REGULAR ASSEMBLY MEETING 2023-07 AGENDA

March 20, 2023 at 7:00 PM

Assembly Chambers/Zoom Webinar/YouTube Livestream

https://juneau.zoom.us/j/91515424903 or 1-253-215-8782 Webinar ID: 915 1542 4903

Submitted By:

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Duncan Rorie Watt, City Manager

A. FLAG SALUTE

B. LAND ACKNOWLEDGEMENT

C. ROLL CALL

D. SPECIAL ORDER OF BUSINESS

1. **Special Recognition: The AARP Network of Age-Friendly States and Communities**

E. APPROVAL OF MINUTES

2. **September 26, 2022 Special Assembly Meeting 2022-23 Draft Minutes**
3. **November 7, 2022 Special Assembly Meeting 2022-25 Draft Minutes**
4. **November 30, 2022 Special Assembly Meeting 2022-27 Draft Minutes**

F. MANAGER'S REQUEST FOR AGENDA CHANGES

G. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

H. CONSENT AGENDA

Public Request for Consent Agenda Changes

Assembly Request for Consent Agenda Changes

Assembly Action

I. Ordinances for Introduction

5. **Ordinance 2023-19 An Ordinance Authorizing the Manager to Convey Approximately 4,814 Square Feet of Tidelands Located on a Fraction of Lot 3, Block 51, Tidelands Addition Adjacent to 1000 Harbor Way to 1000 Harbor Way, LLC for Fair Market Value.**

   The owners of 1000 Harbor Way, LLC applied to acquire City property and tidelands under and around their existing building in order to make major structural and architectural improvements. This building houses Hansen-Gress and is adjacent to the Juneau-Douglas Bridge. The Docks and Harbors Board reviewed this application at the August 25, 2022 meeting and provided a motion to advance this application. The Assembly reviewed this application at the November 21, 2022 meeting and provided a motion to authorize the City Manager to negotiate the disposal of City property. The Planning Commission reviewed this proposed disposal of the CBJ property at the meeting on January 24, 2023, and passed a recommendation that the Assembly approve the disposal. Fair Market Value has been determined by appraisal to be $24.62 per square foot.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

6. **Ordinance 2023-20 An Ordinance Amending the Duties of the Systemic Racism Review Committee.**

This ordinance expands the scope of the Systemic Racism Review Committee to include CBJ policies and procedures in its review in addition to ordinances. It also gives the committee the ability to select legislation rather than being required to review every ordinance that is introduced at regular Assembly meetings.

The Assembly Committee of the Whole discussed these proposed changes at its March 6, 2023 meeting, with participation from members of the Systemic Racism Review Committee.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

7. **Ordinance 2023-21 An Ordinance Authorizing the Manager to Enter into a Lease of City and Borough Property Located on West Douglas along the West Douglas Pioneer Road to iRide Alaska, LLC, for the Purpose of Offering Guided Electronic Bike Tours.**

The owners of iRide Alaska, LLC, applied for a lease of City property along the West Douglas Pioneer Road located near the end of North Douglas Highway. Their request is for the commercial use of the property for guided electronic-bike "e-bike" tours. The Assembly LHED Committee reviewed this request and forwarded it to the Assembly for discussion. The Assembly considered this lease request as new business at the February 27, 2023 meeting and forwarded it to the Assembly Committee of the Whole for additional review. The Committee of the Whole reviewed this application at the March 6, 2023 meeting and adopted a motion supporting the Manager to enter into negotiations for a one-year lease including renewal options with the original applicant and to draft an ordinance for introduction. The packet for the COW meeting included extensive background material and can be viewed at: Assembly Committee of the Whole Worksession 03/06/2023 06:00 PM | Juneau, AK (municode.com)

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

8. Ordinance 2022-06(b)(AR) An Ordinance Appropriating up to $2,340,737 to the Manager for Juneau School District Special Revenue Fund Deficits and Current Year Student Activities; Funding Provided by General Funds.

This ordinance would appropriate up to $2,340,737 of additional outside the cap funding to resolve current and prior year deficits in the School District's special revenue funds, as well as a request for new wrestling mats for middle and high schools totaling $80,000. This appropriation would allocate funding for the following purposes:

FY2021 Deficits

Pupil Transportation $
374,939

Rally $
464,770

FY2021 Total $ 839,709

FY2022 Deficits

Pupil Transportation		$ 425,914
Community Schools		$ 126,884
	FY2022 Total	$ 552,798

FY2023 Deficits

Pupil Transportation		$ 483,000
Rally	$ 285,230	
Community Schools	$ 100,000	
	FY2023 Total	$ 868,230

New Requests

Middle/High School Activities (wrestling mats)	$ 80,000	
	New Requests Total	$ 80,000

Total JSD Supplemental Funding Request $ 2,340,737

After consultation with the Alaska Department of Education and Early Development, JSD has removed their request for funding of summer school in 2023; which has been determined to be an instructional cost that must be paid for inside the educational funding cap.

This request does not correct the School District's operating fund deficit of $620,400 at June 30, 2022, as CBJ already contributed the maximum local contribution inside the cap. I am advised that JSD intends to correct that issue with its FY24 budget request.

School funding is complicated and the there are three concurrent funding processes that the Assembly should understand as it acts on this request.

First, this Ordinance has been requested for introduction.

Second, the Legislature is seriously contemplating an increased base student allocation, as much as $1,200. The results of that deliberation will not be known for some time.

Third, The JSD budget for FY24 will be received in accordance with Law by April 1, 2023. In that budget, JSD has to anticipate many factors, including an Assembly decision on this Ordinance, action by the legislature, enrollment, and staffing costs.

Last, the Assembly should be informed that due to the increase in the value of real property in Juneau, funding JSD instruction "to the cap" in FY24 will increase CBJ's allowable appropriation by approximately $2.3 Million (about an 8% increase) over the FY23 level.

This request was reviewed and approved by the Juneau School District Board on January 10, 2023. This request was reviewed by the Assembly Finance Committee at the March 1, 2023 meeting. Based on some feedback from DEED on summer school funding, JSD staff have adjusted the request.

The Manager recommends this ordinance be introduced, referred to Finance Committee and set for public hearing at the next regular Assembly meeting.

9. **Ordinance 2022-47 An Ordinance Repealing Title 49 Provisions Related to Wetland Review Board Authority.**

At the Regular Planning Commission meeting on March 14, 2023, the Commission voted to recommend approval of an ordinance to repeal 49.10.700, Wetlands Review Board. The Board's wetland permitting authority has expired, the Board has not met since 2018, and the Board is no longer needed.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

J. Resolutions

10. **Resolution 3024 A Resolution in Support of the Alaska Department of Transportation and Public Facilities Southcoast Region's Funding Request from the Community Transportation Program for the Rehabilitation of Glacier Highway and Lemon Road.**

This project would rehabilitate 1.6 miles of Glacier Highway and Lemon Road. Improvements would include new pavement, improved lighting, improvements to sidewalks, and new Capital Transit bus shelters and improved turnouts at existing bus stops. Capital Transit strongly supports this project. Bus riders commute to bus stops primarily on foot. New lights along this corridor will enhance visibility and safety for Capital Transit commuters. Four new bus shelters will provide a safe place for our customers to get out of the elements while waiting for the bus; improvements to the sidewalks will help pedestrians to travel to and from the bus stop and their destination. These improvements will facilitate access to our most heavily used bus stops, between Western Auto and Fred Meyer.

The City Manager recommends the Assembly adopt this ordinance.

K. Bid Awards

L. Transfers

11. **Transfer Request T-1052 A Transfer of $ 1,500,000 from CIP H51-108 Statter Harbor Improvements Phase III to CIP H51-125 Aurora Harbor Improvements.**

Docks & Harbors was awarded a $2 million grant from the Alaska Department of Transportation and Public Facilities' Municipal Harbor Facility Grants Program. The required 50% local match is provided by the 2017 1% Sales Tax Initiative ($1.5 million) and Harbor fund balance ($1 million). The allocation of $1.5 million of 1% Sales Tax is not scheduled until FY24. In order to complete project work by the end of the summer, Docks & Harbors is requesting to temporarily transfer funding from the Statter Harbor Improvements Phase III CIP to the Aurora Harbor Improvements CIP in order to execute a bid award in March. Once 1% Sales Tax funding becomes available for the Aurora Harbor Improvements CIP on July 1, 2023, temporary funding for Aurora Harbor will be transferred back to the Statter Harbor to complete future work.

The Docks and Harbors Board reviewed this request at the February 23, 2023 meeting.

The City Manager recommends approval of this transfer.

12. **Transfer Request T-1053 A Transfer of $2,200,000 from CIP U76-112 JDTP New Vactor Dump to CIP U76-122 Outer Drive and West Juneau Lift Station Improvements.**

This request would transfer $2.2 million from the JDTP New Vactor Dump CIP to the Outer Drive and West Juneau Lift Station Improvements CIP. The Wastewater Utility has identified this as a high priority project due to pumping limitations, increasing maintenance needs, and difficulty in procuring replacement and repair parts. Cost escalation, supply chain and freight issues, and uncertainty in delivery times for mechanical, electrical and process components have contributed to the need for additional funds. This transfer would delay the JDTP New Vactor Dump project until additional funding is secured to replace the transferred funds.

This transfer of project funding is consistent with the intent of the 2017 1% Sales Tax initiative approved by voters in the October 3, 2017 municipal election.

The Public Works and Facilities Committee reviewed this request at the March 6, 2023 meeting.

The City Manager recommends approval of this transfer.

13. **Transfer Request T-1054 A Transfer of $250,000 from CIP W75-061 Douglas Highway Water – David to I St. to CIP W75-074 Lead Water Service Lines.**

This request would transfer $250,000 from the Douglas Highway Water – David to I St. CIP to the Lead Water Service Lines CIP. To adhere to the most recent EPA requirements regarding lead water service lines, this transfer would provide funds to hire a consultant to survey water lines in every residence and business on the CBJ water system. A preliminary plan is due in June 2023 and a draft plan is due in July 2024. Work is completed on the Douglas Highway water system and the CIP is in the process of being closed out.

The Public Works and Facilities Committee reviewed this request at the March 6, 2023 meeting.

The City Manager recommends approval of this transfer.

M. Liquor/Marijuana Licenses

14. **Liquor & Marijuana Licenses for Review**

These Alcohol Marijuana Control Office (AMCO) license actions are before the Assembly to either protest or waive its right to protest the license actions.

Liquor Licenses - NEW

Licensee: Goldbelt Aerial Tramway LLC d/b/a The Tr'Ale House

License Type: Destination Resort Seasonal, License #6124

Location: 1800' level at Mt. Roberts Interpretive Shelter, Juneau

Licensee: Alaska Rainforest Sanctuary LLC d/b/a Kawanti Adventures

License Type: Recreational Site Seasonal, License #6112

Location: 3000 Fish Creek Rd. Juneau

Liquor Licenses - RENEWALS

Licensee: Molly Ventures, Inc. d/b/a McGivney's Sports Bar & Grill

License Type: Beverage Dispensary, License #2728

Location: 9101 Mendenhall Mall Rd., Juneau

Licensee: Statter Harbor Food & Fuel LLC d/b/a DeHart's Grocery

License Type: Package Store, License #300

Location: 11735 Glacier Hwy., Juneau

Licensee: Shayz LLC d/b/a Squirez

License Type: Beverage Dispensary, License #1081

Location: 11806 Glacier Hwy., Juneau

Licensee: Breeze-In Corporation d/b/a Breeze-In Liquor

License Type: Package Store, License #176

Location: 2200 Trout St. Juneau

Licensee: Breeze-In Corporation d/b/a Breeze-In Liquor

License Type: Package Store, License #4543

Location: 5711 Concrete Way, Juneau

Licensee: Breeze-Inn Corporation d/b/a Douglas Island Breeze-In

License Type: Package Store, License #662

Location: 3370 Douglas Hwy., Juneau

Licensee: Barnaby Brewing Company LLC d/b/a Barnaby Brewing Company

License Type: Brewery, License #5524

Location: 165 Shattuck Way, Juneau

Licensee: Bullwinkles Inc. d/b/a Bullwinkles Pizza

License Type: Restaurant Eating Place, License #188

Location: 318 W. Willoughby Ave., Juneau

Marijuana Licenses – RENEWALS

Licensee: The Mason Jar LLC d/b/a The Mason Jar LLC

License Type: Retail Marijuana Store, License #28012

Location: 613 & 619 W. Willoughby Ave, Juneau

Licensee: The Mason Jar LLC, d/b/a The Mason Jar LLC

License Type: Retail Marijuana Store, License #13279

Location: 2771 Sherwood Lane Unit E, Juneau

Licensee: Tree Logic LLC d/b/a Stone Salmon Farms

License Type: Standard Marijuana Cultivation Facility, License #27531

Location: 5763 Glacier Hwy., Juneau

Licensee: Alaskan Coffee Pot LLC d/b/a Alaskan Coffee Pot

License Type: Retail Marijuana Store, License #25190

Location: 2219 Dunn St., Juneau

Licensee: Alaskan Kush Company LLC d/b/a Alaskan Kush Company

License Type: Retail Marijuana Store, License #16213

Location: 159 S. Franklin St., Juneau

Licensee: Taku Horticulture Company LLC d/b/a Taku Horticulture Company LLC

License Type: Standard Marijuana Cultivation Facility, License #12176

Location: 1017 3rd St., Douglas

Licensee: Always Redeye LLC d/b/a Stoned Salmon Farms

License Type: Standard Marijuana Cultivation Facility, License #11605

Location: 2005 Anka St., Juneau

Licensee: The Fireweed Factory LLC d/b/a The Fireweed Factory

License Type: Retail Marijuana Store, License #10800

Location: 237 Front St., Juneau

Licensee: The Fireweed Factory LLC d/b/a The Fireweed Factory

License Type: Standard Marijuana Cultivation Facility, License #10266

Location: 8415 Airport Blvd. Space B, Juneau

Licensee: Top Hat Concentrates LLC d/b/a Top Hat Concentrates LLC

License Type: Marijuana Product Manufacturing Facility, License #10271

Location: 2315 Industrial Blvd. Suite B, Juneau

Licensee: Top Hat LLC d/b/a Top Hat LLC

License Type: Standard Marijuana Cultivation Facility, License #10270

Location: 2315 Industrial Blvd. Suite A, Juneau

Staff from Police, Finance, Fire, Public Works (Utilities) and Community Development Departments have reviewed the above licenses and recommended the Assembly waive its right to protest the applications. Copies of the documents associated with these licenses are available in hardcopy upon request to the Clerk's office.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor and marijuana license actions.

N. PUBLIC HEARING

15. **Ordinance 2023-02 An Ordinance Amending the Assessing Standards for the City and Borough of Juneau.**

The CBJ Assessor's office is required by state law to value property at full and true value each year. In doing so, they follow the standards and practices set by the International Association of Assessing Officers and the Alaska Association of Assessing Officers. Codifying these IAAO and AAAO standards for mass appraisal can lead to greater public understanding of and trust in the assessment process. The public should note that these assessment standards have generally been written for jurisdictions with mandatory real estate price disclosure, and without such disclosure, the Juneau Assessor must depend more heavily on local knowledge and other economic information in determining full and true value.

The Systemic Racism Review Committee reviewed this request at the February 28, 2023 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

16. **Ordinance 2023-09 An Ordinance Authorizing the Manager to Lease a 1.50 Acre Parcel of Land near 100520 Crazy Horse Drive at a Reduced Rate to Provide for the Southeast Alaska Food Bank Food Warehouse Expansion.**

Since 2005, the Southeast Alaska Food Bank has leased a fraction of U.S. Survey 1041 from the City for $1.00 per year. This property is located in the Mendenhall Valley at the end of Crazy Horse Drive. The lease was amended in 2015 to increase the leased area to ½ acre. The current application states that the new area is needed because the opportunity has arisen to fund a new warehouse building making the food bank more sustainable for the future. The food bank already secured a grant in the amount of $500,000.00 toward the expansion. The LHED Committee provided a motion of support to amend the Food Bank lease at the January 23, 2023 meeting. The Systemic Racism Review Committee reviewed this ordinance on February 28, 2023 and forwarded it to the Assembly.

The City Manager recommends the Assembly adopt this ordinance.

17. **Ordinance 2023-11 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Indian Village, Blocks 3 & 4, Kasaan City, Lot 2, and Tidelands Addition to the City of Juneau, Block 68, Lots 1, 2, 3, 4, 5, 6, and 12FR, from Mixed Use 2 (MU2) to Mixed Use (MU).**

AME2022 0006: A Rezone Request from MU2 to MU in the Aak'w Kwaan District

At the Regular Planning Commission meeting on February 14, 2023, the Commission voted to recommend approval of a rezone from MU2 to MU in the Aak'w Kwaan District. This project proposes a westward extension of less-restrictive MU zoning to 4.2 acres that encompass the Indian Village, the Andrew Hope Building, and current offices of the Alaska Department of Environmental Conservation. This area includes the 3.7 acres in the applicant's application, and a staff-proposed expansion of half an acre. This rezone would reduce zoning setbacks and facilitate canopies over sidewalks, improving conformity with the Willoughby District Land Use Plan, elements of which are incorporated by reference into the Comprehensive Plan. While MU has no height restrictions, future CDD and Commission decisions would be moderated through the Willoughby District Land Use Plan. CDD held a public meeting on December 6, 2022, and one member of the public attended. The Systemic Racism Review Committee reviewed this ordinance at its February 28, 2023 meeting and forwarded it to the Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

18. **Ordinance 2023-10 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Tidelands Addition to the City of Juneau, Block 68, Lot 8 Fractions, Lots 9, 10, 11, 12 Fraction, 12A, 13, and 14 Fraction; Tidelands Addition to the City of Juneau, Block 74, Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9; Tidelands Addition to the City of Juneau, Block 75, Lot A; Juneau Subport Lot A, and USS 3566, Lot 3 Fraction and 2A Fraction; from Mixed Use 2 (MU2) to Mixed Use (MU).**

AME2022 0008: A Rezone Request from MU2 to MU in the Aak'w Kwaan District

At the Regular Planning Commission meeting on February 14, 2023, the Commission voted to recommend approval of a rezone from MU2 to MU in the Aak'w Kwaan District. This project proposes a westward extension of less-restrictive MU zoning to 6.6 acres that encompass Centennial Hall, the Juneau Arts and Culture Center, Zach Gordon Youth Center, the proposed location of a new City Hall, and the Four Points Sheraton. If AME22-06 is approved, this would be a southward extension that creates clean boundaries along streets. This area includes the 5.7 acres in the applicant's application, and a staff-proposed expansion of 0.9 acres. This rezone would reduce setbacks and facilitate canopies over sidewalks, improving conformity with the Willoughby District Land Use Plan, elements of which are incorporated by reference into the Comprehensive Plan. While MU has no height restrictions, future CDD and Commission decisions would be moderated through the Willoughby Plan. CDD held a public meeting on December 6, 2022, and one member of the public attended. The Systemic Racism Review Committee reviewed this ordinance at its February 28, 2023 meeting and forwarded it to the Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

19. **Ordinance 2022-06(b)(AI) An Ordinance Appropriating $450,000 to the Manager for the Airport Furniture Acquisition Capital Improvement Project; Funding Provided by Airport CARES Act Funding.**

This ordinance would appropriate $450,000 in Airport CARES Act funding for the Airport Acquisition CIP. This funding would provide for the acquisition of seating to increase capacity, and replace the less durable soft furnishings in the terminal that are showing their age due to wear and tear.

The Airport Board approved this request at the April 14, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the January 31, 2023, meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

20. **Ordinance 2022-06(b)(AJ) An Ordinance Appropriating $5,000,000 to the Manager for the Capital Civic Center Capital Improvement Project; Funding Provided by General Funds and Hotel-Bed Tax Funds.**

This ordinance would appropriate $5 million for the Capital Civic Center CIP. This project is an expansion of Centennial Hall that will include upgrades to satisfy the goals of the business community, the travel industry, and the arts economy. This appropriation is intended to leverage grant funding and should not be expended until such time as sufficient grant funding is secured for the project that would require local matching funds in the amounts of this appropriation.

This request is funded equally by general funds and hotel-bed tax funds.

The Assembly Finance Committee reviewed this request at the March 1, 2023 meeting. The Systemic Racism Review Committee reviewed this request at the February 28, 2023 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

21. **Ordinance 2022-06(b)(AM) An Ordinance Appropriating $2,000,000 to the Manager for the Aurora Harbor Improvements Capital Improvement Project; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.**

This ordinance would appropriate $2 million of grant funds from the Alaska Department of Transportation and Public Facilities' Municipal Harbor Facility Grants Program. The required 50% local match is provided by the 2017 1% Sales Tax Initiative ($1.5 million) and Harbor fund balance ($1 million). This project would construct one main float in the north end of Aurora Harbor with slips to accommodate 48-foot and 60-foot vessels. Docks and Harbors anticipates a bid award in April 2023.

The Docks and Harbor Board recommended this action at its regular Board meeting on February 23, 2023. The Systemic Racism Review Committee reviewed this request at the February 28, 2023 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

22. **Ordinance 2022-06(b)(AN) An Ordinance Appropriating $31,500 to the Manager as Funding for Phase 2 of a Building Survey and Inventory of the Juneau Townsite Historic Neighborhood; Grant Funding Provided by the Alaska Department of Natural Resources.**

    The Juneau Townsite Historic Neighborhood is a mixed-use commercial and residential neighborhood, located between the Downtown and Chicken Ridge historic districts. This ordinance would appropriate $31,500 of grant funding to survey and inventory approximately 42 structures in the area and document their historical significance. This survey will complete the survey and inventory and determine whether the Juneau Townsite Historic Neighborhood is eligible to be listed on the National Register of Historic Places. The benefits of becoming a listed district include access to Historic Tax credits and Historic Preservation Fund grants. These benefits would be available for property owners for rehabilitation and maintenance work.

    CBJ's Community Development Department, City Museum, and Historic Resources Advisory Committee will partner with a historic architecture consultant to perform the scope of work for this project. Total project costs are estimated to be $52,515. The 40% local match requirement will be met with CBJ personnel service costs, for which expenditure authority has already been appropriated in the FY23 operating budget.

    The Historic Resources Advisory Committee recommended CBJ staff apply for this grant at the February 3, 2021 meeting. The Systemic Racism Review Committee reviewed this request at the February 28, 2023 meeting and forwarded it to the full Assembly for public hearing.

    The City Manager recommends the Assembly adopt this ordinance.

23. **Ordinance 2023-12 An Ordinance Providing for the Issuance and Sale of Port Revenue Bonds in one or more series in the Aggregate Principal Amount of Not to Exceed $5,100,000; Providing for the Form and Terms of the Bonds; Providing a Method of Payment Therefor; and Reserving the Right to Issue Revenue Bonds on a Parity with the Bonds upon Compliance with Certain Conditions.**

    This ordinance authorizes the sale of $5.1 million of revenue bonds for the first phase of electrifying CBJ's municipally owned cruise ship docks. The bond will be fully repaid within 15 years at an expected annual cost of approximately $450,000 assuming an interest rate of 4.0%. This revenue bond will be repaid entirely by passenger fees, and does not pledge any borough tax revenue. Issuance of this bond will not impact the debt service mill rate.

    The Docks and Harbors Board approved this request at the December 29, 2022 meeting. The Assembly Finance Committee reviewed this request on January 4, 2023 and March 1, 2023.

    The Systemic Racism Review Committee reviewed this request at the February 28, 2023 meeting and forwarded it to the full Assembly for public hearing.

