jones thanked all the members for coming to the meeting at the earlier 5:30p.m. start time as he thought this meeting may get more involved than it did.

VI. EXECUTIVE SESSION

VII. ADJOURNMENT

Mr. Jones adjourned the meeting at 6:06p.m.