    The City Manager recommends the Assembly adopt this ordinance.

24. **Ordinance 2022-06(b)(AP) An Ordinance Appropriating $5,000,000 to the Manager for the Dock Electrification Capital Improvement Project; Funding Provided by Port Revenue Bond Proceeds.**

    This ordinance would appropriate $5 million for the Dock Electrification Capital Improvement Project. Funding for this request is provided by port revenue bond proceeds and will facilitate the procurement and installation of two load tap changer transformers for the docks owned by CBJ at Alaska Steamship and Cruise Ship Terminal. The revenue bond will be repaid with port development fees.

    The Docks and Harbors Board approved this request at the December 29, 2022 meeting. The Assembly Finance Committee approved this request at the January 4, 2023 meeting. The Systemic Racism Review Committee reviewed this request at the February 28, 2023 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

25. **Ordinance 2023-13(b) An Ordinance Providing for the Issuance and Sale of General Obligation Bonds in One or More Series to Provide Not to Exceed $6,600,000 in Net Proceeds; and Providing for the Form and Terms of the Bonds and for Unlimited Tax Levies to Pay the Bonds.**

This ordinance authorizes the sale of $6.6 million of general obligation bonds as authorized by voters in the October 4, 2022 municipal election. Per the authorizing ballot measure, these bond funds will be used for installation of an artificial field for baseball and softball and replacing the track surface at Adair-Kennedy Memorial Park, a new public use cabin, and areawide trail maintenance. The bond will be fully repaid within 6 years at an expected annual cost of approximately $3.1 million in the first year and $775,000 in the following five years assuming an interest rate of 3.9%. Issuance of this bond will not increase the debt service mill rate from its current level.

Version B of this ordinance makes a minor adjustment to the debt repayment schedule in response to higher than anticipated assessed values, which increases property tax revenue available to pay down debt.

The Systemic Racism Review Committee reviewed this request at the February 28, 2023 meeting and forwarded it to the full Assembly for public hearing. The Assembly Finance committee reviewed this request at the March 1, 2023 meeting.

The City Manager recommends the Assembly adopt this ordinance.

26. **Ordinance 2022-06(b)(AO) An Ordinance Appropriating $6,600,000 to the Manager for the Areawide Trail Improvements, Adair-Kennedy Memorial Park, and Public Use Cabins Capital Improvement Projects; Funding Provided by General Obligation Bond Proceeds.**

This ordinance would appropriate $6.6 million of general obligation bond proceeds for the Areawide Trail Improvements, Adair-Kennedy Memorial Park, and Public Use Cabins capital improvement projects. This funding provides for installation of an artificial field for baseball and softball and replacing the track surface at Adair-Kennedy Memorial Park, a new public use cabin, and areawide trail maintenance.

This appropriation of project funding is consistent with the intent of the $6.6 million general obligation bond package approved by voters in the October 4, 2022 municipal election. The Systemic Racism Review Committee reviewed this request at the February 28, 2023 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

O. NEW BUSINESS

27. **Regulation Title 07, Chapter 10 Airport Rates and Fees**

In response to a projected budget deficit for FY24 and beyond, the Airport has adjusted its rates and fees to help offset the shortfall. Rates and fees are established through the Airport's financial model.

Rate increases are proposed in all categories; all users. The anticipated increase to annual revenues for FY24 is $1,737,900. A detailed description of the rates and fees regulation changes is addressed in the fiscal note and accompanying draft regulation.

The Airport received three comments during the public comment period from February 12, 2023 through March 6, 2023. At the March 9, 2023 Airport Board meeting, the Board amended the Fuel Flowage Fees for small aircraft (under 12,500 lbs) and non-signatory aircraft based on comments received; and approved the proposed Rates and Fees Regulation, as presented to the Assembly. The Airline Fee for Airport Security Screening, large air carrier fuel flowage fees, non-signatory fuel flowage fees, large air carrier landing fees and non-signatory landing fees are scheduled to increase May 1, 2023, with the remainder of the Airport Rates and Fees Regulation changes scheduled to take effect July 1, 2023.

The Manager recommends the Assembly adopt this regulation.

28. Bid Award: BE23-194 Outer Drive & West Juneau Lift Station Improvements

Bids were opened on this project on February 23, 2023. This project includes retrofit of two wastewater lift stations (pump stations). Additive Alternate 1 is a spare dry weather pump, Additive Alternate 2 is a spare wet weather pump, and Additive Alternate 3 is a spare pump for West Juneau. The bid protest period expired at 4:30 p.m. on February 24, 2023. Results of the bid opening are as follows:

	Admiralty Construction, Inc.	Dawson Construction	Engineer's Estimate
Base Bid	$5,647,500	$6,265,651	$3,561,200
Additive Alternate No. 1	$ 70,000	$ 67,000	$ 67,000
Additive Alternate No. 2	$ 160,000	$ 151,000	$ 151,200
Additive Alternate No. 3	$ 105,000	$ 89,000	$ 97,108
TOTALS	$5,982,500	$6,572,291	$6,572,291

The City Manager recommends award of this project to Admiralty Construction, Inc. for the base and all alternates for the total amount bid of $5,982,500.

29. Bid Award: BE23-194 Outer Drive and West Juneau Lift Station Improvements

Bids were opened on this project on March 15, 2023. The project includes reconstruction of Calhoun Avenue from the intersection of West 7th Street to Main Street. The bid protest period expired at 4:30 p.m. on March 17, 2023. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
Admiralty Construction, Inc.	$1,579,105
Coogan Construction Company	$1,646,593

North40 Construction Corporation	$1,743,163
Engineer's Estimate	$1.179,586

The City Manager recommends award of this project to Admiralty Construction, Inc. for the total amount bid of $1,579,105.

30. Bid Award: BE23-223 JNU Gate K Culvert Replacement

This project includes the emergency removal of an existing eighty foot long steel pipe arch, protection of existing utilities, installation of a stream bypass system, installation of a new eighty foot long aluminum pipe arch, removal and reconstruction of existing riprap bank armoring, re-seeding of disturbed banks, reconstruction and repaving of disturbed roadway, and other miscellaneous work. Bids on this project were opened on March 1, 2023. The bid protest period expired at 4:30 p.m. on March 2, 2023. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
Colaska dbs SECON	$555,213
Engineer's Estimate:	$488,827

The City Manager recommends award of this project to SECON for the total amount bid of $555,213.

31. Bid Award: BE22-263 JNU Outgoing Baggage Belt Repairs

This project is a partial replacement of existing out-going baggage conveyor assembly components within the Juneau International Airport. Bids on this project were opened on March 7, 2023. The bid protest period expired at 4:30 p.m. on March 9, 2023. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	BASE BID	Add. Alt. No. 1	TOTAL BID
Robson Handling Technology USA, Inc.	$1,169,012	$106,912	$1,275,924
Dawson Construction, Inc.	$1,321,000	$221,000	$1,542,000

Engineer's Estimate:	*$ 706,860*	*$420,750*	*$1,127,610*

The City Manager recommends awawrd of this project to Robson Handling Technology, USA, Inc. for the total amount bid of $1,275,924.

P. STAFF REPORTS

Q. ASSEMBLY REPORTS

Mayor's Report

Committee and Liaison Reports

Presiding Officer Reports

R. ASSEMBLY COMMENTS & QUESTIONS

S. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

T. EXECUTIVE SESSION

32. **Municipal Attorney Medical Update and Consideration of an Acting Municipal Attorney**

    The City Manager recommends the Assembly recess into executive session to discuss a confidential personnel matter that could defame or prejudice the character or reputation of any person, namely a medical update of the Municipal Attorney and consideration of an Acting Municipal Attorney.

    If the Assembly desires to appoint an Acting Municipal Attorney, the Assembly would need to return to the public meeting for such a motion.

U. SUPPLEMENTAL MATERIALS

33. Manager's Report for Ordinance 2022-06(b)(AR) An Ordinance Appropriating up to $2,340,737 to the Manager for Juneau School District Special Revenue Fund Deficits and Current Year Student Activities; Funding Provided by General Funds.

V. 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, TDD 586-5351, e-mail: city.clerk@juneau.org.

SPECIAL ASSEMBLY MEETING 2022-23 *DRAFT* MINUTES

September 26, 2022 at 6:00 PM

Assembly Chambers/Zoom Webinar/YouTube Livestream

https://juneau.zoom.us/j/95424544691 or 1-253-215-8782 Webinar ID: 954 2454 4691
Immediately followed by Assembly Committee of the Whole Worksession

A. CALL TO ORDER

Meeting No. 2022-23: The Special Meeting of the City and Borough of Juneau Assembly was held in the Assembly Chambers and called to order by Mayor Beth Weldon at 6:00p.m.

B. LAND ACKNOWLEDGEMENT

Mr. Bryson provided the following land acknowledgment: We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous peoples 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

Assemblymembers Present: Maria Gladziszewski, Greg Smith (via Zoom), Christine Woll, 'Wáahlaal Gíidaak (via Zoom), Carole Triem, Michelle Hale, Wade Bryson, Alicia Hughes-Skandijs and Mayor Beth Weldon.

Assemblymembers Absent: None.

Staff Present: Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy City Clerk Diane Cathcart, Lands Manager Dan Bleidorn, BRH CEO David Keith

D. SPECIAL ORDER OF BUSINESS

1. Instruction for Public Participation

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278. For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org.

E. PUBLIC PARTICIPATION

None.

F. CONSENT AGENDA

i. Public Requests for Consent Agenda Changes, Other than Ordinances for Introduction – *None.*
ii. Assembly Requests for Consent Agenda Changes – *None.*
iii. Assembly Action

MOTION by Ms. Gladziszewski to adopt the Consent Agenda as presented and asked for unanimous consent. *Hearing no objection, the motion carried.*

2. Ordinance 2021-08(b)(am)(AU) An Ordinance Appropriating $7,127,047 to the Manager to Fund the City and Borough of Juneau and Bartlett Regional Hospital's Fiscal Year 2022 Public Employees' Retirement System (PERS) Contribution; Funding Provided by the Alaska Department of Administration.

This ordinance would appropriate $7,127,047 for the State of Alaska's FY2022 8.11% PERS benefit rate paid on-behalf of the CBJ and BRH, distributed as follows:

City and Borough of Juneau $3,498,144

Bartlett Regional Hospital $3,628,903

Funding is provided by the Alaska Department of Administration, authorized by passage of HB69 during the 2021 legislative session.

This is a housekeeping ordinance to properly account for these on-behalf contributions to the state-managed retirement fund and has no impact on the CBJ or BRH's finances.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

3. Ordinance 2021-08(b)(am)(AV) An Ordinance Appropriating $28,226,000 to and Deappropriating $2,495,600 from the Manager for the City and Borough of Juneau's Fiscal Year 2022 Operating Costs; Funding Provided by Various Sources.

This ordinance appropriates $28,226,000 and deappropriates $2,495,600 for the City and Borough of Juneau's FY2022 operating costs. The following departments and funds require supplemental budget authority in FY2022:

Airport: this ordinance appropriates $383,000 of Federal CARES Act funding for required repairs and maintenance upgrades at the Airport.

Docks: $335,000 of Docks funds provides for extraordinary costs associated with hiring seasonal part-time limited staff required to meet unfunded, new Coast Guard security regulations pertaining to dual identification verification.

Hospital: $2,000 of supplemental authority is needed to support increased labor costs due to staffing shortages and inflationary pressure on materials and commodities; funding provided by Hospital funds.

Risk Management: this ordinance appropriates $1,452,000 of Risk Management funds for health and property insurance claims that exceeded budget estimates.

Pandemic Response Fund: this ordinance provides budget authority to transfer federal ARPA funds for the replacement of lost State Marine Passenger Fee revenue and the Local Government Lost Revenue Relief Grant to the General Fund. This ordinance also appropriates nearly $1 million for CBJ's FY2022 COVID-related costs, funded by FEMA revenue.

This ordinance appropriates the remaining authority of $7,123,300 and deappropriates $2,495,600 for housekeeping items, including aligning budget to actual transfers, the liquidation of the Waste Management and Library Minor Contribution funds, and the repayment of a refunded port bond with bond proceeds.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

G. PUBLIC HEARING

4. Ordinance 2022-49 An Ordinance Authorizing the Manager to Convey Approximately One Acre of City and Borough of Juneau Property Located Near 3145 Fritz Cove Road to Chelsy and Brian Maller at Fair Market Value.

The CBJ Lands Office has received an application from Chelsy and Brian Maller, the owners of property located near 3145 Fritz Cove Road. The Maller property is an undeveloped lot that is adjacent to the City property being requested.

The Lands Housing and Economic Development Committee reviewed this proposed CBJ land disposal at the meeting on January 24, 2022, and passed a motion of support. The Planning Commission reviewed this proposed disposal of the CBJ property at its meeting on April 12, 2022, and recommended that the Assembly approve the sale to the applicants. The SRRC reviewed this application at the September 13, 2022, meeting and provided a recommendation in favor. Fair market value of the CBJ property has been determined by appraisal to be $2.53 per square foot, for a total value of $110,000.00.

The City Manager recommends the Assembly adopt this ordinance.

Clerk's Note: There was a brief portion of the meeting that lost sound at 6:08p.m. from the Assembly Chambers feeding through to the Zoom audience. The meeting resumed with full technical sound within 1 minute of the technical difficulties.

Public Comment

None.

Assembly Action

Mayor Weldon noted that while no one from the public signed up to speak on this issue, Mr. Maller and Mr. Bleidorn were available to answer Assembly questions if there were any.

Mayor Weldon thanked Mr. Bleidorn for answering her many questions earlier in the day and said that one of the questions she asked of him was why this was for a full 1 acre rather than our usual smaller parcel. Mr. Bleidorn said that it does seem like a large ask but based on the topography of the parcel and what they will need to blast up to the area that they are going to build their home, they will need that larger 1 acre parcel. Mr. Bleidorn said that he also discussed it earlier in the day with Community Development Director Jill Maclean because it did go through the Planning Commission. He said that she concurred that when the Planning Commission looked at it, it did get discussed as well but with the topography, that was the reason for the large space request. Mayor Weldon noted that with that topography and the ask, they are hoping to get less than a 15% grade in their construction.

Ms. Hale said that she remembers that at the Lands, Housing and Economic Development Committee they also questioned that and determined that it made sense when they looked at the associated maps.

MOTION by Mr. Bryson for the Assembly to adopt Ordinance 2022-49 and asked for unanimous consent. ***Hearing no objection, the motion carried by unanimous consent.***

5. Ordinance 2022-51 An Ordinance Authorizing an Alternative Procurement Method Related to the Emergency Department Addition and Renovation at Bartlett Regional Hospital.

This ordinance authorizes the Manager to competitively solicit proposals and enter into an alternative procurement method for preconstruction services and construction of the Emergency Room Addition and Renovation project at Bartlett Regional Hospital. The ordinance has provisions that allow the project to continue in the design stage while Bartlett Regional Hospital awaits a certificate of need decision from the State. General Contractor/Construction Manager is a qualifications based procurement method that allows the contractor to be involved in the design process to limit risk and cost for complicated projects such as the Emergency Room in which the facility needs to remain operational during construction.

The Bartlett Board of Directors recommended use of GC/CM method for this project at its May 26, 2022, meeting. The Public Works and Facilities Committee recommended use of the GC/CM for this project at its June 6, 2022, meeting.

The Lands, Housing, and Economic Development Committee was scheduled to review this ordinance at 5:00 pm, just prior to this meeting.

Public Comment

None.

Assembly Action

Lands, Housing, and Economic Development (LHED) Committee Chair Michelle Hale reported that at its meeting, the LHED Committee voted to propose an amendment to Ordinance 2022-51 and to recommend adoption of the ordinance with that amendment.

MOTION by Ms. Hale to adopt Ordinance 2022-51 as recommended by the Lands, Housing and Economic Development Committee and asked for unanimous consent.

AMENDMENT from LHED:

Amend the Whereas clause on line 10 of page 2 of the ordinance to change the amount from $1,493,000 to $1,400,000 so that it would read: "Whereas, CBJ and BRH personnel estimate that they will not expend more than ***$1,400,000*** on the BRH Emergency Department addition and renovation until a certificate of need is obtained or the State of Alaska determines a certificate of need is not required; and"…

Ms. Triem asked Ms. Hale to explain why the LHED was making that recommended amendment.

Ms. Hale explained that whenever a change adds or can add beds or services to the hospital, the hospital then has to go through a process with the State of Alaska to obtain a certificate of need. She noted that process is currently underway and they anticipate that certificate of need to be provided by the end of January 2023. She said that the work can proceed but that the work can't exceed $1.5 million without a certificate of need so the original idea was to say $1.493 million but that only allows for a small margin of error so the amendment is widening that margin until the certificate of need is obtained.

Hearing no objection, the amendment passed by unanimous consent.

Hearing no objection, the main motion to adopt Ordinance 2021-51 as amended passed by unanimous consent.

Mayor Weldon noted that BRH staff members CEO David Keith and Compliance Officer Nathan Overson were in the audience and she extended thanks on behalf of the Assembly to all the BRH staff for all their work.

6. Ordinance 2022-06(b)(R) An Ordinance Appropriating $12,253.50 to the Manager for a Grant to the Glory Hall; Funding Provided by the Affordable Housing Fund.

This grant would fund the cost of property taxes for the property owned by The Glory Hall at 241-247 South Franklin Street. As the program has transitioned its services to the Teal Street facility, there has been some discussion about whether the South Franklin Street building is eligible to retain its exemption status from municipal property tax.

The grant will come from the Affordable Housing Fund and property taxes in the exact same amount will be paid into the General Fund. The Manager proposed this grant to avoid an unnecessary debate. CBJ staff will work with The Glory Hall staff this fall to clarify the issue.

The Assembly Finance Committee reviewed this request at the September 7, 2022 meeting.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

Mr. Bryson declared a potential conflict. He noted that he is a member of the Glory Hall Board of Directors but that no financial compensation is involved and he does not feel he would have any conflict on this issue. Mayor Weldon thanked Mr. Bryson for his disclosure and allowed him to continue to participate in this matter.

MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2022-06(b)(R) and asked for unanimous consent. ***Hearing no objection, the motion carried by unanimous consent.***

7. Ordinance 2022-06(b)(S) An Ordinance Appropriating $128,200 to the Manager for a Grant to the Alaska Development Corporation for Medical Respite Care; Funding Provided by General Funds and Hospital Funds.

Prior to the pandemic, CBJ and Bartlett Regional Hospital shared the cost of medical respite for individuals experiencing homelessness. During the pandemic, the cost of this care was reimbursed by FEMA; however, medical respite is no longer eligible for reimbursement effective July 1. This ordinance would appropriate $128,200 for medical respite care in FY23, to be funded equally by CBJ and Bartlett. Current medical respite costs exceed pre-pandemic levels due to quarantine and isolation for COVID-positive patients; however, program spending will be reduced in the coming months to align with the historical cost of providing this care. A portion of these costs may be funded by the Healthy and Equitable Communities Grant, upon approval by the Alaska Department of Health.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Triem to adopt Ordinance 2022-06(b)(S) and asked for unanimous consent. ***Hearing no objection, the motion carried by unanimous consent.***

8. Ordinance 2022-06(b)(T) An Ordinance Transferring up to $500,000 from CIP P44-089 Deferred Building Maintenance to CIP F21-041 Downtown and Glacier Fire Stations Mechanical and Electrical Upgrades.

This request would provide funding for the Downtown and Glacier Fire Stations Mechanical and Electrical Upgrades CIP to replace the heating plant system at the Glacier Fire Station and the emergency generators at both Glacier and the Downtown Fire Stations. The original project estimate has increased as a result of inflation, supply chain issues, and other economic factors. The ordinance was prepared to transfer an amount up to $500,000; however, bids came in lower than this estimate, only requiring a transfer of $250,000 to complete project work. The proposed transfer is reallocating funds from the Deferred Building Maintenance CIP, an ongoing project that will retain sufficient funding to cover remaining project work.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Woll to adopt Ordinance 2022-06(b)(T) and asked for unanimous consent. ***Hearing no objection, the motion carried by unanimous consent.***

Clerk's Note: Additional technical difficulties continued due to power spikes and an inability to get the Closed Captioner connected to the meeting, however the meeting proceeded without incident and was able to be heard/transmitted both to those in the Assembly Chambers and those participating via Zoom.

H. NEW BUSINESS

9. Bid BE22-108 Glacier Fire Station Mechanical & Electrical Upgrades & Juneau Fire Station Generator Replacement

This project consists of a significant renovation of mechanical and electrical systems at the Glacier Fire Station that are past their useful life, installation of Owner Furnished generators at both the Glacier Fire Station and the Juneau Fire Station, and associated architectural, civil, and hazmat work.

Bids for this project were opened on September 15, 2022. The bid protest period expired at 4:30 p.m on September 16, 2022. Results of the bid opening can be found in the bid letter on page 20 of this packet.

The City Manager recommends award of this project to Dawson Construction, LLC, for the total amount bid of $1,890,700.

Public Comment

None.

Assembly Action

Mayor Weldon stated that her son had worked for Dawson Construction this past summer but she discussed it with the City Attorney and they both determined that she did not have conflict of interest in this matter.

MOTION by Ms. Gladziszewski to award Bid BE22-108 to Dawson Construction and asked for unanimous consent. ***Hearing no objection, the motion carried by unanimous consent.***

I. ASSEMBLY COMMENTS

Mayor Weldon told Assemblymembers that she would be sending an email later that evening asking members to please provide her with their requested Assembly Committee assignments for the next Assembly cycle.

Ms. Triem noted that the Assembly Finance Committee meeting on Wednesday, September 28 was cancelled.

J. SUPPLEMENTAL MATERIALS – *None.*

K. ADJOURNMENT

There being no further business to come before the Assembly, the Special Assembly meeting adjourned at 6:37p.m.

Signed: ______________________________	Signed: ______________________________
Elizabeth J. McEwen Municipal Clerk	Beth A. Weldon Mayor

SPECIAL ASSEMBLY MEETING 2022-25 *DRAFT* MINUTES

November 07, 2022 at 6:00 PM

Assembly Chambers/Zoom Webinar/YouTube Livestream

https://juneau.zoom.us/j/95424544691 or 1-253-215-8782 Webinar ID: 954 2454 4691
Immediately Followed by Assembly Committee of the Whole Worksession.

A. CALL TO ORDER

Meeting No. 2022-25: The Special Meeting of the City and Borough of Juneau Assembly was held in the Assembly Chambers and called to order by Mayor Beth Weldon at 6:00p.m.

B. LAND ACKNOWLEDGEMENT

Ms. Gladziszewski provided the following land acknowledgment: We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous peoples 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

Assemblymembers Present: Maria Gladziszewski, Greg Smith, Christine Woll, 'Wáahlaal Gíidaak, Carole Triem (via phone/Zoom), Michelle Hale, Wade Bryson, Alicia Hughes-Skandijs and Mayor Beth Weldon.

Assemblymembers Absent: None.

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy City Clerk Diane Cathcart, Lands Manager Dan Bleidorn, BRH CEO David Keith

D. SPECIAL ORDER OF BUSINESS

Mayor Weldon said that she lost her voice during the ski sale over the weekend and apologized to everyone in case she can't be heard due to her lack of voice.

Mayor Weldon also shared the news of the passing of Wasilla's former Mayor Bert Cottle. Mayor Cottle had been a very active member and past president of the Alaska Municipal League and she extended the condolences of the Assembly and CBJ to Mayor Cottle's family and the community of Wasilla.

1. Instruction for Public Participation

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278. For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org.

Ms. McEwen noted that there were some members of the community who contacted the Clerk's office and signed up to participate via Zoom in tonight's meeting.

E. MANAGER'S REQUEST FOR AGENDA CHANGES

F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (Not to Exceed a Total of 20 Minutes, Nor More than Five Minutes for Any Individual.)

Ati Nasiaha, a resident of Thane, thanked the Assembly for allowing her to testify. She noted that she has lived on Lingít Aaní for 17 years and is grateful to be part of this community. She said that the hiring policies within CBJ might benefit from some reflection and analysis. She said that she recently learned that the director level positions are not required to be opened up to the greater public. She said that she wanted to make sure that the Assembly was aware of this. When she learned of this, she said that it seemed both a simple challenge and a simple problem that could easily be addressed if we are concerned and committed to inclusion and racial equity by opening up positions with significant opportunity for impact and power across the community. She said that it would be beneficial to be open to the larger community so that we could diversify our city leadership with the brilliance of leadership and views from so many in the community that may not currently be represented and reflected. She said she was coming to the Assembly with an ask to think about how they can lean in together on how to work together to revise or update a policy that could promote inclusion across the community.

Andres Javiar Camacho, a Douglas resident, called in and echoed the words of the previous speaker Ati Nasiaha and the concern about publicizing the opening of director level positions. He said that these are small steps that can be taken to improve the transparency and inclusivity of our organizations. He asked the Assembly to consider how that policy may be changed to make it more accessible to all.

G. AGENDA TOPICS

<u>2. PUBLIC HEARING</u>

Ordinance 2022-56 An Ordinance Amending the Land Use Code Regarding Alternative Residential Subdivision Requirements.

The Assembly created the Alternative Residential Subdivision standards in 2019. (Ord. 2018-41(c)). The purpose of the Alternative Residential Subdivision is to create flexibility in the regulation and use of land to promote and encourage different types of housing options. CBJC 49.15.900. A property owner is currently seeking approval from the Planning Commission for 440 units of housing using the Alternative Residential Subdivision code. However, during the application review, staff and the Planning Commission identified a code inconsistency with the definition of unit-lot. This ordinance would amend the unit-lot definition to be consistent with the other Alternative Residential Subdivision standards.

This ordinance has not been reviewed by the Planning Commission, which is meeting on November 8, 2022, to consider the 440 unit development.

The City Manager recommends the Assembly adopt this ordinance without review by the Planning Commission.

<u>Public Comment</u>

None.

<u>Assembly Action</u>

<u>MOTION</u> by Mr. Bryson to adopt Ordinance 2022-56 and asked for unanimous consent. ***Hearing no objection, the motion carried by unanimous consent.***

3. Resolution 3005: A Resolution Encouraging Federal Agencies in Juneau to Coordinate Collection of Biometric Information for Foreign National People and Refugee Families.

Refugee families and foreign national people are required to submit biometric information (picture and fingerprints). Currently, they have to travel from Juneau to either Anchorage or Seattle, which creates financial burdens for them, their employers, and local nonprofits. However, the Juneau office of U.S. Customs and Border Protection has the ability to collect the biometric information. This resolution encourages the two federal agencies to coordinate, which will decrease fiscal hardships to Ukraine refugee families, local families, seafood industry employers and employees, and local nonprofits.

The City Manager recommends the Assembly adopt this resolution.

Public Comment

None.

Assembly Action

MOTION by Ms. Hughes-Skandijs to adopt Resolution 3005 and asked for unanimous consent. ***Hearing no objection, the motion carried by unanimous consent.***

H. SUPPLEMENTAL MATERIALS – *None.*

I. ADJOURNMENT

There being no further business to come before the Assembly, the Special Assembly meeting adjourned at 6:17p.m.

Signed: ______________________________
Elizabeth J. McEwen
Municipal Clerk

Signed: ______________________________
Beth A. Weldon
Mayor

SPECIAL ASSEMBLY MEETING 2022-27 *DRAFT* MINUTES

November 30, 2022 at 5:30 PM

Assembly Chambers/Zoom Webinar

https://juneau.zoom.us/j/93917915176 or 1-253-215-8782 Webinar ID: 939 1791 5176
Immediately followed by Assembly Finance Committee

A. CALL TO ORDER

Meeting No. 2022-27: The Special Meeting of the City and Borough of Juneau Assembly was held in the Assembly Chambers and called to order by Mayor Beth Weldon at 5:30p.m.

B. LAND ACKNOWLEDGEMENT

Ms. Gladziszewski provided the following land acknowledgment: We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous peoples 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

Assemblymembers Present: Maria Gladziszewski, ‘Wáahlaal Gíidaak (via Zoom), Carole Triem (via Zoom), Michelle Hale, Wade Bryson, Alicia Hughes-Skandijs and Mayor Beth Weldon.

Assemblymembers Absent: Greg Smith, Christine Woll

Staff Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Eaglecrest Manager Dave Scanlan, Finance Director Jeff Rogers, Budget Analyst Adrien Speegle, Finance Administrative Assistant Stevie Gawryluk

D. SPECIAL ORDER OF BUSINESS

1. Instruction for Public Participation

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278. For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org.

E. MANAGER'S REQUEST FOR AGENDA CHANGES – *None.*

F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (Not to Exceed a Total of 20 Minutes, Nor More than Five Minutes for Any Individual.) – *None.*

G. AGENDA TOPICS

2. Public Hearing: Ordinance 2022-61 An Ordinance Amending the Sales Tax Code Regarding Small Business Sales Tax Filing.

Ordinance 2022-61 An Ordinance Amending the Uniform Sales Tax Code to Allow Very Small Businesses to File Sales Taxes Annually.

This ordinance would allow businesses that have less than $20,000 in gross sales per year the ability to file sales tax returns annually instead of quarterly. If a business opts-in to the annual filing option, the business would be required to file quarterly returns if gross annual sales exceed $20,000.

The Assembly Finance Committee reviewed this topic on November 2, 2022. This ordinance was introduced at the November 21, 2022 Assembly meeting and set for public hearing at the Special Assembly meeting on November 30, 2022 so that it could be acted upon and take effect by January 1, 2023.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Mr. Bryson to adopt Ordinance 2022-61 and asked for unanimous consent. ***Hearing no objection, the motion carried by unanimous consent.***

3. **Public Hearing: Ordinance 2022-06(b)(W) An Ordinance Appropriating $3,984,400 to the Manager for the City and Borough of Juneau's Fiscal Year 2023 Employee Negotiated Wage and Health Increases; Funding Provided by Various Sources.**

This ordinance would appropriate $3,984,400 for CBJ's fiscal year 2023 employee negotiated wage and health increases for the Marine Engineers Beneficial Associations (MEBA), Public Safety Employees Association (PSEA), International Association of Fire Fighters (IAFF), and un-represented employees. This appropriation funds a 5.5% wage increase for all employees in fiscal year 2023 and a 5% increase to the employer health contribution. Additionally, this ordinance appropriates authority for a 15% increase to attorney salaries and compensation increases for the City Manager and City Attorney, as approved by the Assembly during the September 12, 2022 Regular Assembly meeting.

The Assembly considered the MEBA and PSEA negotiated labor contracts during the Regular Assembly meeting on July 11, 2022. The Assembly ratified the IAFF negotiated labor contract during the November 21, 2022 Regular Assembly meeting.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2022-06(b)(W) and asked for unanimous consent. ***Hearing no objection, the motion carried by unanimous consent.***

4. **Public Hearing: Ordinance 2022-06(b)(X) An Ordinance Appropriating $116,400 to the Manager as Funding for Eaglecrest's Fiscal Year 2023 Pay Plan Adjustment; Funding Provided by Eaglecrest Revenue.**

This ordinance would appropriate $116,400 for Eaglecrest's FY23 pay plan adjustment. The pay plan adjustment increases employee wages by 7%. This adjustment follows two previous pay plan increases Eaglecrest implemented in calendar year 2022 in an effort to increase employee wages over minimum wage and align pay with ski industry standards. The most recent pay adjustment, approved by the Eaglecrest Board on September 15, 2022, is intended to promote employee recruitment and retention. This appropriation also provides for sign-on and returning employee bonuses for seasonal employees.

Funding for this ordinance is provided by Eaglecrest revenue.

The Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Hale to adopt Ordinance 2022-06(b)(X) and asked for unanimous consent. ***Hearing no objection, the motion carried by unanimous consent.***

H. SUPPLEMENTAL MATERIALS – *None.*

I. ADJOURNMENT

There being no further business to come before the Assembly, the Special Assembly meeting adjourned at 5:39p.m.

Signed: _______________________________	Signed: _______________________________
Elizabeth J. McEwen	Beth A. Weldon
Municipal Clerk	Mayor

Presented by: The Manager
Presented: 03/20/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-19

An Ordinance Authorizing the Manager to Convey Approximately 4,814 Square Feet of Tidelands Located on a Fraction of Lot 3, Block 51, Tidelands Addition Adjacent to 1000 Harbor Way to 1000 Harbor Way, LLC for Fair Market Value.

WHEREAS, 1000 Harbor Way, LLC ("applicants") are owners of certain real property located at 1000 Harbor Way with the legal description of Lot 5, Block 51, Tidelands Addition; and

WHEREAS, the City and Borough of Juneau (CBJ) owns real property adjacent to 1000 Harbor Way, described as a fraction of Lot 3, Block 51, Tidelands Addition; and

WHEREAS, the applicants request additional land under and around their existing building in order to make major structural and architectural improvements to the aging building; and

WHEREAS, the Docks and Harbor's Board reviewed this application at the August 25, 2022 meeting and provided a motion to advance this application; and

WHEREAS, the Lands, Housing, and Economic Development Committee reviewed this proposed CBJ land disposal at the meeting on September 26, 2022, and forwarded this application to the Assembly with a motion to work with the original proposer in accordance with CBJC 53.09.260; and

WHEREAS, the Assembly reviewed this application at the November 21, 2022 meeting and provided a motion to authorize the City Manager to negotiate the disposal of City property to the applicants; and

WHEREAS, the Planning Commission reviewed this proposed disposal of the CBJ property at their meeting on January 24, 2023, and passed a recommendation that the Assembly approve the disposal; and

WHEREAS, fair market value of the CBJ property has been determined by appraisal to be $24.62 per square foot or $118,510 more or less.

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

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Authorization to Convey. The Manager is authorized to negotiate and execute the sale of approximately 4,814 square feet of tidelands located on a fraction of Lot 3, Block 51, Tidelands Addition, as shown on the attached Exhibit A.

Section 3. Purchase Price. The purchase price of the property shall be the fair market value, which has been determined by appraisal to be $24.62 per square foot. Applicants will be responsible for all surveying, platting, closing costs, and recording fees.

Section 4. Other Terms and Conditions. The Manager may include such other terms and conditions as may be in the public interest and in accordance with CBJC Title 53.

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ________________________, 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

1	1000 Harbor Way, LLC (Hansen Gress)	4,041 SF
2	Land leased from CBJ proposed to be purchased	4,178 SF
3	Additional CBJ land to be purchased	636 SF
	Total Area	8,855 SF

Presented by: The Manager
Presented: 03/20/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-20

An Ordinance ~~Establishing~~ Amending the Duties of the Systemic Racism Review Committee.

WHEREAS, discrimination based on race in institutional policies leads to systemic racism; and

WHEREAS, systemic racism creates disparities in the social and civic fabric of a community through legislation related to all aspects of society, including but not limited to education, criminal justice, employment, elections, housing, and political power; and

WHEREAS, systemic racism is as overt and covert as individual racism and it has similar emotional, economic, physical, and liberty consequences though it may be harder for individuals to see even when revealed in disparities and data; and

WHEREAS, systemic racism is similar to disparate impact discrimination, which is generally defined as a facially neutral act, practice, or policy that has a significant discriminatory impact on a protected group; and

WHEREAS, the Assembly would benefit from having a systemic racism review of legislation before ~~a resolution or~~ an ordinance is up for public hearing; and

WHEREAS, the Assembly would benefit from having a systemic racism review of policies and procedures to advise whether the policies likely perpetuate systemic racism; and

WHEREAS, the Assembly encourages racially diverse individuals to apply and encourages racial minority groups to nominate individuals to help advise the Assembly.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Systemic Racism Review Committee Established.

(a) **Establishment.** There is established a Systemic Racism Review Committee consisting of seven individuals.

(1) The Assembly shall appoint members of the Committee to staggered three-year terms. Members of the Committee shall serve at the pleasure of the Assembly. Terms shall commence on July 1. Appointments to fill vacancies shall be for the unexpired term. In the event a seat has six months or less remaining to the unexpired term, the Assembly, at its discretion, may choose to appoint the member to the remainder of the current term as well as to the full term immediately following the expiration date of the unexpired term. No member 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 if there are no other qualified applicants at the time reappointment is considered by the Assembly.

(2) Members shall be selected to provide the most balanced representation possible. Members shall have experience identifying unlawful discrimination—including based on race, color, or national origin—experience identifying social justice inequity, or intimate knowledge of local cultures and practices, including tribal culture and practices.

(b) **Duties.** The Committee is charged with:

(1) Developing criteria to advise whether legislation, policies, or procedures likely include~~s a~~ systemic racism ~~policy or~~ implications. The Committee must present ~~the~~ proposed ~~legislative~~ review criteria to the Assembly before substantively reviewing ~~any~~ policies, procedures, or legislation~~, or perpetuate systemic racism~~.

(2) Reviewing legislation, selected at the discretion of the Committee ~~all ordinances after introduction and before public hearing~~ to advise whether the ordinance likely includes a systemic racism policy or implication.

~~(3) Reviewing all resolutions to advise whether the resolution likely perpetuates systemic racism.~~

(3) ~~(4)~~ Reviewing current policies, selected at the discretion of the Committee, to advise whether the policies likely perpetuate systemic racism.

(4) ~~(5)~~ Reviewing current procedures, selected at the discretion of the Committee, to advise whether the procedures likely perpetuate systemic racism.

(5) ~~(6)~~ Presenting options for curing the potential or likely systemic racism or implications.

(6) ~~(7)~~ Presenting the Committee's analysis and conclusions timely to the Assembly in a short statement for each item of legislation.

(c) **Procedure.** The Committee's procedure shall be governed by the Advisory Board Rules of Procedure, as such may be amended from time to time. Nothing in this Ordinance shall be read to preclude the Assembly from acting upon emergency ordinances and resolutions.

(d) **Officers, Meetings, and Quorum.** In accordance with the Advisory Board Rules of Procedure, the Committee shall select its own officers, and shall hold regular meetings on a schedule established by the Committee, as well as such special meetings as required to conduct business. The presence of four members constitutes a quorum and any action of the Committee requires four or more affirmative votes to be approved.

(e) **Staff Assistance.** Staff support to the Committee shall be provided by the City Manager, or designee, as available and appropriate.

(f) **Legislation Procedure.** The Committee should meet and send the legislative report to the Manager at least six days before the Assembly meeting (i.e. Wednesday for a Monday meeting). However, legislation may be scheduled for public hearing and the Assembly may adopt legislation that has not been reviewed by the Committee. If the Assembly adopts legislation before the Committee has reviewed it, the Committee should review the adopted legislation as soon as possible.

Section 3. Sunset Clause. The Committee created by Section 2 shall cease to exist and the provisions of Section 2 shall ~~automatically~~ terminate August 31, 2023, ~~three years from the effective date of this ordinance~~ unless the Assembly extends the Committee to exist until disbanded by the Assembly. ~~In a joint meeting prior to December 31, 2021, the Committee and the Assembly shall review the Committee's work product to date and the provisions of this ordinance to determine if any changes are necessary.~~

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

Adopted this ________ day of _______________________, 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Presented: 03/20/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-21

An Ordinance Authorizing the Manager to Enter into a Lease of City and Borough Property Located on West Douglas along the West Douglas Pioneer Road to iRide Alaska, LLC, for the Purpose of Offering Guided Electronic Bike Tours.

WHEREAS, iRide Alaska, LLC, has applied for a lease of City and Borough property along the West Douglas Pioneer Road located near the end of North Douglas Highway; and

WHEREAS, the purpose of the lease is to allow for the commercial use of the property for guided electronic-bike ("e-bike") tours; and

WHEREAS, the Assembly's Committee of the Whole reviewed this application at the March 6, 2023 meeting and adopted a motion supporting the Manager to enter into negotiations for a one-year lease including renewal options with the original applicant and to draft an ordinance for introduction.

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

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Authorization to Convey. The Manager is authorized to negotiate and execute the lease of City and Borough property located along the West Douglas Pioneer Road.

Section 3. Lease Price. The lease price of the property shall be fair market value, which has been determined by the Manager to be $5.00 for each person who purchases an e-bike tour from iRide Alaska, LLC, in a given year. This lease price may be renegotiated by the Manager if it is in the best interest of the City and Borough.

Section 4. Other Terms and Conditions.

a. The lease shall be for one-year with a one-year renewal option.

b. The lease shall exclude the use of the leased premises on Sundays.

c. The lease shall authorize the use from May 1 through October 1 each year.

d. The Manager may include such other terms and conditions as may be in the public interest and in accordance with CBJC Title 53.

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ________________________, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: March 20, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-06(b)(AR)

An Ordinance Appropriating up to $2,340,737 to the Manager for Juneau School District Special Revenue Fund Deficits and Current Year Student Activities; Funding Provided by General Funds.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of up to $2,340,737 for Juneau School District special revenue fund deficits and current year student activities.

Section 3. Source of Funds

General Funds $2,340,737

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

TIMING:

The Board chose to make this request for the FY23 budget as part of the shift in budgeting protocols allowing for more real-time budget adjustments as needed within a school year. In the past, there were times the district would approach the Assembly for additional funds as a result of an increase in enrollment over the projection. This is similar in concept. The actuals that we have now, with respect to deficits in funds such as RALLY, Transportation, and Community Schools, is the information we didn't have when we approached the assembly in April to approve the FY23 budget. Rather than delaying fiscal adjustments and putting the district at a higher risk of audit deficits, JSD has added an additional budget revision. This past June, as a result of higher deficits than anticipated in a few areas (transportation, RALLY, and Community Schools) we ended the year with a deficit overall and specifically in the general fund. We are using several strategies to avoid a similar situation with the conclusion of the FY23 budget.

Approving these funds allows JSD to maximize the effect of our general operating budget on our instructional programming vs. the deficits. We would still need Community Schools, Learn to Swim, Pre-School,RALLY, Transportation, Activities, and Food Service (this pays for student account debt).

Transportation

Prior Year** (FY21 and FY22) **Deficits per FY22 JSD Audit on Page 62	***FY23 Shortfall based upon current contract and revenue from DEED***	***Total Current Request***
$1,050,000 *($250,000 previously covered by CBJ in FY22 request):* ***$800,853***	$633,000 *($150,000 previously covered by CBJ in original FY23 request):* ***$483,000***	***$1,283,853***

- Transportation represents one of the fastest-rising categories of inflation, running over 20% higher in April 2022 compared to the previous April.
- The dollars per student received for transportation was the same in August of 2022 as it was in August of 2015.
- During COVID there was no hold harmless support for transportation.
- The per pupil amount of transportation costs from the State would need to rise by 31% to cover our costs for next year.
- We are asking for funds now, rather than with our original FY23 request, as our student projections for FY23 came in lower than expected.   Transportation funding is received based on our actual enrollment.
- The contractor can only increase our contract by inflation or by 4%, whichever is the less of the two.
- Juneau kids deserve safe, reliable transportation from home to school. The per-student amount provided to districts from the state for this vital service has not increased since the 2015-16 School Year. Literally, the amount per student the district receives for transportation is the same this year as it was when kids started the year in August 2015.

- ❖ Regardless of overall enrollment and the way students are "spread throughout the district," we still need to run mostly th routes, even with a reduction of students.
- ❖ Our costs this current year exceed revenue. We choose, as a community, to provide busing for Elementary at ½ mile but could choose to be a mile. (state statute is 1 mile)
- ❖ The deficit in transportation is so significant due to underfunding by the state that minimizing routes or not doing a cross-town bus isn't sufficient to resolve the gap. It is much bigger than the moderate savings that would exist without a cross-town bus. (There is more and more demand and expectation that school districts offer families a choice in their school options. Our optional programs: Charter, TCLL, Montessori, and YDHS, all offer cross-town bussing. The TMHS JDHS cross-town busing is small dollars but also part of our commitment to Choice.)

RALLY

Prior Year *(FY21 and FY22)* ***Deficits per FY22 JSD Audit on Page 144***	***FY23 Shortfall based upon current contract and revenue from DEED***	***Total Current Request***
$652,520 *($187,750 previously covered by CBJ in FY22 request):* ***$464,770***	$435,230 *($150,000 previously covered by CBJ in original FY23 request):* ***$285,230***	***$750,000***

- ❖ In order to "shore up" as many efficiencies as possible, we have restructured our RALLY locations. We closed two sites and have remained open at 4 sites.
- ❖ Each of the four sites is full, and we have a waiting list of 45 students.
- ❖ This is a community-facing program, not a K-12 instructional program.
- ❖ JSD is happy to provide support to parents at convenient locations.
- ❖ Affordable childcare is a huge issue; families participated less when we raised prices.
- ❖ It is a licensed childcare provider aligned with the stated priorities of the assembly concerning high-quality, affordable childcare.
- ❖ A licensed childcare provider has a higher bar for qualifications of staff. Like so many businesses, we are having trouble finding qualified staff. As a result, the only way we can keep RALLY open is to hire JSD classified staff to work after school. This forces us to pay overtime, increasing the RALLY cost. If we pass this cost onto the families, we have significant challenges meeting the "affordability" necessary to support families.
- ❖ While we have minimized the debt with the restructuring, additional funding would allow us to expand availability, resolve expected debt from FY23, and expand for those on the waitlist without incurring additional debt from overtime.
- ❖ The RALLY program has applied for additional COVID grant funding for childcare centers. If this funding should come through, then RALLY will not end the FY23 fiscal year in a deficit. If we receive funding from CBJ from this request and the grant funding comes through, the District will utilize the funding to offset parent rates along with trying to open more slots for families to have after-school childcare to help fulfill the childcare needs of the City and Borough of Juneau.

Community Schools:

Prior Year** (FY21 and FY22) **Deficits per FY22 JSD Audit on Page 101	***FY23 Shortfall based upon current contract and revenue from DEED***	***Total Current Request***
$221,884 *($95,000 previously covered by CBJ in FY22 request):* ***$126,884***	$195,000 *($95,000 previously covered by CBJ in original FY23 request):* ***$100,000***	***$226,884***

- This is a community program that JSD facilitates.
- This is a debt we encumbered during FY22.
- We are happy to give access to the community to the buildings we use.
- One of the primary partners is CBJ Parks & Recreation
- This is another set of different staff–very difficult to fill positions. Some overtime is needed to staff it.
- In support of our community, we can't pass all increases on to the renter and still charge a reasonable amount. We seldom hear that it is too cheap, but often hear it is expensive (Symphony, for example) because we need someone present in the buildings if there are five people or five hundred. Custodial costs and supplies (such as cleaning and paper products) have increased.
- With the close of Centennial Hall, our facility use requests are up significantly. Thus staffing needs are higher than anticipated, and again, we can't pass all those increases off to community renters. Personnel costs have increased over the years, and the funding for the program has remained level.

Activities

$80,000

This funding is for wrestling mats for middle school and high school per the Mayor's recommendation last winter. The mats are over 25 years old and in much need of replacement. A local business has donated one mat. This would allow us to provide enough mats for both middle schools and one at the high school. (we currently offer wrestling at only one of our high schools)

Summer School

> *We reached back out to the State of Alaska Department of Education and Early Development to verify the approval they had previously stated regarding this request. Although they had approved this category previously, based on a recent meeting, they determined this could not be included in this funding, so we have removed it from our request.*

Presented by: The Manager
Presented: 03/20/2023
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-47

An Ordinance Repealing Title 49 Provisions Related to Wetland Review Board Authority.

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 49.10 is amended by repealing and reserving Article VII:

ARTICLE VII. RESERVED. ~~WETLANDS REVIEW BOARD~~

~~49.10.700 Establishment and functions.~~

~~There is established the wetlands review board of the City and Borough, whose purpose is to implement the provisions of the Juneau Wetlands Management Plan.~~

~~(a) The wetlands review board shall serve as the decision-making body for the issuance of wetlands development permits in Category C and D wetlands, and enhancement project permits in Category EP wetlands, in accordance with the Juneau Wetlands Management Plan and the General Permit for wetlands development issued by the U.S. Army Corps of Engineers and administered by the City and Borough. The wetlands review board will apply the permit review procedures and standards set forth in section 49.70.1000 et seq.~~

~~(b) The wetlands review board shall administer the City and Borough's wetlands mitigation bank, as established in the Juneau Wetlands Management Plan and in subsection 49.70.1085(b). The wetlands review board shall develop and maintain a long-term mitigation strategy for Juneau wetlands as described in subsection 49.70.1085(a)~~

~~(c) The wetlands review board shall prepare an annual report on the status of the mitigation bank.~~

~~49.10.710 Membership.~~

~~The members of the wetlands review board shall be nine residents of the City and Borough who shall serve without pay. Two shall be members of the planning commission, and seven shall be members of the public.~~

~~49.10.720 Appointment.~~

~~Planning commission members shall be appointed by the commission. Public board members shall be appointed by the assembly. When public members are appointed, the assembly shall consider obtaining the broadest possible representation of members with knowledge of the values, functions and uses of wetlands, such as fish or wildlife biology, geology, hydrology, land use planning, and engineering. Appointments to fill vacancies shall be for the unexpired term only.~~

~~49.10.730 Term of office.~~

~~Members shall be appointed for staggered terms of three years.~~

~~**49.10.740 Quorum.**~~

~~The presence of five members constitutes a quorum. Except as authorized by Charter Section 3.16(c), any action of the board requires five or more affirmative votes to be approved.~~

~~**49.10.750 Officers.**~~

~~The wetlands review board shall elect a chair to conduct the meetings of the board and a vice chair to serve in the absence of the chair, provided the chair and vice chair shall not be members of the commission.~~

~~**49.10.760 Unexcused absences.**~~

~~If a member without first being excused for good cause by the wetlands review board misses three consecutive regular meetings, that member's position shall become vacant without action by the board. The wetlands review board or its chair shall immediately inform the assembly of the vacancy.~~

~~**49.10.770 Meetings.**~~

~~(a) Regular meetings. The wetlands review board shall hold one regular meeting each month as necessary to conduct board business.~~

~~(b) Special meetings. The wetlands review board may hold special meetings upon the call of the chair or any two members. At least 24 hours before the meeting, personal notice shall be given to each board member designating the time, place, and purpose of the special meeting, or written notice shall be left at each member's usual place of residence. At least 24 hours before the meeting, copies of the notice shall also be~~

~~delivered to the newspapers of general circulation in the municipality and to the commercial radio and television stations operating in the municipality.~~

~~(c) Public notice. No business may be transacted at any special meeting except as stated in the notice of the meeting. All meetings of the wetlands review board shall be publicly noticed in the same manner as other City and Borough boards and commissions, and shall be conducted in accordance with the Alaska Open Meetings Act.~~

~~49.10.780 Record of meetings.~~

~~Minutes all meetings shall be kept and shall be a public record. All records of the wetlands review board are public records and must be available to the public in the same manner as other City and Borough records, provided that upon request of a business, person or other entity working with the wetlands review board, proprietary information in any application or report of that business, person or entity presented to the wetlands review board shall be kept confidential by the wetlands review board to the extent allowed by AS 09.23.110 and AS 09.23.120, or other applicable law. Information to be maintained as confidential must be specified and marked as "confidential" by the business, person, or other entity.~~

~~49.10.790 Rules of procedure.~~

~~Meetings shall be conducted under Robert's Rules of Order and such additions or amendments to the rules as may be adopted by the wetlands review board.~~

Section 3. Amendment of Chapter. Chapter 49.70 is amended by repealing and reserving Article X:

ARTICLE X. <u>RESERVED.</u> ~~WETLANDS MANAGEMENT~~

~~49.70.1000 Purpose.~~

~~(a) This article establishes the standards of the Juneau Wetlands Management Plan as enforceable policies of the Juneau Coastal Management Program. These standards shall be used by the City and Borough wetlands review board in making local wetlands permitting decisions, and by the director in rendering the City and Borough's response on coastal management consistency determinations coordinated by the state for projects requiring a permit from the U.S. Army Corps of Engineers for discharge of dredged or fill material into waters of the United States.~~

~~(b) A wetlands permit is established for review and approval of development activities proposed on Category C and D wetlands and enhancement activities proposed on Category EP wetlands, as designated in the Juneau Wetlands Management Plan and in the general permit issued by the U.S. Army Corps of Engineers and administered by the City and Borough. Development activities covered by the wetlands permit include residential, commercial, industrial, transportation and public use activities that involve the mechanical clearing, excavating, or discharge of dredged or fill material on wetlands.~~

~~49.70.1055 Maps.~~

~~(a) The Category A, B, C, D and EP wetlands of the City and Borough are mapped in the Juneau Wetlands Management Plan Atlas, dated May 1994, and in the general~~

~~permit issued by the U.S. Army Corps of Engineers and administered by the City and Borough.~~

~~(b) The determinations as to whether a land parcel is within a wetland unit classified as Category C, D, or EP and is, therefore, subject to a wetlands permit shall be made by the department. The department may request additional information from the permit applicant to aid in the determination. The department will provide a copy of its determination to the applicant and the U.S. Army Corps of Engineers. The department's determination will be subject to review, modification or revocation by the U.S. Army Corps of Engineers. The department will proceed with the wetlands permit process for wetland units classified as Category C, D, or EP unless and until it receives notice from the U.S. Army Corps of Engineers that the department's determination was in error.~~

~~49.70.1060 Jurisdiction of wetlands permit.~~

~~The wetlands permit applies to development activities requiring mechanical clearing, excavating or placement of dredged or fill material on Category C and D wetlands, and enhancement activities on Category EP wetlands, with the following exceptions:~~

~~(1) Nationwide permits. If the activity proposed by the applicant is covered by a nationwide permit issued by the U.S. Army Corps of Engineers, no wetlands permit from the City and Borough will be required provided the activity is conducted in compliance with the requirements of the nationwide permit.~~

~~(2) Excluded activities. The following activities cannot be permitted under a wetlands permit issued by the City and Borough: placement of dredged or fill material in waters of the United States for purposes of heavy industry, dry cleaning operations,~~

~~hazardous waste disposal, battery transfer yards, commercial auto repair garages, and fuel storage sites. These activities, in order to be undertaken, must be authorized by a permit issued by the U.S. Army Corps of Engineers.~~

~~49.70.1065 Permit review procedure.~~

~~(a) Wetlands permits shall be reviewed by the wetlands review board as follows:~~

~~(1) Submittal. An application for a wetlands permit must be filed with the department and must include the required application fee. The application must contain a description of the location, the proposed activity, and the purpose and need for the project. The project description must include quantities of fill material, acreage of disturbed surface area, measures that the applicant proposes to take to comply with the standards of section 49.70.1080, source of fill and any off-site disposal locations. The application must include a site plan and narrative description.~~

~~(2) Director action. Upon a determination by the director that the application is complete, the director shall schedule the application for wetlands review board action at the next regular meeting. Public notice shall be provided as required in section 49.15.230. Copies of the application shall be distributed to the state and federal resource agencies and members of the public who submit a general request for the opportunity to review and comment on wetlands permit applications.~~

~~(3) Staff report. The department's report to the wetlands review board presented at the meeting will include the following:~~

~~(A) Information, regarding the project, the management designation for the wetland unit under the Juneau Wetlands Management Plan, the applicability~~

~~of the shoreline corridor designation rules and the residential road corridor designation rules to the wetland unit, and the applicability of the policies of the Juneau Coastal Management Program;~~

~~(B) An assessment of how the project meets the standards of section 49.70.1080, including:~~

~~(i) Any new information regarding the wetland functions listed in the Juneau Wetlands Management Plan and practicable alternatives to the proposed wetlands development;~~

~~(ii) For Category C wetlands, recommendations for maintaining high or medium high individual wetland functional values either on-site or off-site, to the extent feasible and prudent;~~

~~(iii) Recommended project modifications or best management practices to avoid or minimize project impacts on wetland acreage and values; and~~

~~(iv) Recommended restoration, rehabilitation or compensation as required under the standards of section 49.70.1080, including any proposed use of the mitigation bank for compensation;~~

~~(C) An estimate of cumulative changes in both function and acreage of the City and Borough wetlands base as a result of the project and any related mitigation. The estimate of cumulative changes will be primarily based on the information regarding individual wetlands functions included in the Juneau Wetlands Management Plan.~~

~~(D) A recommendation to the wetlands review board for approval of the project with or without specified conditions, or a recommendation for denial. A recommendation for denial of a permit may be based on available practicable~~

~~alternatives, or inability to mitigate against loss of wetland functions and values, as required under the standards set forth in section 49.70.1080.~~

~~(4) Wetlands review board action. The wetlands review board will evaluate the application for compliance with the standards of section 49.70.1080. The wetlands review board will presume that there is no less damaging practicable alternative site for the proposed development. This presumption will be evaluated in the department's report, and may be reversed by the wetlands review board on consideration of the information presented during the permit review process. The wetlands review board may grant a wetlands permit as described in the original permit application or with conditions necessary for compliance with the standards of section 49.70.1080. The wetlands review board may require that the applicant submit revised plans, narratives and other information, which reflect the conditions applied by the wetlands review board, prior to issuance of the permit. The wetlands review board will make a final decision on a permit no later than 60 days after the director determines that the application is complete. The director shall issue a wetlands permit in accordance with wetlands review board action on the application.~~

~~(5) Temporary emergency permit. In cases where there is an imminent threat to life or severe loss of property, the director may issue a temporary emergency wetlands permit without action of the wetlands review board. The permit may include conditions necessary to ensure compliance with the standards of section 49.70.1080. The permit shall be in effect only until the next regular meeting of the wetlands review board, when formal action on the permit application can be taken.~~

~~**49.70.1070 Permit expiration.**~~

~~A wetlands permit shall expire 18 months after issuance if no associated building permit, right-of-way permit, or similar permit for construction has been issued and substantial construction progress pursuant thereto made, unless otherwise specified in the wetlands permit or unless the permit is extended by the wetlands review board under section 49.70.1075. The permittee shall restore the site to pre-project conditions upon expiration of a wetlands permit.~~

~~**49.70.1075 Permit extension.**~~

~~Upon an application submitted at least 30 days before the expiration of a wetlands permit, the wetlands review board shall hold a hearing to consider whether the permit should be extended. At least ten days prior to the hearing, notice of such hearing shall be mailed to the property owners of record adjacent to the land included in the application and at least two days prior to the hearing, a general notice thereof, shall be printed in a newspaper of general circulation in the City and Borough. At the hearing, the burden of proof for the justification for a permit extension shall rest with the applicant. Upon written findings that the applicant's burden has been met, the wetlands review board may grant an extension not to exceed 18 months, but shall not delete from, amend or add to the conditions contained in the permit. Upon written findings that the applicant's burden has not been met, or that the conditions contained in the permit should be changed, or both, the wetlands review board shall deny the application, and the applicant may submit the entire project, including the previously authorized use, to a review by the wetlands review board as though it were a new application. A new application fee will be assessed for a permit extension. The wetlands review board may grant no more than one permit extension, the maximum duration of which shall be 18 months.~~

~~49.70.1080 Standards for review of wetlands permits.~~

~~(a) The standards set forth in this section will be applied by the wetlands review board in its review and approval of wetland permits. These standards will also be applied by the director to wetland development activities not covered by the general permit, through the coastal management consistency process coordinated by the state for projects requiring dredge and fill permits from the U.S. Army Corps of Engineers.~~

~~(b) The standards for review of wetlands permits are as follows:~~

~~(1) All individual wetlands will be managed in accordance with the wetland management designations presented in the charts and maps in the Juneau Wetlands Management Plan, the shoreline corridor designation rules, and the residential road corridor designation rules described in subsections (b)(5) and (6) of this section, respectively.~~

~~(2) Shoreline corridor designation rules and residential road corridor designation rules take precedence over the underlying wetland management designations presented in the Juneau Wetlands Management Plan.~~

~~(3) Shoreline corridor designation rules take precedence over the residential road corridor designation rules.~~

~~(4) Category A, B, C, D and EP wetlands will be managed according to the following management guidelines:~~

~~(A) Category A wetlands may be developed only if there is no net loss of individual functional values in the wetland unit. One environmental function cannot be substituted for another.~~

~~(B) Category B wetlands may be developed only if there is no net loss of aggregate functional values in the wetland unit. One environmental function can be~~

~~substituted for another. However, to the extent feasible and prudent, individual environmental functions that are rated high or medium high in the Juneau Wetlands Management Plan will be retained within the wetland unit.~~

~~(C) Category C wetlands may be developed if there is no net loss of aggregate functional values in the roaded area. To the extent feasible and prudent, individual environmental functions that are rated high or medium high in the Juneau Wetlands Management Plan will be retained either within or outside the wetland unit.~~

~~(D) Category D wetlands can be developed using best management practices. Project design and scheduling must minimize adverse impacts.~~

~~(E) Dedicated land refers to land that has special land use restrictions in addition to wetlands restrictions. Dedicated land includes city and state parks, state land, municipal rural reserves, and the Tongass National Forest. These lands are not generally available for development because of public ownership and associated restrictions. They have not been evaluated in the Juneau Wetlands Management Plan because their management has generally already been determined by the public agency that owns or manages the property. The Mendenhall Wildlife Refuge and all estuaries are in this category. Dedicated land is not available for general development.~~

~~(F) Enhancement potential (Category EP) wetlands are wetlands that have the highest potential for environmental enhancement. These are, in large part, wetlands that have been created or degraded by development. Enhancement may be required only if the wetland is publicly owned. Publicly owned~~

~~Category EP wetlands can only be used for enhancement projects, not for development.~~

~~(5) Shoreline corridor designation rules.~~

~~(A) For riverine wetlands (rivers), all catalogued anadromous fish streams shall have a 50-foot shoreline corridor on each side of the stream, measured from ordinary high water in the main channel. The 50-foot corridor shall be designated and managed as wetlands Category A. This rule applies only to wetlands adjacent to anadromous fish streams included in the "Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes," published by the state department of fish and game, and streams that were nominated for inclusion in the catalog as of October 31, 1991. The shoreline corridor extends upstream to the limit of anadromous fish use indicated in the catalog. Additional streams may be catalogued by the state department of fish and game subsequent to the approval of the Juneau Wetlands Management Plan. Once catalogued, these streams would also be subject to the shoreline corridor designation rules.~~

~~(B) For lacustrine wetlands (lakes), there shall be a 50-foot shoreline corridor measured from the ordinary high water of the shoreline. If the lacustrine wetland or adjacent palustrine wetland is designated Category A, then the 50-foot corridor shall be designated and managed as Category A. In all other cases, the corridor shall be designated and managed as Category B.~~

~~(C) Shoreline corridors, alongside lakes and anadromous fish streams take precedence over all other management categories and designations. For~~

~~example, if a shoreline corridor intersects a residential road corridor, the shoreline corridor would be the applicable wetlands classification.~~

~~(6) Residential road corridor designation rules. The residential road corridor designation rules allow residential development on certain palustrine (vegetated nontidal) Category A or B wetlands under the Category C guidelines. The rules apply only to residential parcels where public water is already provided, the parcel is already affected by development, the parcel is subdivided into small lots, and the parcels have been approved for application of the residential road corridor rule in the general permit issued by the U.S. Army Corps of Engineers. The rules allow residential development applications to be reviewed under Category C guidelines in cases where the residential parcel is in a development corridor served by public water utility lines and existing local access roads, and the property owner has no practicable upland alternative to wetlands development. Existing local access roads and public water utility lines mean those built as of October 31, 1991.~~

~~(A) Undeveloped palustrine wetland residential parcels with no practicable upland development alternative shall have a temporary, 100-foot Category C designation corridor measured from the road frontage right-of-way, unless there is no building site with less than 20 percent slope in the temporary corridor. In this case, the temporary corridor is extended into the individual parcel until a building site with less than 20 percent slope is located. The definition of a suitable building site will be determined by the wetlands review board in relation to the particulars of the application and the underlying land use classification zone. Once a fill permit is obtained, the temporary corridor~~

~~is eliminated, except for a designated "envelope" surrounding and equaling 30 percent of the fill footprint. Once the fill is completed, the temporary corridor reverts to the original wetlands management category, except that the 30 percent "envelope" remains.~~

~~(B) Developed palustrine residential parcels shall have a Category C designated envelope that is 30 percent larger than their existing fill footprint. For example, if the existing fill footprint is 1,000 square feet, then the existing fill could be expanded under the guidelines of a Category C wetland, only up to 300 square feet.~~

~~(C) Undeveloped residential parcels with an upland practicable alternative on the parcel shall retain their original designated management category. When a practicable alternative is available on the parcel, the development corridor is not available.~~

~~(7) Best management practices. Best management practices are required for development on any wetland. The conditions set forth in this subsection will be prescribed for all wetland developments. The wetlands review board may prescribe further conditions based on its analysis of individual projects for Category C and D wetlands and comments received during the wetlands permit review process.~~

~~(A) There shall be no work in the stream bed or that would adversely impact the stream during egg incubation or out-migration of salmon smolts.~~

~~(B) Filtration curtains shall be used to protect streams from turbidity due to adjacent soil disturbance activities.~~

~~(C) Existing wetlands vegetation shall be stripped in mats and repositioned over regraded soil.~~

~~(D) The amount of fill shall be restricted to the minimum amount necessary to achieve stated project purposes.~~

~~(E) Hydrology surrounding the discharge site shall be maintained with the use of culverts, if necessary. Activities shall not adversely impact adjacent wetlands by causing ponding, drainage, siltation or inadvertent fill.~~

~~(F) All discharge material shall be free from toxic pollutants in toxic amounts as defined by state law.~~

~~(G) Erosion at the construction site shall be controlled through revegetation and other appropriate means. Exposed soils shall be revegetated within one year.~~

~~(H) All work must be completed within three years of issuance of the wetlands permit.~~

~~(8) Mitigation. For each wetland unit, individual functions which have potential for high values as presented in the Juneau Wetlands Management Plan will be considered during review of a project. Any new information regarding the value of individual wetland functions will be evaluated and considered during the review of a project. Individual wetland functions may either be demonstrated to be less or more important than the data in the Juneau Wetlands Management Plan indicate. As wetlands are developed, some functions may become scarce, increase in value, and require special consideration during a project review.~~

~~(9) The following mitigation policies will apply to a development proposal that would be located in Category A or B wetlands and that requires City and Borough, state or federal permits:~~

~~(A) Avoid damage to the functional values by avoiding or relocating the development proposal.~~

~~(B) Where loss or damage to the functional values cannot be avoided, minimize loss or damage by limiting the degree or magnitude of the development and the actions associated with conducting the development.~~

~~(C) Where the loss of functional values cannot be minimized, restore or rehabilitate the wetland to its predisturbance condition, to the extent feasible and prudent.~~

~~(D) Where the loss of functional values at the development site is substantial and irreversible and cannot be avoided, minimized, or rectified, compensation for the loss of functional values are as follows:~~

~~(i) For Category A wetlands, the compensation actions must be in-kind and must be on-site, located as close as possible to the development site.~~

~~(ii) For Category B wetlands, the compensation actions may be in-kind or out-of-kind, provided the net aggregate values of the wetland unit are maintained. Compensation actions must occur on-site, located as close as possible to the development site.~~

~~(10) The following mitigation policies will apply to a development proposal that would be located in Category C or D wetlands and that requires City and Borough, state or federal permits:~~

~~(A) Based on the extensive analysis of land use alternatives conducted in the land use inventory for the Juneau Wetlands Management Plan, the wetlands review board will presume that there is no practicable alternative for developments proposed on Category C and D wetlands. This presumption is~~

~~rebuttable for individual projects, which means that the wetlands review board may still conclude that there is a practicable alternative based on its review of project-specific information during the permit review process.~~

~~(B) Where the development proposal is otherwise lawful and meets the requirements for a wetlands permit, minimize the loss of functional values by limiting the degree or magnitude of the development and the actions associated with conducting the development.~~

~~(C) Where the wetland loss cannot be reduced by minimizing the development, mitigate by restoring or rehabilitating the wetland to its predisturbance condition, to the extent feasible and prudent.~~

~~(D) Where the loss cannot be reduced by minimization and restoration/rehabilitation, mitigate by compensating for the loss as follows:~~

~~(i) For Category C wetlands, the form of compensation required will be selected on the basis of:~~

~~(1) Probability of success;~~

~~(2) Potential gain in functional values;~~

~~(3) Extent to which high and medium high functional values are retained; and~~

~~(4) Cost effectiveness.~~

~~(ii) In general, the order of preference for compensation for Category C wetlands is:~~

~~(1) On-site and in-kind;~~

~~(2) On-site and out-of-kind;~~

~~(3) Off-site and in-kind;~~

~~(4) Off-site and out-of-kind.~~

~~For small-scale developments (five acres or less), the mitigation bank may be used to meet this requirement.~~

~~(iii) For Category D wetlands, off-site compensatory mitigation is not required provided the minimization and restoration steps set forth above in subsections (b)(10)(B) and (C) of this section are followed and best management practices are employed.~~

~~(11) Some wetland units may receive a Category B designation for a portion of the unit and a Category C for the rest of the unit. If on-site mitigation is required as compensation for development within the Category B area of the wetland unit under subsection (b)(9)(D)(ii) of this section, the mitigation project should occur within the Category B wetland area unless:~~

~~(A) A suitable site or mitigation opportunity is not available within the Category B wetland area; or~~

~~(B) The same or greater environmental benefit could be gained with less expenditure by conducting a mitigation project with the Category C wetland area.~~

~~(12) General permit conditions. Development activities on Category C and D wetlands shall comply with the general and specific conditions listed in the general permit issued by the U.S. Army Corps of Engineers and administered by the City and Borough, and those conditions are deemed to be incorporated into any wetlands permit. A copy of these conditions will be provided to the applicant as part of the permit application materials and the wetlands permit.~~

~~**49.70.1085 Mitigation.**~~

~~(a) Mitigation strategy. In consultation with a working group comprised of state and federal resource agencies, the wetlands review board will develop a long-term, comprehensive wetlands mitigation strategy. The goal of the strategy will be to create the greatest environmental benefit for each mitigation expenditure. The strategy will include:~~

~~(1) Restoration and enhancement objectives with consideration to historical losses of wetland acreage and functional values;~~

~~(2) Suitable mitigation sites based on the degree and type of wetlands degradation at each site and opportunities for obtaining the site for the mitigation bank;~~

~~(3) Appropriate and feasible mitigation projects for each identified site;~~

~~(4) Individual functional values that can be recreated at each site with a high probability of success; and~~

~~(5) Restoration and enhancement opportunities outside the proposed mitigation bank sites.~~

~~(b) Mitigation bank. A mitigation bank will be established to provide mitigation bank credit to satisfy compensation requirements for certain developments in Category C wetlands. Detailed procedures for the mitigation bank will be established by ordinance at a later date. In the interim, the wetlands review board will consider and require mitigation which meets the standards of section 49.70.270 on a case-by-case basis, when wetlands permits are issued.~~

~~**49.70.1090 Reports on general permit administration.**~~

~~(a) The department shall prepare and submit quarterly reports to the U.S. Army Corps of Engineers regarding the implementation of the general permit. The quarterly reports shall compile information on wetlands permits issued by the City and Borough under the general permit and shall include copies of all applications and wetlands permits.~~

~~(b) The department shall submit an annual report to the U.S. Army Corps of Engineers that includes the total acreage permitted for discharge of dredged and fill material, the number of permits granted, the average permit processing time, and enforcement activities.~~

~~**49.70.1095 Plan amendments.**~~

~~(a) Amendments to the Juneau Wetlands Management Plan and this article may be initiated by the City and Borough as necessary to include new wetland areas into the plan, incorporate new information regarding wetland values, revise wetland unit classifications, revise or supplement the standards for issuance of permits, or make other changes necessary for the proper management of wetlands in the Juneau area. Amendments will be subject to a public hearing process, review by the wetlands review board and the planning commission, and review and approval by the assembly. Amendments will require approval of the Alaska Coastal Policy Council and the Federal Department of Commerce, Office of Ocean and Coastal Resources Management, as a change to the Juneau Coastal Management Program. The approval of the U.S. Army Corps of Engineers will also be required if the amendments affect wetlands covered under the general permit.~~

~~(b) The Juneau Wetlands Management Plan will be reviewed and updated every five years to respond to new data and to improve its implementation. The review will be conducted by the wetlands review board, with assistance from the department and oversight and participation by the state and federal resource agencies. Public and agency comments on the implementation of the plan and any suggested changes will be solicited. The review will commence in sufficient time to complete the review and recommendations prior to renewal of the general permit. The review will include information on the number of wetlands permits issued through the local wetland permit process and by the U.S. Army Corps of Engineers, the number of acres filled in Category A, B, C and D wetlands, loss of wetland functions and values, the status and implementation of the mitigation bank, and other information necessary to evaluate cumulative impacts, other requirements of the U.S. Army Corps of Engineers, and compliance with the requirements of the Alaska Coastal Management Program.~~

~~49.70.1097 Enforcement.~~

~~Enforcement procedures for wetlands permits are provided in sections 49.10.600 — 49.10.660. Local enforcement measures shall not supersede or replace the authority of the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency to enforce the Clean Water Act, including enforcement against unauthorized fills and violations of individual or general wetlands permits issued for discharges of dredged and fill material.~~

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

Adopted this ________ day of _______________________, 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Presented: 03/20/2023
Drafted by: S. Layne

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 3024

A Resolution in Support of the Alaska Department of Transportation and Public Facilities Southcoast Region's Funding Request from the Community Transportation Program for the Rehabilitation of Glacier Highway and Lemon Road.

WHEREAS, the Alaska Department of Transportation and Public Facilities sponsors the Community Transportation Program (CTP), a competitive surface transportation grant program soliciting community input, nominations, and project sponsorship; and

WHEREAS, the Alaska Department of Transportation and Public Facilities Southcoast Region is submitting an application for the rehabilitation of Glacier Highway and Lemon Road; and

WHEREAS, this worthwhile project would rehabilitate 1.6 miles of Glacier Highway and Lemon Road from milepost .015 to milepost 1.639 with new amenities and improvements including new pavement, adding luminaires on existing light poles, new street lighting, replacements and additions to sidewalks, culverts, curbs, and gutters, and four new Capital Transit bus shelters and improved turn-outs at existing bus stops; and

WHEREAS, this segment of Glacier Highway and Lemon Road is currently in a state of disrepair with distressed pavement surfaces, buckling sidewalks, potholes, and uneven shoulders, all of which create significant safety hazards for motorized and non-motorized users; and

WHEREAS, these roadways are in close proximity and serve a diverse representation of the Juneau community including residential neighborhoods, a robust array of businesses, federal lands, and a middle school; and

WHEREAS, these improvements will greatly benefit the community and make pedestrian, cycling, and motorized transportation safer and more efficient; and

WHEREAS, this project includes improvements to the Fred Meyer bus stop which is one of the most highly-used destinations on Capital Transit's route system; and

WHEREAS, the Ridgeview Subdivision Project is about to begin construction along a portion of Glacier Highway that envisions adding more than 400 apartments, which will necessitate and justify traffic improvements including a left-hand turn lane; and

WHEREAS, this project would replace culverts that are damaged and have contributed to flooding in the area, including but not limited to the December 2020 flood event that damaged homes and businesses in the area.

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

Section 1. The City and Borough of Juneau supports the Alaska Department of Transportation and Public Facilities Southcoast Region's application for CTP Grant Funding for the rehabilitation of Glacier Highway and Lemon Road.

Section 2. A successful application for and subsequent receipt of CTP Grant funds is an essential component of the budgetary planning and execution process for the Glacier Highway and Lemon Road Improvement Project.

Section 3. The City and Borough of Juneau encourages the CTP Statewide Project Evaluation Board to allocate funding to the Glacier Highway and Lemon Road Improvement Project to help make it possible for this important project to become a reality as soon as possible.

Section 4. **Effective Date.** This resolution shall be effective immediately after its adoption.

Adopted this _______ day of _______________________ 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: March 20, 2023
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA

SERIAL NUMBER T-1052

It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that $ 1,500,000 be transferred:

From: CIP

H51-108	Statter Harbor Improvements Phase III	($ 1,500,000)

To: CIP

H51-125	Aurora Harbor Improvements	$ 1,500,000

The $1,500,000 consists of:

General Funds	$ 1,500,000

Moved and Approved this______________day of _________________, 2023.

____
D. Rorie Watt, City Manager

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: March 20, 2023
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA

SERIAL NUMBER T-1053

It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that $2,200,000 be transferred:

From: CIP

U76-112	JDTP New Vactor Dump	($2,200,000)

To: CIP

U76-122	Outer Drive and West Juneau Lift Station Improvements	$2,200,000

The $2,200,000 consists of:

Temporary 1% Sales Tax	$2,200,000

Moved and Approved this __________ day of ____________, 2023.

D. Rorie Watt, City Manager

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: March 20, 2023
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA

SERIAL NUMBER T-1054

It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that $250,000 be transferred:

From: CIP

W75-061	Douglas Hwy Water – David to I St.	($250,000)

To: CIP

W75-074	Lead Water Service Line Inventory	$250,000

The $250,000 consists of:

Water Funds	$250,000

Moved and Approved this______________day of _________________, 2023.

____
D. Rorie Watt, City Manager

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

February 14, 2023

City and Borough of Juneau
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org

License Type:	Destination Resort-Seasonal	**License Number:**	6124
Licensee:	Goldbelt Aerial Tramway LLC		
Doing Business As:	The Tr'Ale House		
Premises Address	1800 Foot Level Mt Roberts Interpretive Shelter		

☒ **New Application**
☐ **Transfer of Location Application**
☐ **Transfer of Ownership Application**
☐ **Transfer of Controlling Interest Application**

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

February 21, 2023

City and Borough of Juneau
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org

License Type:	Recreational Site-Seasonal	**License Number:**	6112
Licensee:	Alaska Rainforest Sanctuary LLC		
Doing Business As:	Kawanti Adventures		
Premises Address	3000 Fish Creek Road		

☒ **New Application**
☐ **Transfer of Location Application**
☐ **Transfer of Ownership Application**
☐ **Transfer of Controlling Interest Application**

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

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Sincerely,

Joan M. Wilson

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THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

February 6, 2023

Juneau, City and Borough
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Beverage Dispensary	**License**	2728
Licensee:	Molly Ventures, Inc.		
Doing Business As:	McGivney's Sports Bar & Grill		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

February 3, 2023

Juneau, City & Borough
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Package Store	**License**	300
Licensee:	Statter Harbor Food and Fuel LLC		
Doing Business As:	DeHart's Grocery		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

February 3, 2023

Juneau, City & Borough
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Beverage Dispensary	**License**	1081
Licensee:	Shayz, LLC		
Doing Business As:	Squirez		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

February 17, 2023
City and Borough of Juneau
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org
Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Package Store	**License Number:**	176
Licensee:	Breeze-in Corporation		
Doing Business As:	Breeze-In Liquor		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

February 17, 2023
City and Borough of Juneau
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org
Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Package Store	**License Number:**	4543
Licensee:	Breeze-in Corporation		
Doing Business As:	Breeze-In Liquor		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

February 17, 2023
City and Borough of Juneau
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org
Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Package Store	**License Number:**	662
Licensee:	Breeze-in Corporation		
Doing Business As:	Douglas Island Breeze-In Liquor		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

February 8, 2023

Juneau, City and Borough
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Brewery	**License**	5524
Licensee:	Barnaby Brewing Company. LLC		
Doing Business As:	Barnaby Brewing Company		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

February 3, 2023

City and Borough of Juneau
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org;
di.cathcart@juneau.org

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Restaurant and Eating Place	**License Number:**	188
Licensee:	Bullwinkle's Inc		
Doing Business As:	Bullwinkle's Pizza		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Joan M. Wilson

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

January 23, 2023

Juneau, City and Borough
Via email: mcb_notice@juneau.org

10266	Standard Marijuana Cultivation Facility	THE FIREWEED FACTORY LLC	Juneau (City and Borough of)
10270	Standard Marijuana Cultivation Facility	TOP HAT, LLC	Juneau (City and Borough of)
10271	Marijuana Product Manufacturing Facility	TOP HAT CONCENTRATES, LLC	Juneau (City and Borough of)
10800	Retail Marijuana Store	THE FIREWEED FACTORY LLC	Juneau (City and Borough of)
11384	--------------------------SURRENDERED LICENSE-------------------- Standard Marijuana Cultivation Facility	GREEN ELEPHANT, LLC	Juneau (City and Borough of)
11605	Standard Marijuana Cultivation Facility	STONED SALMON FARMS	Juneau (City and Borough of)
12176	Standard Marijuana Cultivation Facility	TAKU HORTICULTURE COMPANY, LLC	Juneau (City and Borough of)
13279	Retail Marijuana Store	THE MASON JAR LLC	Juneau (City and Borough of)
16213	Retail Marijuana Store	ALASKAN KUSH COMPANY	Juneau (City and Borough of)
25190	Retail Marijuana Store	Alaskan coffee pot	Juneau (City and Borough of)
27531	Standard Marijuana Cultivation Facility	Tree Logic	Juneau (City and Borough of)
28012	Retail Marijuana Store	THE MASON JAR LLC	Juneau (City and Borough of)

☒ License Renewal Application (no OCE in this list) ☐ Endorsement Renewal Application

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,

Joan M. Wilson

Joan M. Wilson, Director

Presented by: The Manager
Presented: 02/27/2023
Drafted by: B. Brown

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-02

An Ordinance Amending the Assessing Standards for the City and Borough of Juneau.

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

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

Section 2. Amendment of Section. CBJ Code 15.05.020 Assessment of property, is amended to read:

15.05.020 Assessment of property.

All taxable property in the City and Borough shall be assessed ~~uniformly within classifications and~~ at its full and true value in money as of January 1 of the assessment year. <u>Assessment at full and true value will be informed by knowledge of the local real estate market. To the extent practicable given the unique characteristics and prevailing circumstances in the City and Borough, the assessment at full and true value will be based on and reflect the Technical Standards of the Alaska Association of Assessing Officers (AAAO) and the International Association of Assessing Officers (IAAO).</u>

<u>State law reference—AS 29.45.110 Full and true value.</u>

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of _________________________, 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Presented: 02/27/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-09

An Ordinance Authorizing the Manager to Lease a 1.50 Acre Parcel of Land near 100520 Crazy Horse Drive at a Reduced Rate to Provide for the Southeast Alaska Food Bank Food Warehouse Expansion.

WHEREAS, the Southeast Alaska Food Bank ("Food Bank"), a non-profit organization, provides a food distribution system for service groups assisting the needy and homeless throughout Southeast Alaska; and

WHEREAS, the Food Bank has been operating on City and Borough of Juneau property at the same location under an existing lease since 2005, and expanded its leased area from .25 acres to .50 acres in 2015; and

WHEREAS, the Food Bank requests to lease an additional 1.0 acre for the purpose of increasing its food storage capacity and to help make it more sustainable for the future by building a new warehouse;

WHEREAS, the Food Bank will be responsible for obtaining all the necessary permits including those needed for filling any wetlands at this location; and

WHEREAS, CBJ 53.09.270(b) authorizes the lease of City and Borough of Juneau land "to a private, nonprofit corporation at less than the market value provided the disposal is approved by the assembly by ordinance, and the interest in land or resource is to be used solely for the purpose of providing a service to the public which is supplemental to a governmental service…"; and

WHEREAS, the Manager has determined that the annual market value for the entire 1.5 acres is $1,600 per month of which $800 is for the additional 1.0 acre; and

WHEREAS, the Lands Committee, at its meeting on January 17, 2023, passed a motion of support for the proposed lease to Southeast Alaska Food Bank.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Authorization. The Manager is authorized to lease a fraction of U.S. Survey 1041, comprising 1.50 acre, more or less, to Southeast Alaska Food Bank. The final lease shall be subject to the following essential terms and conditions:

(A) Term. The lease term shall be for a period of ten years, but may be terminated by the CBJ if, for any period or periods totaling more than 18 months, the property is not used for the authorized purpose, or as otherwise authorized by the lease agreement.

(B) Renewal Options. The lease term shall be renewable for two additional ten-year terms. If the lease is terminated prior to the complete lease term, a new ordinance is required to lease the property.

(C) Adjustment of Rental. The rent shall not be adjusted during the lease term unless authorized by ordinance.

(D) Use of Premises. The leased premises shall be solely used for a non-profit food warehouse to serve the needy and homeless.

(E) Hold Harmless. The lease agreement shall provide that Southeast Alaska Food Bank indemnify, defend and hold harmless the City and Borough of Juneau, its officers, volunteers, and employees for any claim related to or arising out of Southeast Alaska Food Bank's use, operation, or maintenance of the leased premises.

(F) Rent. Pursuant to CBJ 53.09.270(b), rent shall be $1.00 per year for the entire 1.50 acres, an amount less than the fair market value. The Assembly finds that the proposed use is for the purpose of providing a service to the public which is supplemental to a governmental service or is in lieu of a service which could or should reasonably be provided by the State or the City and Borough.

(G) Other terms and conditions. The Manager may include other lease terms and conditions as the Manager determines to be in the public interest.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

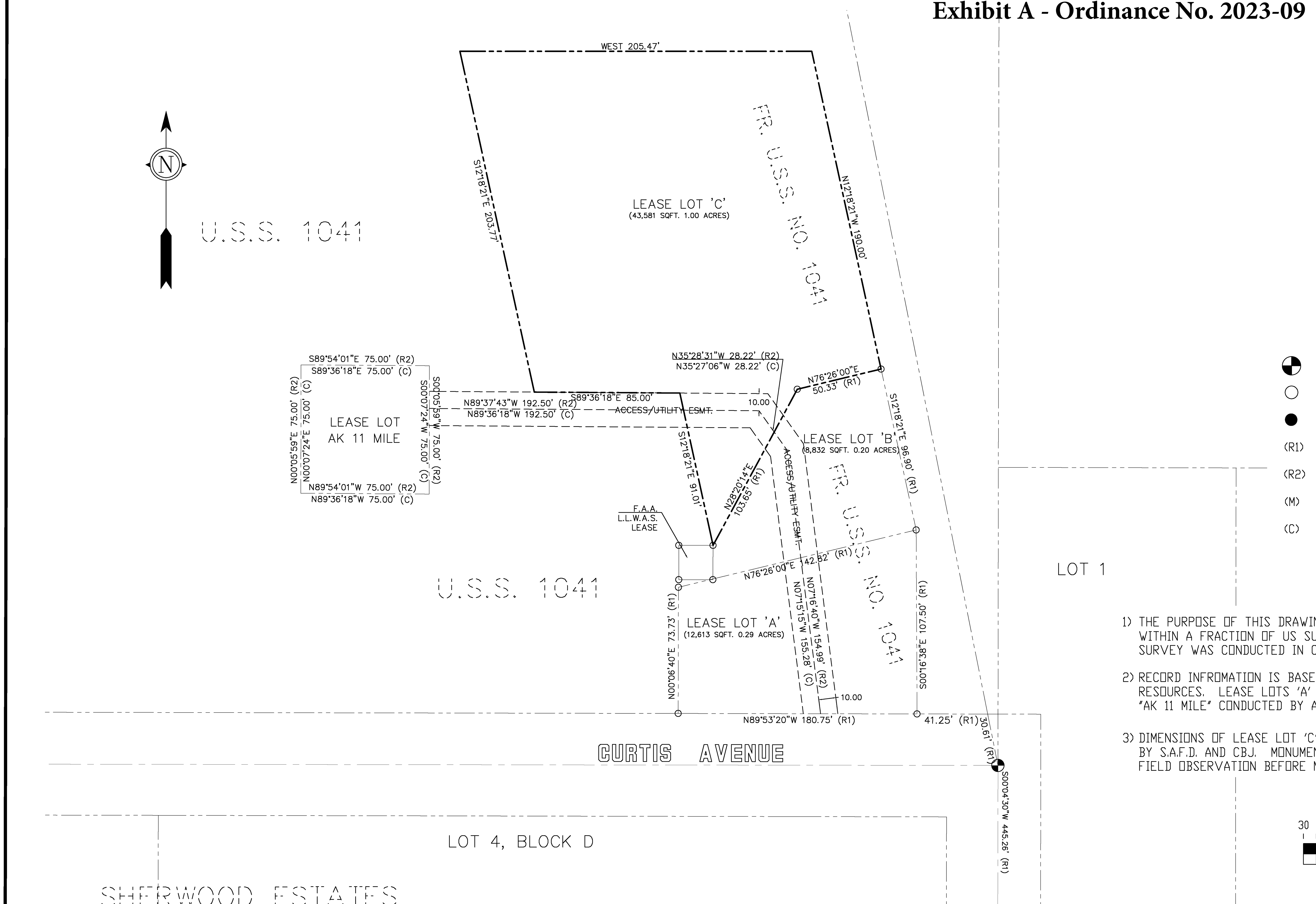
Adopted this ________ day of ________________________, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Exhibit A - Ordinance No. 2023-09



VICINITY MAP

LEGEND

- PRIMARY MONUMENT (FROM PREVIOUS SITE PLANS)
- SECONDARY MONUMENT (FROM PREVIOUS SITE PLANS)
- SECONDARY MONUMENT (SET)
- (R1) RECORDED DATA (PER DOWL 2015)
- (R2) RECORDED DATA (PER ACUTEK 2019)
- (M) MEASURED DATA
- (C) COMPUTED DATA

NOTES

1) THE PURPOSE OF THIS DRAWING IS TO ESTABLISH A NEW LEASE BOUNDARY WITHIN A FRACTION OF US SURVEY 1041 AS SHOWN (LEASE LOT C). NO FIELD SURVEY WAS CONDUCTED IN CONJUNCTION WITH THIS DRAWING.

2) RECORD INFORMATION IS BASED ON "SITE PLANS" PROVIDED BY CBJ LANDS AND RESOURCES. LEASE LOTS 'A' & 'B' CONDUCTED BY DOWL IN 2015, AND LEASE "AK 11 MILE" CONDUCTED BY ACUTEK GEOMATICS LLC IN 2019.

3) DIMENSIONS OF LEASE LOT 'C' WERE CALULATED USING "SITE PLANS" PROVIDED BY S.A.F.D. AND CBJ. MONUMENTATION AND DIMENSIONS SHOULD BE VERIFIED BY FIELD OBSERVATION BEFORE MONUMENTING THE NEW LEASE LOT 'C'.

30 15 0 30 60 90 120

SCALE IN FEET

NORTH 57 LAND SURVEYING LLC

(907) 747-6700 215-F SMITH STREET, SITKA, AK
8800 GLACIER HWY, SUITE 224 1/2, JUNEAU, AK 99801
MAILING ADDRESS - 2007 CASCADE CREEK ROAD, SITKA, AK 99835
EMAIL: north57landsurveying@yahoo.com

BY	DATE	REV	DESCRIPTION OF CHANGE

RECORD OF REVISIONS

STATE OF ALASKA 49TH KELLY J. O'NEILL #LS 13321 REGISTERED PROFESSIONAL LAND SURVEYOR

DRAWN: SO/ACAD
CHECKED: KO
DATE OF PLAT: OCTOBER 19, 2022
SCALE: 1" = 30'
DRAWING NAME: 40412-01
PROJECT NO. 40423-01-00

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN OCT. 2022 A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE ____________ KELLY O'NEILL LS 13321

LEASE BOUNDARY

LEASE LOT 'C'
FR. U.S. SURVEY NO. 1041 (J.R.D.)
JUNEAU, AK 99801

CLIENT: SOUTHEAST ALASKA FOOD BANK (CHRIS SCHAPP)

SHEET 1 OF 1

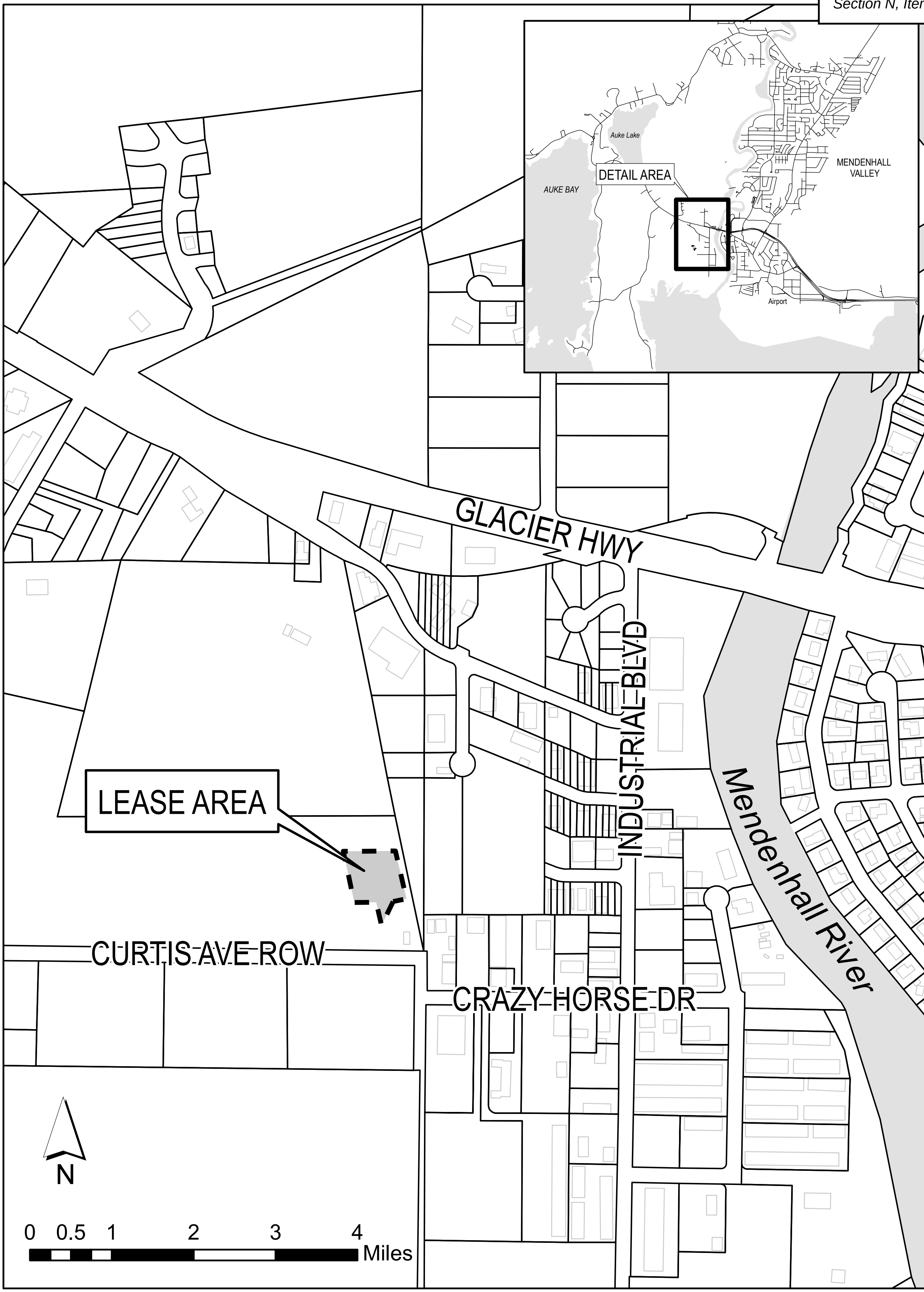


Exhibit A - Ordinance No. 2023-09

Presented by: The Manager
Presented: 02/27/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-11

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Indian Village, Blocks 3 & 4, Kasaan City, Lot 2, and Tidelands Addition to the City of Juneau, Block 68, Lots 1, 2, 3, 4, 5, 6, and 12FR, from Mixed Use 2 (MU2) to Mixed Use (MU).

WHEREAS, the area of the proposed rezone to Mixed Use zoning, located in the northeast section of the Aak'w Kwan District, is currently zoned as MU2; and

WHEREAS, the CBJ Comprehensive Plan maps this area for Traditional Town Center and Capital Complex; and

WHEREAS, the proposed rezone conforms to the Traditional Town Center and Capital Complex designations; and

WHEREAS, the proposed rezone has been determined compatible with nearby MU and MU2 lots; and

WHEREAS, the proposed rezone provides for mixed-use high density residential and commercial development.

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 to the Official Zoning Map. The official zoning map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of:

> Indian Village, Blocks 3 & 4, Kasaan City, Lot 2, and Tidelands Addition to the City of Juneau, Block 68, Lots 1, 2, 3, 4, 5, 6, and 12FR, Juneau Recording District, and located on or near the Willoughby District, from Mixed Use 2 (MU2) to Mixed Use (MU).

The described rezone is shown on the attached Exhibit "A" illustrating the area of the proposed zone change.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ________________________, 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

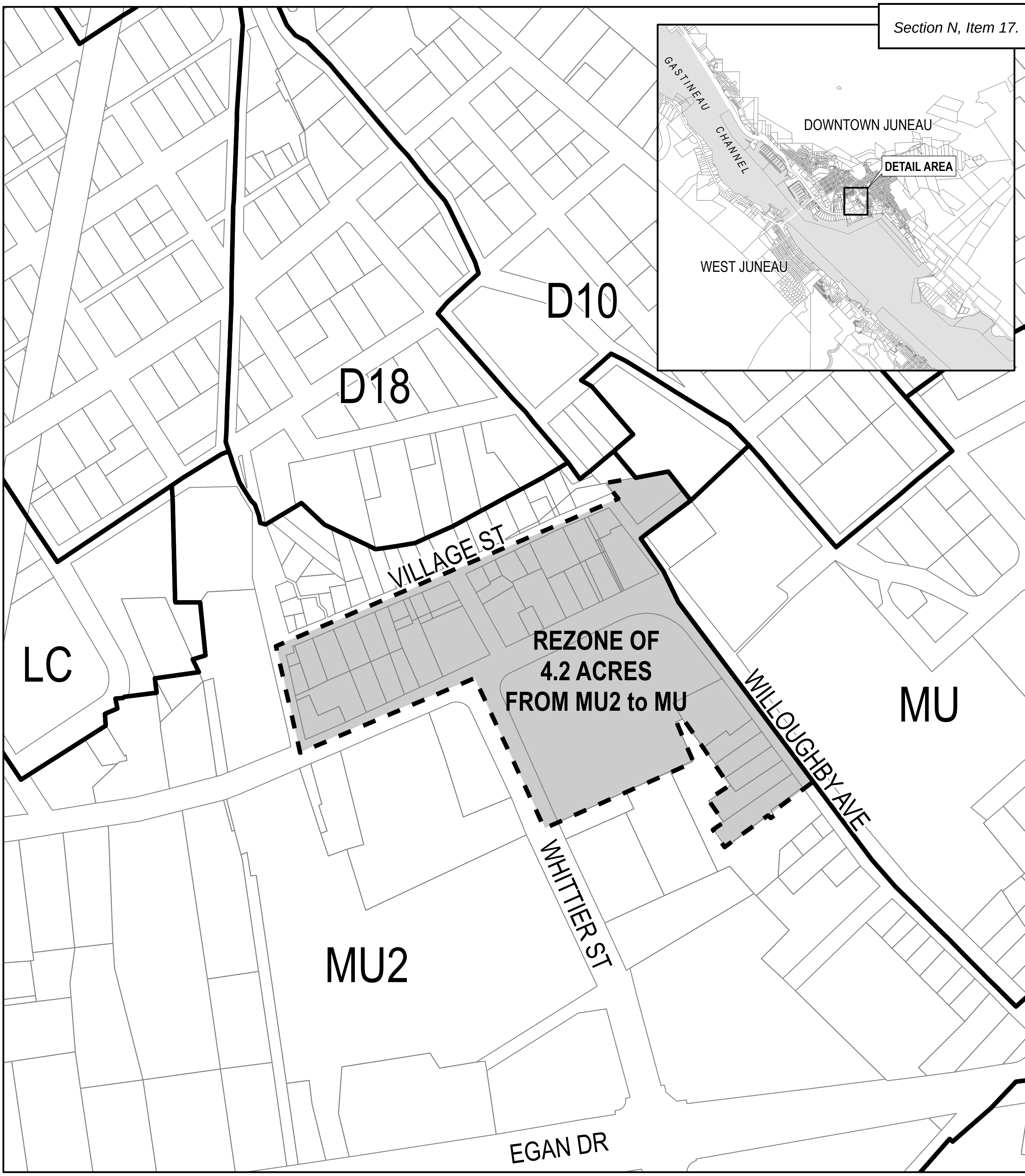


Exhibit A - Ordinance No. 2023-11

Zone Change for
portions of the Aak'w Kwaan District
from MU2 to MU

CDD Case: AME20220006

0 125 250
Feet

NORTH

Map created: 1/5/2023 Revised:2/15/2023

Project source: P:\quinn\Projects\CDD\zoning_ordinance_...mxd

Presented by: The Manager
Presented: 02/27/2023
Drafted by: S. Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-10

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Tidelands Addition to the City of Juneau, Block 68, Lot 8 Fractions, Lots 9, 10, 11, 12 Fraction, 12A, 13, and 14 Fraction; Tidelands Addition to the City of Juneau, Block 74, Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9; Tidelands Addition to the City of Juneau, Block 75, Lot A; Juneau Subport Lot A, and USS 3566, Lot 3 Fraction and 2A Fraction; from Mixed Use 2 (MU2) to Mixed Use (MU).

WHEREAS, the area of the proposed rezone to Mixed Use zoning, located in the southheast section of the Aak'w Kwan District, is currently zoned as MU2; and

WHEREAS, the CBJ Comprehensive Plan maps this area for Traditional Town Center and Capital Complex; and

WHEREAS, the proposed rezone conforms to the Traditional Town Center and Capital Complex designations; and

WHEREAS, the proposed rezone has been determined compatible with nearby MU and MU2 lots; and

WHEREAS, the proposed rezone provides for mixed-use high density residential and commercial development.

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 to the Official Zoning Map. The official zoning map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of:

Tidelands Addition to the City of Juneau, Block 68, Lot 8 Fractions, Lots 9, 10, 11, 12 Fraction, 12A, 13, and 14 Fraction; Tidelands Addition to the City of Juneau, Block 74, Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9; Tidelands Addition to the City of Juneau, Block 75, Lot A; Juneau Subport Lot A, and USS 3566, Lot 3 Fraction and 2A Fraction, Juneau Recording District, and located on or near the Willoughby District, from Mixed Use 2 (MU2) to Mixed Use (MU).

The described rezone is shown on the attached Exhibit "A" illustrating the area of the proposed zone change.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ________ day of ________________________, 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

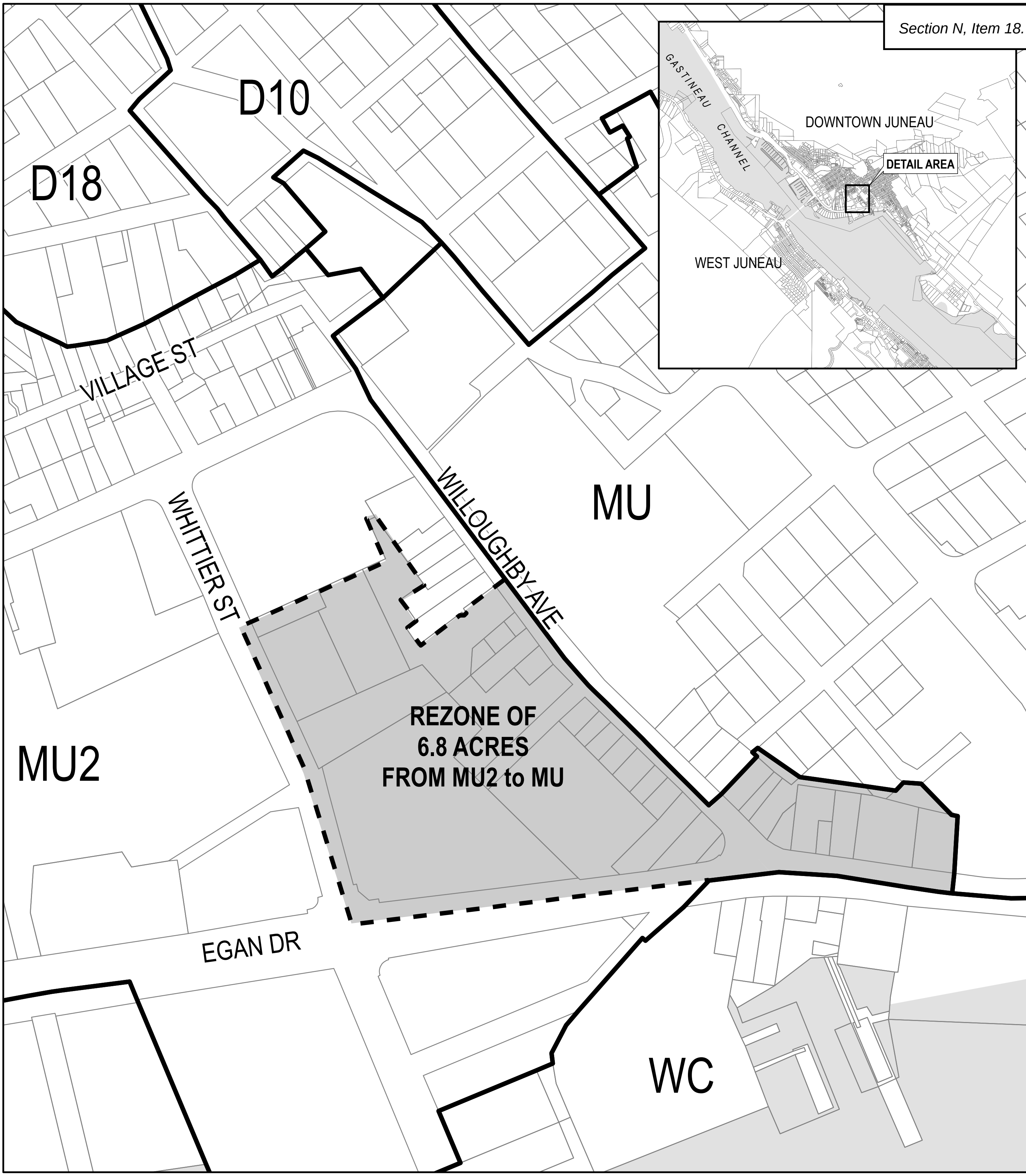


Exhibit A - Ordinance No. 2023-10

Zone Change for
portions of the Aak'w Kwaan District
from MU2 to MU

CDD Case: AME20220008

0 125 250 Feet

NORTH

Map created: 1/5/2023 Revised 2/15/2023

Project source: P:\quinn\Projects\CDD\zoning_ordinance

Presented by: The Manager
Introduced: January 30, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-06(b)(AI)

An Ordinance Appropriating $450,000 to the Manager for the Airport Furniture Acquisition Capital Improvement Project; Funding Provided by Airport CARES Act Funding.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $450,000 for the Airport Furniture Acquisition Capital Improvement Project (A50-109).

Section 3. Source of Funds

Airport CARES Act Funding	$450,000

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: February 27, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-06(b)(AJ)

An Ordinance Appropriating $5,000,000 to the Manager for the Capital Civic Center Capital Improvement Project; Funding Provided by General Funds and Hotel-Bed Tax Funds.

WHEREAS, this appropriation is intended to leverage grant funding and should not be expended until such time as sufficient grant funding is secured for the project that would require local matching funds in the amount of this appropriation.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $5,000,000 for the Capital Civic Center Capital Improvement Project (D12-051).

Section 3. Source of Funds

General Funds	$2,500,000
Hotel-Bed Tax Funds	$2,500,000

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: February 27, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-06(b)(AM)

An Ordinance Appropriating $2,000,000 to the Manager for the Aurora Harbor Improvements Capital Improvement Project; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $2,000,000 for the Aurora Harbor Improvements Capital Improvement Project (H51-125).

Section 3. Source of Funds

Alaska Department of Transportation and Public Facilities	$2,000,000

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: February 27, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-06(b)(AN)

An Ordinance Appropriating $31,500 to the Manager as Funding for Phase 2 of a Building Survey and Inventory of the Juneau Townsite Historic Neighborhood; Grant Funding Provided by the Alaska Department of Natural Resources.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $31,500 as funding for Phase 2 of a building survey and inventory of the Juneau Townsite Historic Neighborhood.

Section 3. Source of Funds

Alaska Department of Natural Resources	$31,500

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

PORT REVENUE BONDS, 2023

Serial No. 2023-12

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF PORT REVENUE BONDS IN ONE OR MORE SERIES IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $5,100,000; PROVIDING FOR THE FORM AND TERMS OF THE BONDS; PROVIDING A METHOD OF PAYMENT THEREFOR; AND RESERVING THE RIGHT TO ISSUE REVENUE BONDS ON A PARITY WITH THE BONDS UPON COMPLIANCE WITH CERTAIN CONDITIONS.

Approved: March 20, 2023

Prepared By:

K&L GATES LLP
Seattle, Washington

City and Borough of Juneau, Alaska
Ordinance Serial No. 2023-12
Table of Contents*

* This Table of Contents and the cover page are for convenience of reference and are not intended to be a part of this ordinance.

Presented by: The Manager
Introduced: 02/27/23
Drafted by: Bond Counsel

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-12

An Ordinance Providing for the Issuance and Sale of Port Revenue Bonds in one or more series in the Aggregate Principal Amount of Not to Exceed $5,100,000; Providing for the Form and Terms of the Bonds; Providing a Method of Payment Therefor; and Reserving the Right to Issue Revenue Bonds on a Parity with the Bonds upon Compliance with Certain Conditions.

WHEREAS, the City and Borough of Juneau, Alaska (the "City and Borough") maintains public facilities for the transfer of tourists visiting the City and Borough and a system of wharves and public parks; and

WHEREAS, certain of those facilities are in need of expansion and improvement (the "Project"); and

WHEREAS, the City and Borough is authorized by its Home Rule Charter to issue revenue bonds for capital project purposes without a vote of the electors; and

WHEREAS, the City and Borough has outstanding its Port Revenue Bond, 2014A (Non-AMT), currently outstanding in the principal amount of $4,590,000 (the "2014A Bond"), issued pursuant to Ordinance Serial No. 2014-01 of the City and Borough adopted January 6, 2014, and Resolution No. 2676 adopted on January 27, 2014 (together, the "2014A Bond Ordinance"); and

WHEREAS, the City and Borough has outstanding its Port Revenue Refunding Bond, 2021 (AMT Forward Delivery), currently outstanding in the principal amount of $12,505,000 (the "2021 Bond," and together with the 2014 Bond, the "Outstanding Parity Bonds"), issued pursuant to the 2014A Bond Ordinance, as amended by Ordinance Serial No. 2015-11 adopted on March 16, 2015 and Resolution No. 2709 adopted on April 27, 2015, and by Ordinance Serial No. 2020-21 of the City and Borough adopted on May 18, 2020, as amended by Ordinance Serial No. 2021-15 adopted on April 26, 2021, and Resolution No. 2952 adopted on May 24, 2021 (collectively, the "2021 Bond Ordinance," and together with the 2014A Bond Ordinance, the Outstanding Parity Bond Ordinances); and

WHEREAS, the Outstanding Parity Bond Ordinances authorize the Port to issue revenue bonds on a parity of lien with the Outstanding Parity Bonds upon compliance with the terms and conditions set forth in the Outstanding Parity Bond Ordinances, and said conditions will be met with respect to the bonds authorized herein; and

WHEREAS, the bonds herein authorized will be payable from certain fees imposed upon users of the City and Borough's ports and harbors (hereinafter defined as "Port Development Fee Revenues"); and

WHEREAS, the Finance Director will hold a public hearing on the issuance of any series of the bonds herein authorized that will be private activity bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the Assembly has determined to delegate to the City and Borough Representative (as defined below) certain matters relating to the manner and timing of sale of the Bonds; and

WHEREAS, the Assembly finds that it is in the best interest of the City and Borough to sell the bonds in the aggregate principal amount of not to exceed $5,100,000 herein authorized in one or more series as authorized by this ordinance;

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Definitions. As used in this ordinance, unless a different meaning clearly appears from the context:

Accreted Value means with respect to any Capital Appreciation Bonds, as of any date of calculation, the sum of the amount set forth in the proceedings authorizing their issuance as the amount representing the initial principal amount of such Capital Appreciation Bonds plus the interest accumulated, compounded and unpaid thereon as of the most recent compounding date. The Accreted Value shall be determined in accordance with the provisions of the ordinance authorizing the issuance of such Balloon Maturity Bonds.

Annual Debt Service means the total amount of Debt Service for any Parity Bond or series of Parity Bonds or other evidences of indebtedness payable from Port Development Fee Revenues in any fiscal year or Base Period.

Assembly means the Assembly of the City and Borough of Juneau as the same shall be duly and regularly constituted from time to time.

Balloon Maturity Bonds means any evidences of indebtedness of the City and Borough payable from Port Development Fee Revenues which are so designated in the proceedings pursuant to which such indebtedness is incurred.

Base Period means each of the two most recently completed fiscal years for which audited financial statements are available within the 36-month period immediately preceding the date of issuance of an additional series of Future Parity Bonds.

Bond Purchase Contract means, if the Bonds of a series shall be sold by Private Placement, the purchase contract or approved term sheet relating to such Bonds between the City and Borough and the Purchaser.

Bonds means the not to exceed $5,100,000 par value City and Borough of Juneau, Alaska, Port Revenue Bond, 2023[A/B][(AMT/Non-AMT)] authorized to be issued in one or more series pursuant to this ordinance.

Bond Bank means the Alaska Municipal Bond Bank, a public corporation and instrumentality of the State of Alaska, created pursuant to the provisions of Chapter 85, Title 44, Alaska Statutes, as amended.

Bond Bank Bonds means, if the Bonds of a series are sold to the Bond Bank, bonds to be issued by the Bond Bank to provide funds to be loaned to the City and Borough pursuant to the Loan Agreement.

Bond Bank Reserve Agreement means, if the Bonds of a series are sold to the Bond Bank, the Reserve Depositary Agreement, between the Bond Bank Trustee and the City and Borough.

Bond Bank Trustee means The Bank of New York Mellon Trust Company, N.A., as the trustee for the Bond Bank under the terms of the 2005 General Obligation Bond Resolution adopted by the Board of Directors of the Bond Bank on July 13, 2005 and shall include any successor thereto ad provided in said resolution.

Bond Fund means the "Port Revenue Bond Debt Service [Fund][Account]" maintained in the office of the Finance Director pursuant to this ordinance.

Bond Register means the registration books for the Bonds, maintained by the Bond Registrar, for the purpose of complying with the requirements of Section 149 of the Code and listing, inter alia, the names and addresses of all registered owners of the Bonds.

Bond Registrar means the Finance Director, for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, and paying the principal of and interest on the Bonds.

Capital Appreciation Bonds means any Future Parity Bonds all or a portion of the interest on which is compounded, accumulated and payable only upon redemption or on the maturity date of such Capital Appreciation Bonds. If so provided in the proceedings authorizing their issuance, Future Parity Bonds may be deemed to be Capital Appreciation Bonds for only a portion of their term. On the date on which Future Parity Bonds no longer are Capital Appreciation Bonds, they shall be deemed outstanding in a principal amount equal to their Accreted Value.

City and Borough means the City and Borough of Juneau, a municipal corporation organized and existing under the laws of the State of Alaska.

City and Borough Representative means the City Manager or such other official or employee of the City and Borough designated in writing by the City Manager.

City Manager means the city manager or interim city manager of the City and Borough.

Code means the United States Internal Revenue Code of 1986, as amended, together with all applicable rulings and regulations heretofore or hereafter promulgated thereunder.

Consultant means at any time an independent municipal financial consultant appointed by the City and Borough to perform the duties of the Consultant as required by this ordinance. For the purposes of delivering any certificate required by Section 15 hereof and making the calculation required by Section 15 hereof, the term Consultant shall also include any independent public accounting firm appointed by the City and Borough to make such calculation or to provide such certificate.

Credit Facility means any Qualified Letter of Credit or Qualified Insurance.

Debt Service means, for any period of time,

(1) with respect to any outstanding Capital Appreciation Bonds which are not designated as Balloon Maturity Bonds in the proceedings authorizing their issuance, the principal amount thereof shall be equal to the Accreted Value thereof maturing or scheduled for redemption in such period, and the interest payable during such period;

(2) with respect to any outstanding Fixed Rate Bonds, an amount equal to (A) the principal amount of such Fixed Rate Bonds due or subject to mandatory redemption during such period and for which no sinking fund installments have been established, (B) the amount of any payments required to be made during such period into any sinking fund established for the payment of any such Fixed Rate Bonds, plus (C) all interest payable during such period on any such outstanding Fixed Rate Bonds and with respect to Fixed Rate Bonds with mandatory sinking fund requirements, calculated on the assumption that mandatory sinking fund installments will be applied to the redemption or retirement of such Fixed Rate Bonds on the date specified in the proceedings authorizing such Fixed Rate Bonds; and

(3) with respect to all other series of Parity Bonds, other than Fixed Rate Bonds, Capital Appreciation Bonds, specifically including but not limited to Balloon Maturity Bonds and Parity Bonds bearing variable rates of interest, an amount for any period equal to the amount which would have been payable for principal and interest on such Parity Bonds during such period computed on the assumption that the amount of Parity Bonds as of the date of such computation would be amortized (i) in accordance with the mandatory redemption provisions, if any, set forth in the proceedings authorizing the issuance of such Parity Bonds, or if mandatory redemption provisions are not provided, during a period commencing on the date of computation and ending on the date 30 years after the date of issuance (ii) at an interest rate equal to the yield to maturity set forth in the 40-Bond Index published in the edition of *The Bond Buyer* (or comparable publication or such other similar index selected by the City and Borough) and published within ten days prior to the date of calculation or, if such calculation is being made in connection with the certificate required

by Section 15 hereof, then within ten days of such certificate, (iii) to provide for essentially level annual debt service of principal and interest over such period. Debt Service shall be net of any interest funded out of Bond proceeds. Debt Service shall include reimbursement obligations to providers of Credit Facilities to the extent authorized by ordinance or resolution.

Federal Tax Certificate means the certificate(s) executed on behalf of the City and Borough upon the issuance of the Bonds and including certain representations regarding the use and application of the Bond proceeds and the payment of rebatable arbitrage, if any, with respect to the Bonds.

Finance Director means the director of the finance department or interim director of the finance department of the City and Borough.

Fitch means Fitch Ratings, Inc., organized and existing under the laws of the State of Delaware, its successors and their assigns, and, if such organization shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, ***Fitch*** shall be deemed to refer to any other nationally recognized securities rating agency designated by the City Manager or his/her designee.

Fixed Rate Bonds means those Parity Bonds other than Capital Appreciation Bonds or Balloon Maturity Bonds issued under an ordinance in which the rate of interest on such Parity Bonds is fixed and determinable through their final maturity or for a specified period of time. If so provided in the proceedings authorizing their issuance, Parity Bonds may be deemed to be Fixed Rate Bonds for only a portion of their term.

Future Parity Bonds means any revenue bonds which the City and Borough may hereafter issue having a lien upon the Port Development Fee Revenues for the payment of the principal thereof and interest thereon equal to the lien of the Bonds upon the Port Development Fee Revenues.

Government Obligations means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America and bank certificates of deposit secured by such obligations.

Loan Agreement means, if the Bonds of a series are sold to the Bond Bank, the Loan Agreement(s) for the Bonds by and between the City and Borough and the Bond Bank authorized to be entered into pursuant to Section 9 of this ordinance.

Maximum Annual Debt Service means highest dollar amount of Annual Debt Service in any fiscal year or Base Period for all outstanding Parity Bonds and/or for all subordinate lien evidences of indebtedness secured by Port Development Fee Revenues, as the context requires.

Moody's means Moody's Investors Service, Inc., its successors and their assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, ***Moody's*** shall be deemed to refer to any other nationally recognized securities rating agency designated by the City Manager or his/her designee.

Outstanding Parity Bond Ordinances means, collectively, the 2014A Bond Ordinance and the 2021 Bond Ordinance.

Outstanding Parity Bonds means, collectively, the 2014A Bond and the 2021 Bond.

Parity Bonds means the Outstanding Parity Bonds, the Bonds and any Future Parity Bonds.

Parity Requirement means (i) historical Port Development Fee Revenues for the Base Period at least equal to or greater than 120% of Maximum Annual Debt Service for all Parity Bonds (including the Future Parity Bonds then proposed to be issued) or (ii) Port Development Fee Revenues, as adjusted by a Consultant, described in Section 15 of this ordinance, equal to at least 135% of Maximum Annual Debt Service for all Parity Bonds (including the Future Parity Bonds then proposed to be issued), commencing with the first fiscal year after the anticipated completion of the facilities to be financed with the proceeds of the Future Parity Bonds.

Port Development Fee Fund means the special fund or subaccount of the City and Borough into which all Port Development Fee Revenues are deposited as collected.

Port Development Fee Revenues means the port development fee imposed by Resolution No. 2552 of the Assembly and shall include any fees imposed by the City and Borough Assembly by ordinance or resolution to replace those specific fees.

Port Facilities mean the port facilities owned by the City and Borough and the facilities affected by the use of the harbors of the City and Borough.

Principal and Interest Account means the subaccount of that name created within the Bond Fund pursuant to Section 8 of this ordinance.

Private Placement means the process by which the Bonds of a series are sold by private placement to a Purchaser selected by the City and Borough Representative.

Project means the infrastructure and related capital improvements for the provision of shore power to cruise ships previously approved by the Assembly.

Project Fund means the fund or account into which certain net proceeds of the Bonds issued for the Project shall be deposited.

Purchaser means the initial purchasing entity or bank purchaser of the Bonds of a series if such Bonds are sold by Private Placement.

Qualified Insurance means any non-cancelable municipal bond insurance policy or surety bond issued by any insurance company licensed to conduct an insurance business in any state of the United States (or by a service corporation acting on behalf of one or more such insurance companies) which insurance company or companies, as of the time of issuance of such policy or surety bond, are currently rated in one of the two highest Rating Categories by two of the Rating Agencies.

Qualified Letter of Credit means any irrevocable letter of credit issued by a financial institution for the account of the City and Borough on behalf of registered owners of the Bonds, which institution maintains an office, agency or branch in the United States and as of the time of issuance of such letter of credit, is currently rated in one of the two highest Rating Categories by a Rating Agency.

Rate Covenant means Port Development Fee Revenues in each fiscal year at least equal to 120% of the amounts required in such fiscal year to be paid as scheduled debt service (principal and interest) on all Parity Bonds.

Rating Agency means Moody's or S&P or Fitch.

Rating Category means the generic rating categories of the Rating Agency, without regard to any refinement or gradation of such rating category by a numerical modifier or otherwise.

Registered Owner means the person named as the registered owner of a Bond in the Bond Register.

Reserve Account means the Reserve Account created in the Bond Fund pursuant to Section 8 of this ordinance.

Reserve Requirement means, with respect to Parity Bonds outstanding, the lesser of (a) 125% of Average Annual Debt Service, (b) 10% of the net proceeds of each series of Parity Bonds secured by the Reserve Account, or (c) Maximum Annual Debt Service.

S&P means S&P Global Ratings, Inc., its successors and their assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, ***S&P*** shall be deemed to refer to any other nationally recognized securities rating agency designated by the City Manager or his/her designee.

State means the State of Alaska.

2014A Bond means the City and Borough's Port Revenue Bond, 2014A (Non-AMT), currently outstanding in the principal amount of $4,590,000, issued pursuant to the 2014A Bond Ordinance.

2014A Bond Ordinance means Ordinance Serial No. 2014-01 of the City and Borough adopted January 6, 2014, and Resolution No. 2676 adopted on January 27, 2014.

2021 Bond means the City and Borough's Port Revenue Refunding Bond, 2021 (AMT Forward Delivery), currently outstanding in the principal amount of $12,505,000, issued pursuant to the 2021 Bond Ordinance.

2021 Bond Ordinance means, collectively, the 2014A Bond Ordinance, as amended by Ordinance Serial No. 2015-11 adopted on March 16, 2015 and Resolution No. 2709 adopted on April 27, 2015, and Ordinance Serial No. 2020-21 of the City and Borough adopted on May 18, 2020, as amended by Ordinance Serial No. 2021-15 adopted on April 26, 2021, and Resolution No. 2952 adopted on May 24, 2021.

Rules of Interpretation. In this ordinance, unless the context otherwise requires:

(a) The terms "hereby," "hereof," "hereto," "herein, "hereunder" and any similar terms, as used in this ordinance, refer to this ordinance as a whole and not to any particular article, section, subdivision or clause hereof, and the term "hereafter" shall mean after, and the term "heretofore" shall mean before, the date of this ordinance;

(b) Words of the masculine gender shall mean and include correlative words of the feminine and neuter genders and words importing the singular number shall mean and include the plural number and vice versa;

(c) Words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public bodies, as well as natural persons;

(d) Any headings preceding the text of the several sections of this ordinance, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this ordinance, nor shall they affect its meaning, construction or effect;

(e) All references herein to "articles," "sections" and other subdivisions or clauses are to the corresponding articles, sections, subdivisions or clauses hereof.

(f) Words importing the singular number include the plural number and vice versa.

Section 3. The Project. This Assembly hereby ratifies and approves the infrastructure and related capital improvements for the provision of shore power to cruise ships (the "Project"). The Project has and will be undertaken in accordance with specifications and contracts for acquisition and construction approved by the Assembly from time to time.

It is hereby provided that said Project shall be subject to such changes as to details of design or any other details of said Project as may be authorized by the Assembly either prior to or during the actual course of construction.

The City and Borough may proceed with the construction and installation of the Project as herein authorized, either alone or in conjunction with the construction of other facilities, and in whole, or in successive parts or units from time to time as may be found advisable.

Section 4. Costs of the Project. The estimated cost of the Project is hereby declared to be, as near as may be, the sum of up to $20,000,000 which is expected to paid from port revenues, fees and federal grants, in addition to the proceeds of the Bonds.

Section 5. Authorization of Bonds.

(a) *Authorization.* The City and Borough shall issue and sell not to exceed $5,100,000 of its port revenue bonds (the "Bonds") in one or more series for the purpose of providing permanent financing for the construction of the Project, funding the Reserve Requirement and paying the costs of issuance of the Bonds.

(b) *Bond Details.* The Bonds shall be designated as the "City and Borough of Juneau, Alaska Port Revenue Bond, 2023[A/B][(AMT/Non-AMT)]," shall be dated as of the date established pursuant to Section 9, shall be fully registered as to both principal and interest, shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification, and shall bear interest from their date payable on the dates set forth in each respective approved Loan Agreement, and shall come due on the dates set forth in the approved Loan Agreement or Bond Purchase Contract of the following years in the following estimated aggregate principal installments:

Maturity Year	Principal Amount
2023	$ 155,000
2024	275,000
2025	285,000
2026	295,000
2027	305,000
2028	320,000
2029	330,000
2030	345,000
2031	355,000
2032	370,000
2033	385,000
2034	395,000
2035	410,000
2036	430,000
2037	445,000

If the Bonds are sold in more than one series, the principal maturities of a series shall be applied to reduce the foregoing schedule as provided in the resolution approving the sale of that series; provided that in the aggregate the foregoing estimated principal amounts may increase or decrease in any year by 25%, and *provided, further,* in the aggregate, the Bonds shall be issued in principal amounts that provide no more than $5,100,000 (principal amount plus premium, if any, less costs of issuance) in net proceeds or $5,100,000 in principal amount, whichever is less.

Section 6. Registration, Exchange and Payments. The Finance Director shall act as authenticating agent, paying agent and registrar for the Bonds (collectively, the "Bond Registrar"). The principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be calculated on the basis of a 360-day year and twelve 30-day months. Interest on the Bonds shall be paid by check or draft of the Bond Registrar mailed (on the date such interest is due) to the Registered Owners or nominees at the addresses appearing on the Bond Register on the fifteenth day of the month preceding each interest payment date. Principal of the Bonds shall be payable upon presentation and surrender of the Bonds to the Bond Registrar by the registered owners or nominees at the office of the Bond Registrar. Notwithstanding the foregoing, if the Bond Bank is the Registered Owner of the Bonds, payments of principal of and interest on the Bonds shall be made to the Bond Bank in accordance with each Loan Agreement.

The Bonds may be transferred only on the Bond Register maintained by the Bond Registrar for that purpose upon the surrender thereof by the registered owner or nominee or his/her duly authorized agent and only if endorsed in the manner provided thereon, and thereupon a new fully registered Bond of like series, principal amount, maturity and interest rates shall be issued to the transferee in exchange therefor. Upon surrender thereof to the Bond Registrar, the Bond is interchangeable for a bond or bonds in any authorized denomination of an equal aggregate principal amount and of the same series, interest rates and maturities. Such transfer or exchange shall be without cost to the Registered Owner or transferee.

The City and Borough may deem the person in whose name each Bond is registered to be the absolute owner thereof for the purpose of receiving payment of the principal of and interest on such Bond and for any and all other purposes whatsoever.

Section 7. Priority of Payments from Port Development Fee Fund. There is maintained a special revenue fund of the City and Borough known as the "Port Development Fee Fund" into which all Port Development Fee Revenues are deposited. All Port Development Fee Revenues shall be deposited in the Port Development Fee Fund. The Port Development Fee Fund shall be held separate and apart from all other funds and accounts of the City and Borough and the Port Development Fee Revenues deposited in such Fund shall be used only for the following purposes and in the following order of priority:

<u>First</u>, to pay the interest on any Parity Bonds, including reimbursements to the issuer of a Qualified Letter of Credit or Qualified Insurance if the Qualified Letter of Credit or Qualified Insurance secures the payment of interest on Parity Bonds and the proceedings authorizing such Parity Bonds provides for such reimbursement;

<u>Second</u>, to pay the principal of any Parity Bonds, including reimbursements to the issuer of a Qualified Letter of Credit or Qualified Insurance if the Qualified Letter of Credit or Qualified Insurance secures the payment of principal of Parity Bonds and the proceedings authorizing such Parity Bonds provides for such reimbursement;

<u>Third</u>, to make all payments required to be made into the Reserve Account to secure the payment of the principal of and interest on the Bonds and to make all payments required to be

made into any reserve account hereafter established to secure the payment of the principal of or interest on any Future Parity Bonds, including reimbursements to the issuer of a Qualified Letter of Credit or Qualified Insurance if the Qualified Letter of Credit or Qualified Insurance fulfills the Reserve Requirement in whole or in part and the proceedings authorizing such Parity Bonds provides for such reimbursement;

Fourth, to make all payments required to be made into any revenue bond redemption fund or revenue warrant redemption fund and debt service fund or reserve fund created to pay and secure the payment of the principal of and interest on any other revenue bonds or revenue warrants of the City and Borough having a lien upon the Port Development Fee Revenues junior and inferior to the lien thereon for the payment of the principal of and interest on Parity Bonds; and

Fifth, to retire by redemption or purchase any outstanding revenue bonds or revenue warrants of the City and Borough, remaining Port Development Fee Revenues may also be used to make necessary additions, betterments, improvements and repairs to or extensions and replacements of the Port Facilities, or for any other lawful City and Borough purposes.

Section 8. Bond Fund. A special account of the City and Borough designated as the "Port Revenue Bond Debt Service [Fund][Account]" (the "Bond Fund") has heretofore been created in the office of the Finance Director for the purpose of paying and securing the payment of the Bonds and all Parity Bonds. The Bond Fund shall be held separate and apart from all other accounts of the City and Borough and shall be a trust account for the owner of Parity Bonds. The Bond Fund shall be divided into two separate accounts: a Principal and Interest Account for the payment of the principal of and interest on Parity Bonds and the payment of redemption premium, if any, whether due at maturity or redemption prior to maturity and a Reserve Account for the purpose of additionally securing the repayment of Parity Bonds.

(a) *Payments Into Principal and Interest Account*. The Finance Director may direct all or a portion of the original issue premium to be deposited in the Principal and Interest Account. As long as any Parity Bonds remain outstanding, the City and Borough hereby irrevocably obligates and binds itself to set aside and pay from the Bond Fund into the Principal and Interest Account those amounts necessary, together with such other funds as are on hand and available in the Principal and Interest Account, to pay the interest or principal and interest next coming due on outstanding Parity Bonds. Such payments from the Port Development Fee Fund shall be made on or prior to the due date for such installment of principal and interest.

(b) *Priority of Lien of Payments into Principal and Interest Account*. Said amounts so pledged to be paid into the Bond Fund with respect to the Bonds are hereby declared to be a prior lien and charge upon the Port Development Fee Revenues superior to all other charges of any kind or nature whatsoever, except that the amounts so pledged are of equal lien to the lien and charge thereon of any Future Parity Bonds.

(c) *Reserve Account.* A Reserve Account (the "Reserve Account") is hereby authorized to be created in the Bond Fund for the purpose of securing the payment of the principal of and interest on all Parity Bonds. The City and Borough hereby covenants to deposit into the Reserve Account on the date of issuance of the Bonds from Bond proceeds and/or from funds of the City and Borough legally available therefor an amount equal to the Reserve Requirement with respect to the Bonds.

The City and Borough further covenants and agrees that when said required deposits have been made into the Reserve Account, it will at all times maintain therein an amount at least equal to the Reserve Requirement with respect to all outstanding Parity Bonds. Whenever there is an insufficient amount in the Bond Fund, including the Reserve Account and the Principal and Interest Account to pay the principal of and interest on all outstanding Parity Bonds when due, the money in the Reserve Account may be used to pay such principal and interest. Money in the Reserve Account may be withdrawn to redeem and retire, and to pay the interest due to such date of redemption on any outstanding Bonds, so long as the money left remaining on deposit in the Reserve Account is equal to the Reserve Requirement with respect to all outstanding Parity Bonds.

The City and Borough may satisfy the Reserve Requirement, in whole or in part with a Qualified Letter of Credit or Qualified Insurance. In making the payments and credits to the Reserve Account required by this subsection (c), to the extent that the City and Borough has obtained Qualified Insurance or a Qualified Letter of Credit for specific amounts required pursuant to this section to be paid out of the Reserve Account, such amounts so covered by Qualified Insurance or a Qualified Letter of Credit shall be credited against the amounts required to be maintained in the Reserve Account by this subsection (c) to the extent that such payments and credits to be made are insured by an insurance company, or guaranteed by a letter of credit from a financial institution. A Qualified Letter of Credit shall not be cancelable on less than 30 days' notice to the City and Borough, and Qualified Insurance shall be noncancellable. In the event of any cancellation of a Qualified Letter of Credit, the Reserve Account shall be funded in accordance with the third paragraph of this subsection (c) as if the Parity Bonds for whose benefit the Qualified Letter of Credit was issued which then remain outstanding had been issued on the date of such notice of cancellation.

In the event that the City and Borough elects to meet the Reserve Requirement through the use of a Qualified Letter of Credit, Qualified Insurance or other equivalent credit enhancement device, the City and Borough may contract with the entity providing such Qualified Letter of Credit, Qualified Insurance or other equivalent credit enhancement device that the City and Borough's reimbursement obligation, if any, to such entity shall be made from Port Development Fee Revenues available after the payments described in Paragraphs <u>First</u> through <u>Third</u> in Section 7 hereof have been made.

In the event a deficiency in the Principal and Interest Account shall occur, the deficiency shall be made up from the Reserve Account by the withdrawal of cash therefrom for that purpose and by the sale or redemption of obligations held in the Reserve Account, if necessary, in such amounts as will provide cash in the Reserve Account sufficient to make up any such deficiency, and if a deficiency still exists immediately prior to an interest payment date and after the withdrawal of cash, the City and Borough shall then draw from any Qualified Letter of Credit, Qualified Insurance, or other equivalent credit facility that secures the Parity Bonds in sufficient amount to make up the deficiency. Such draw shall be made at such times and under such conditions as the agreement for such Qualified Letter of Credit or such Qualified Insurance shall provide. Any deficiency created in the Reserve Account by reason of any such withdrawal shall then be made up within one year of the date of withdrawal from Port Development Fee Revenues after making necessary provision for making the payments described in Paragraphs First through Third in Section 7 hereof.

(d) *Application and Investment of Moneys in the Bond Fund*. Money in the Principal and Interest Account not needed to pay the interest or principal installment and interest next coming due on Parity Bonds may be used to prepay Parity Bonds. Money in the Bond Fund therein may be invested in any legal investment for the funds of the City and Borough. All interest earned and income derived by virtue of such investments shall remain in the Bond Fund (or respective account therein) and be used to meet the required deposits into any account therein.

Section 9. Sale of Bonds. The Assembly has determined that it is in the best interest of the City and Borough to delegate to the City and Borough Representative the authority to approve the manner of sale of the Bonds of each series. Initially, the City and Borough Representative is hereby authorized to determine whether the Bonds of a series shall be sold by Private Placement or to the Bond Bank. If the Bonds of a series are sold by Private Placement, the City and Borough Representative shall select the purchasing entity or bank to purchase the Bonds through a process of soliciting proposals for purchase. Upon the selection of a Purchaser, the City and Borough Representative shall negotiate the terms of sale for the Bonds, including the terms described in this section, in a Bond Purchase Contract. If the Bonds of a series are sold to the Bond Bank, the City and Borough Representative shall negotiate the terms of the sale for the Bonds in a Loan Agreement.

The City and Borough Representative is authorized to negotiate and complete the sale of the Bonds in one or more series to the Purchaser on terms and conditions consistent with this ordinance and the respective Bond Purchase Contract or to the Bond Bank on terms and conditions consistent with this ordinance and the respective Loan Agreement for the Bonds. Following the sale of a series of Bonds, such terms and conditions, including the final principal amount, date, principal installment payment schedule, interest rates, payment dates and prepayment provisions, all as provided for in this ordinance, shall be set forth in a Bond Purchase Contract or a Loan Agreement, all subject to the Assembly's approval by resolution, which resolution may, at the option of the Assembly, provide for delegation within parameters approved by the Assembly.

Section 10. Undertaking to Provide Ongoing Disclosure. The City and Borough will execute a certificate for ongoing disclosure in form and substance satisfactory to the purchaser of the Bonds, and the City Manager or his/her designee is hereby authorized and directed to execute such certificate.

Section 11. Insurance. If a series of Bonds is sold to the Bond Bank, the Bond Bank may, with the consent of the City and Borough and on terms and conditions acceptable to the City and Borough, obtain a policy of municipal bond insurance guaranteeing the payment when due of the principal of and interest on a series of the Bond Bank's Bonds issued to provide funds for the loan to the City and Borough pursuant to a Loan Agreement. By the Loan Agreement, the City Manager or his/her designee may approve any such policy of municipal bond insurance and authorize all other officers, agents, attorneys, and employees of the City and Borough to cooperate with the bond insurer in preparing such additional agreements, certificates, and other documentation on behalf of the City and Borough, consistent with this ordinance, as shall be necessary or advisable in providing for such policy of municipal bond insurance.

The City Manager or his/her designee also may obtain a surety policy in order to satisfy the Reserve Requirement on the condition that the surety policy meets the requirements of Qualified Insurance on terms and conditions determined to be acceptable to the City Manager or his/her designee. The City Manager or his/her designee may execute such additional agreements or certificates and provide such documentation to the issuer of such surety policy as shall be necessary or advisable in providing for such surety policy.

In connection with the initial issuance and sale of the Bonds to the Bond Bank, and notwithstanding the provisions of Section 19 of this ordinance to the contrary, the Assembly may by resolution modify any of the covenants or other provisions of this ordinance as may be required by a provider of bond insurance or a surety policy for the Bond Bank's Bonds.

Section 12. Disposition of Proceeds of the Bonds. The Finance Director may direct that all or a portion of the original issue premium also be deposited in the Principal and Interest Account. Unless the Reserve Requirement is satisfied with a Credit Facility or other port revenues, a portion of the Bond proceeds in the amount designated by the Finance Director shall be deposited in the Reserve Account in order to meet the Reserve Requirement. The City and Borough shall maintain a fund or account for the Projects (the "Project Fund"). The balance of the proceeds of sale of the Bonds of a series shall be deposited in the Project Fund or a subaccount therein, and shall be expended solely to pay the cost of issuing and selling that series of Bonds and, together with other available moneys of the City and Borough, shall be used to reimburse the City and Borough for funds already distributed for the costs of the Project, and to pay the costs of completing the Project, as the case may be. Money in the Project Fund shall be invested by the Finance Director, pending disbursement, in any legal investment for City and Borough funds, and interest earnings shall be deposited in the Project Fund.

Section 13. Defeasance. In the event that money and/or noncallable Government Obligations maturing or having guaranteed redemption prices at the option of the holder at such time or times and bearing interest to be earned thereon in amounts (together with such money, if any) sufficient to redeem and retire part or all of the Bonds in accordance with the its terms, are hereafter irrevocably set aside in a special account and pledged to effect such redemption and retirement, then no further payments need be made into the Bond Fund or any account therein for the payment of the principal of and interest on the Bonds or portion thereof so provided for and the Bonds or portion thereof shall then cease to be entitled to any lien, benefit or security of this ordinance, except the right to receive the accounts so set aside and pledged, and the Bonds or portion thereof shall no longer be deemed to be outstanding hereunder.

Section 14. Specific Covenants. The City and Borough hereby covenants and agrees with the owners of the Bonds that for as long as the Bonds remain outstanding as follows:

(a) *Rate Covenant*. The City and Borough will maintain the rates established in the ordinance and resolution authorizing and imposing the fees that constitute the Port Development Fee Revenues and will collect such amounts for so long as any Bonds are outstanding as will maintain the Rate Covenant. Nothing in this Rate Covenant shall preclude the City and Borough from increasing the fees or otherwise modifying the Port development fee as long as there is a net increase in the Port development fee as a result of such modification.

(b) *Port Facilities Maintenance*. The City and Borough will at all times maintain and keep the Port Facilities in good repair, working order and condition, and also will at all times operate such facilities and the business in connection therewith in an efficient manner and at a reasonable cost.

(c) *Books and Records*. The City and Borough will, while the Bonds remain outstanding, keep proper and separate accounts and records in which complete and separate entries shall be made of all transactions relating to the Port Facilities, and it will furnish the original purchaser or purchasers of the Bonds or any subsequent owner or owners thereof, at the written request of such owner or owners, complete operating and income statements of the Port Facilities in reasonable detail covering any fiscal year, showing the financial condition of the Port Facilities and compliance with the terms and conditions of this ordinance, not more than 120 days after the close of such fiscal year, and it will grant any owner or owners of at least 25% of the outstanding Bonds the right at all reasonable times to inspect the entire Port Facilities and all records, accounts and data of the City and Borough relating thereto. Upon request of any owner of any of said Bonds, it will also furnish to such owner a copy of the most recently completed audit of the City and Borough's accounts.

(d) *Ordinance a Contract*. This ordinance shall constitute a contract with the registered owners of the Bonds, and upon any default hereunder, said owner shall have the right to institute a mandamus action in any court of competent jurisdiction to compel performance by the City and Borough in accordance with the terms of this ordinance.

(e) *Tax Covenants*. The Finance Director is an officer of the City and Borough whose duties include the holding of such hearings as may be required under the Code in order to assure the tax exempt status of the Bonds. The Finance Director will hold a public hearing on the issuance of the Bonds as needed. The City and Borough covenants to undertake all actions required to maintain the tax-exempt status of interest on the Bonds under Section 103 of the Code as set forth in the Federal Tax Certificate(s) that will be executed at the closing for the Bonds.

The City and Borough has not designated the Bonds as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code for banks, thrift institutions and other financial institutions.

Section 15. Future Parity Bonds.

(a) *Conditions upon the Issuance of Future Parity Bonds.* As long as the Bonds remain outstanding, the City and Borough hereby further covenants and agrees that it will not issue any obligations having a lien on the Port Development Fee Revenues prior to the lien thereon of the Bonds and further that it will not issue any Future Parity Bonds except in accordance with the conditions of this Section 15. The City and Borough hereby reserves the right to issue additional revenue obligations, which shall constitute a charge and lien upon the Port Development Fee Revenues equal to the lien thereon of the Bonds. Except as provided in subsection (b) below, the

City and Borough shall not issue any series of Future Parity Bonds or incur any additional indebtedness with a parity lien or charge on Port Development Fee Revenues (*i.e.*, on a parity of lien with Parity Bonds at the time outstanding) unless:

(1) the City and Borough shall not have been in default of its Rate Covenant for the immediately preceding fiscal year;

(2) The ordinance authorizing the issuance of such Future Parity Bonds shall provide that the Reserve Requirement shall be funded no later than the date of delivery of the Future Parity Bonds and shall include the covenants set forth in Section 14 of this ordinance (including the tax covenant, to the extent applicable); and

(3) there shall have been filed a certificate (prepared as described in subsection (c) or (d) below) demonstrating fulfillment of the Parity Requirement, commencing with the first full fiscal year following the date on which any portion of interest on the series of Future Parity Bonds then being issued no longer will be paid from the proceeds of such series of Future Parity Bonds.

(b) *No Certificate Required*. The certificate described in the foregoing subsection (a)(3) shall not be required as a condition to the issuance of Future Parity Bonds:

(1) if the Future Parity Bonds being issued are for the purpose of refunding outstanding Parity Bonds and the annual debt service requirements for each year in which Parity Bonds are then outstanding are not increased as a result of the refunding; or

(2) if the Future Parity Bonds are being issued to pay costs of construction of facilities of the Port Facilities for which Parity Bonds have been issued previously and the principal amount of such Future Parity Bonds being issued for completion purposes does not exceed an amount equal to an aggregate of 15% of the principal amount of Parity Bonds theretofore issued for such facilities and reasonably allocable to the facilities to be completed as shown in a written certificate of the City and Borough Representative, and there is delivered a Consultant's certificate stating that the nature and purpose of such facilities has not materially changed.

(c) *Certificate of the City and Borough Without A Consultant*. If required pursuant to the foregoing subsection (a)(3), a certificate may be delivered by the City and Borough (executed by the City and Borough Representative) without a Consultant if Port Development Fee Revenues for the Base Period (confirmed by an independent auditor) conclusively demonstrate that the Parity Requirement will be fulfilled commencing with the first full fiscal year following the date on which any portion of interest on the series of Future Parity Bonds then being issued will not be paid from the proceeds of such series of Future Parity Bonds.

(d) *Certificate of a Consultant*. Unless compliance with the requirements of subsection (a)(3) have been otherwise satisfied (as provided in (b) or (c) above), compliance with the Parity Requirement shall be demonstrated conclusively by a certificate of a Consultant.

In making the computations of Port Development Fee Revenues for the purpose of certifying compliance with the Parity Requirement, the Consultant shall use as a basis the Port Development Fee Revenues for the Base Period. Such Port Development Fee Revenues shall be determined by adding the following:

(1) The historical Port Development Fee Revenues of the City and Borough for any 12 consecutive months out of the 30 months immediately preceding the month of delivery of the Future Parity Bonds being issued as determined by a Consultant; and

(2) The estimated annual revenue to be derived from any additional fees and charges that have been established by the Assembly as new Port Development Fee Revenues that have not been previously included in any of the sources of net revenue described in this subsection (d).

(e) *Subordinate Lien Obligations*. Nothing herein contained shall prevent the City and Borough from issuing revenue bonds or other obligations which are a charge upon the Port Development Fee Revenues junior or inferior to the payments required by this ordinance to be made out of such Revenue to pay and secure the payment of any outstanding Parity Bonds.

(f) *Refunding Obligations*. Nothing herein contained shall prevent the City and Borough from issuing revenue bonds to refund maturing Parity Bonds for the payment of which moneys are not otherwise available.

Section 16. Lost, Stolen or Destroyed Bonds. In case a Bond shall be lost, stolen or destroyed, the Bond Registrar may authenticate and deliver a new Bond of like amount, date and tenor to the owner thereof upon the owner's paying the expenses and charges of the Bond Registrar and the City and Borough in connection therewith and upon his filing with the Bond Registrar and the City and Borough evidence satisfactory to both that such Bond was actually lost, stolen or destroyed and of his ownership thereof, and upon furnishing the City and Borough and the Bond Registrar with indemnity satisfactory to both.

Section 17. Form of Bonds and Registration Certificate. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. ________ $____________

STATE OF ALASKA

CITY AND BOROUGH OF JUNEAU
PORT REVENUE BOND, 2023[A/B][(AMT/Non-AMT)]

INTEREST RATES: See Below

FINAL MATURITY DATE:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

THE CITY AND BOROUGH OF JUNEAU, ALASKA (the "City and Borough"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount indicated above in accordance with the installment payment schedule set forth below (unless prepaid prior thereto as provided herein) and to pay interest thereon from __________, 20__, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the interest rates set forth below, payable on ________ 1, 20___ and semiannually thereafter on the first day of each _______ and __________.

Year of Principal Installment Payment (________ 1)	Principal Installment Amount	Interest Rate
	$	

Both principal of and interest on this bond are payable in lawful money of the United States of America. Installments of principal of and interest on this bond shall be paid by check or draft mailed to the Registered Owner at the address appearing on the Bond Register on the 15th day of the month preceding the interest payment date, and principal of this bond shall be payable upon presentation and surrender of this bond by the Registered Owner at the principal office of the Finance Director of the City and Borough of Juneau, Alaska (the "Bond Registrar"). [Notwithstanding the foregoing, so long as the Bond Bank is the Registered Owner of this bond, payments of principal of and interest on the Bond shall be made to the Bond Bank in accordance with the Loan Agreement.]

This bond is a port revenue bond of the Borough and is issued pursuant to Ordinance Serial No. 2023-12 (the "Bond Ordinance") for the purpose of making certain improvements to the Port Facilities.

The bond is subject to prepayment as described in the [Bond Purchase Contract/Loan Agreement.]

The City and Borough hereby covenants and agrees with the owner and holder of this bond that it will keep and perform all the covenants of this bond and the Bond Ordinance.

The City and Borough does hereby pledge and bind itself to set aside from such Port Development Fee Revenues, and to pay into said Bond Fund the various amounts required by the Bond Ordinance to be paid into and maintained in said Fund, all within the times provided by said Bond Ordinance.

To the extent more particularly provided by the Bond Ordinance, the amounts so pledged to be paid from the Port Development Fee Fund out of the Port Development Fee Revenues into the Bond Fund and the account therein shall be a lien and charge thereon equal in rank to the lien and charge upon said revenue of the amounts required to pay and secure the Outstanding Parity Bonds, the payment of any port revenue bonds of the City and Borough hereafter issued on a parity with the bonds of this issue and superior to all other liens and charges of any kind or nature.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by the Bond Registrar.

[This bond [is][is not] a "private activity bond" as such term is defined in the Internal Revenue Code of 1986, as amended (the "Code").]This bond is not a "qualified tax-exempt obligation" under Section 265(b) of the Code for banks, thrift institutions and other financial institutions.

It is hereby certified and declared that this bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of Alaska and ordinances of the City and Borough, including the Bond Ordinance, and that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened, been done and performed.

IN WITNESS WHEREOF, City and Borough of Juneau, Alaska has caused this Bond to be executed by the manual or facsimile signature of the City Manager or his/her designee and authenticated by the manual or facsimile signature of Clerk of the City and Borough as of this _____ day of ___________, 2023.

CITY AND BOROUGH OF
JUNEAU, ALASKA

By__________/s/ manual or facsimile____________
City Manager or Designee

ATTEST:

______/s/ manual or facsimile____________
Clerk

The Certificate of Authentication for the Bonds shall be in substantially the following form:

CERTIFICATE OF AUTHENTICATION

Date of Authentication:

This bond is the Port Revenue Bond, 2023[A/B][(AMT/Non-AMT)] of the City and Borough of Juneau, Alaska, dated ________, 2023, and described in the within-mentioned Bond Ordinance.

CITY AND BOROUGH OF JUNEAU, ALASKA
FINANCE DIRECTOR, as Bond Registrar

By____
Finance Director

Section 18. Execution of Bonds. The Bonds shall be executed on behalf of the City and Borough with the manual or facsimile signature of the City Manager or the Finance Director or his/her respective designee, shall be attested by the manual or facsimile signature of the City and Borough Clerk, and the seal of the City and Borough shall be impressed or a facsimile thereof imprinted or otherwise reproduced thereon.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be officer or officers of the City and Borough before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City and Borough, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City and Borough as though those who signed the same had continued to be such officers of the City and Borough. The Bonds may also be signed and attested on behalf of the City and Borough by such persons who are at the actual date of delivery of such Bond the proper officers of the City and Borough although at the original date of such Bonds any such person shall not have been such officer of the City and Borough.

Section 19. Supplements and Amendments.

(a) *Without Consent of Owner*. The City and Borough from time to time and at any time may adopt an ordinance or ordinances supplemental hereof, which ordinance or ordinances thereafter shall become a part of this ordinance, for one or more or all of the following purposes:

(1) To add to the covenants and agreements of the City and Borough in this ordinance contained and other covenants and agreements thereafter to be observed, which shall not adversely affect the interests of the owners of the Bonds, or to surrender any rights or power herein reserved to or conferred upon the City and Borough.

(2) To make such provisions for the purpose of curing any ambiguities or of curing, correcting or supplementing any defective provision contained in this ordinance in regard to matters or questions arising under the ordinance as the Assembly may deem necessary or desirable and not inconsistent with the ordinance and which shall not adversely affect the interest of the owner of Parity Bonds.

Any such supplemental ordinance of the Assembly may be adopted without the consent of the owner of the Bonds at any time outstanding, notwithstanding any of the provisions of this section.

(b) *With Owner's Consent*. With the consent of the owners of Parity Bonds, the Assembly of the City and Borough may adopt an ordinance or ordinances supplemental hereto for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this ordinance or of any supplemental ordinance; provided, however, that no such supplemental ordinance shall extend the fixed maturity of the Bonds, or reduce the rate of interest thereon, or extend the time of payments of interest from their due date, or reduce the amount of the principal thereof, or reduce any premium payable on the redemption thereof without the consent of the owner of each Parity Bond so affected.

It shall not be necessary for the consent of the owner under this subsection to approve the particular form of any proposed supplemental ordinance, but it shall be sufficient if such consent shall approve the substance thereof.

(c) *Effective Date of Modification*. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations of the City and Borough under this ordinance shall thereafter be determined, exercised and enforced thereunder, subject in all respect to such modification and amendments, and all the terms and conditions of any such supplemental ordinance shall be deemed to be part of the terms and conditions of this ordinance for any and all purposes. A copy of each supplemental ordinance shall be provided to the owners of the Bonds.

Section 20. Compliance with Parity Conditions. The Assembly hereby finds and determines, as required by Section 15 of Ordinance Serial No. 2014-01, as amended, that each of the following conditions will be satisfied at the time of issuance of the Bonds of each series:

(a) the City and Borough will not have been in default of its Rate Covenant for the immediately preceding fiscal year;

(b) the ordinance for the Bonds provides that the Reserve Requirement will be funded no later than the date of delivery of the Bonds and includes the covenants set forth in Section 14 of Ordinance No. 2014-01, as amended (including the tax covenant); and

(c) there will have been filed a certificate (prepared as described in subsection 15(c) or (d) of Ordinance Serial No. 2014-01, as applicable) demonstrating fulfillment of the Parity Requirement, commencing with the first full fiscal year following the date on which any portion of interest on the series of Bonds being issued no longer will be paid from the proceeds of such series of Bonds.

The conditions contained in Ordinance Serial No. 2014-01 having been complied with or assured, the payments required herein to be made out of the Port Development Fee Fund out of the Port Development Fee Revenues into the Bond Fund, including the Reserve Account, to pay and secure the payment of the principal of and interest on the Bonds of a series shall constitute a lien and charge upon Port Development Fee Revenues equal in rank with the lien and charge thereon for the payments required to be made for the Outstanding Parity Bonds.

Section 21. Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City and Borough shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements in this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds.

Section 22. Effective Date. This ordinance shall become effective thirty days after adoption.

ADOPTED this 20th day of March, 2023.

____

Beth A. Weldon
Mayor

ATTEST:

____

Elizabeth J. McEwen
Municipal Clerk

CERTIFICATE

I, the undersigned, Clerk of the City and Borough of Juneau, Alaska (the “City and Borough”), DO HEREBY CERTIFY:

1. That the attached Ordinance Serial No. 2023-12 (herein called the “Ordinance”) is a true and correct copy of an Ordinance of the City and Borough as finally adopted at a meeting of the Assembly held on the 20th day of March, 2023 and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum of the Assembly was present throughout the meeting and a legally sufficient number of members of the Assembly voted in the proper manner for the adoption of the Ordinance; that all other requirements and proceedings incident to the proper adoption of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of March, 2023.

____
Elizabeth J. McEwen, Municipal Clerk
City and Borough of Juneau

Presented by: The Manager
Introduced: February 27, 2023
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-06(b)(AP)

An Ordinance Appropriating $5,000,000 to the Manager for the Dock Electrification Capital Improvement Project; Funding Provided by Port Revenue Bond Proceeds.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $5,000,000 for the Dock Electrification Capital Improvement Project (H51-128).

Section 3. Source of Funds

Port Revenue Bond Proceeds	$5,000,000

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

GENERAL OBLIGATION BONDS, 2023

Serial No. 2023-13(b)

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES TO PROVIDE NOT TO EXCEED $6,600,000 IN NET PROCEEDS; AND PROVIDING FOR THE FORM AND TERMS OF THE BONDS AND FOR UNLIMITED TAX LEVIES TO PAY THE BONDS.

Approved: March 20, 2023

Prepared by:

K&L GATES LLP
Seattle, Washington

City and Borough of Juneau, Alaska
Ordinance Serial No. 2023-13(b)
Table of Contents*

* This Table of Contents and the cover page are provided for convenience only and are not a part of this ordinance.

Presented by: The Manager
Introduced: 02/27/23
Drafted by: Bond Counsel

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-13(b)

An Ordinance Providing for the Issuance and Sale of General Obligation Bonds in One or More Series to Provide Not to Exceed $6,600,000 in Net Proceeds; and Providing for the Form and Terms of the Bonds and for Unlimited Tax Levies to Pay the Bonds.

WHEREAS, at the regular municipal election held on October 4, 2022, pursuant to Ordinance Serial No. 2022-38, the Home Rule Charter of the City and Borough, and other resolutions and ordinances of the City and Borough, the qualified electors approved the issuance of general obligation bonds in the principal amount of not to exceed $6,600,000 (the "Bond Authorization"); and

WHEREAS, it is deemed necessary and advisable and in the best interests of the City and Borough and its inhabitants that the City and Borough issue the Bond Authorization in one or more series in the principal amount of not to exceed $6,600,000; and

WHEREAS, the Assembly has determined to delegate to certain City and Borough officials the authority, for a limited time, to solicit proposals for an Underwriter (as defined hereinafter) for the Bonds and accept and select the response deemed most favorable by the City and Borough; and

WHEREAS, the Assembly finds that it is in the best interest of the City and Borough to sell the bonds herein authorized on the terms and conditions set forth herein and in the bond purchase agreement(s) between the City and Borough and the Underwriter, as authorized by this ordinance;

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Definitions. As used in this ordinance, the following words shall have the following meanings:

Assembly means the Assembly of the City and Borough of Juneau, Alaska as the same shall be duly and regularly constituted from time to time or any successor body.

Beneficial Owner means the beneficial owner of all or a portion of a Bond while such Bond is in fully immobilized form.

Bond Authorization means the $6,600,000 principal amount of bonds authorized to be issued by the City and Borough pursuant to Ordinance Serial No. 2022-38.

Bond Fund means the "Debt Service Fund" of the City and Borough maintained pursuant to this ordinance.

Bond Purchase Agreement means the purchase agreement relating to each series of Bonds between the City and Borough and the Underwriter authorized to be entered into pursuant to Section 13 of this ordinance.

Bond Register means the registration books for the Bonds, maintained by the Bond Registrar, for the purpose of complying with the requirements of Section 149 of the Code and listing, inter alia, the names and addresses of all registered owners of the Bonds.

Bond Registrar means the financial institution selected by the City Manager or his/her designee as provided in Section 4 of this ordinance, for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, and paying the principal of and interest on the Bonds.

Bonds means the City and Borough of Juneau, Alaska General Obligation Bonds, 2023[A/B] authorized to be issued pursuant to this ordinance in one or more series.

Bond Year means each one-year period that ends on the date selected by the City and Borough. The first and last Bond Years may be a shorter period. If no day is selected by the City and Borough before the earlier of the final maturity date of the Bonds or the date that is five years after the date of issuance of the Bonds, Bond Years end on each anniversary of the date of issue and on the final maturity date of the Bonds.

City and Borough means City and Borough of Juneau, Alaska, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Alaska.

City and Borough Representative means the City Manager or such other official or employee of the City and Borough designated in writing by the City Manager.

City Manager means the city manager or interim city manager of the City and Borough.

Code means the federal Internal Revenue Code of 1986, as amended from time to time, and the applicable regulations thereunder.

Construction Fund means the fund maintained pursuant to Section 10 of this ordinance, into which shall be deposited the Bond proceeds, other than accrued interest.

DTC means The Depository Trust Company, New York, New York, a limited purpose trust company organized under the laws of the State of New York, as depository for the Bonds pursuant to Section 4 hereof.

Finance Director means the director or interim director of the finance department of the City and Borough.

Financial Advisor means PFM Financial Advisors LLC.

Government Obligations means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America and bank certificates of deposit secured by such obligations.

Letter of Representations means a blanket issuer letter of representations from the City and Borough to DTC.

MSRB means the Municipal Securities Rulemaking Board or any successor to its functions.

Net Proceeds, when used with reference to a series of Bonds, means the principal amount of such series of Bonds, plus accrued interest and original issue premium, if any, and less original issue discount.

Official Statement means the Official Statement of the City and Borough pertaining to the sale of such series of Bonds, in either preliminary or final form.

Private Person means any natural person engaged in a trade or business or any trust, estate, partnership, association, company or corporation.

Private Person Use means the use of property in a trade or business by a Private Person if such use is other than as a member of the general public. Private Person Use includes ownership of the property by the Private Person as well as other arrangements that transfer to the Private Person the actual or beneficial use of the property (such as a lease, management or incentive payment contract or other special arrangement) in such a manner as to set the Private Person apart from the general public. Use of property as a member of the general public includes attendance by the Private Person at municipal meetings or business rental of property to the Private Person on a day-to-day basis if the rental paid by such Private Person is the same as the rental paid by any Private Person who desires to rent the property. Use of property by nonprofit community groups or community recreational groups is not treated as Private Person Use if such use is incidental to the governmental uses of property, the property is made available for such use by all such community groups on an equal basis and such community groups are charged only a de minimis fee to cover custodial expenses.

Projects means the capital improvements which are specified in Section 3 of Ordinance Serial No. 2022-38 of the City and Borough.

Record Date means the close of business on the 15th day prior to each day on which a payment of interest on the Bonds is due and payable.

Registered Owner means the person in whose name ownership of a Bond is identified in the Bond Register. For so long as the Bonds are held in book-entry only form, DTC shall be deemed to be the sole Registered Owner.

Registrar Agreement means the agreement between the City and Borough and the Bond Registrar entered into pursuant to Section 4 of this ordinance.

Rule means the SEC's Rule 15c2-12 under the Securities Exchange Act of 1934, as the same may be amended from time to time.

SEC means the United States Securities and Exchange Commission.

Term Bonds mean the portion of such series of Bonds, if any, designated as "Term Bonds" in the Bond Purchase Agreement for such series of Bonds.

Underwriter means the initial purchaser or representative of the purchasers (if more than one firm acts collectively with one or more additional underwriting firms) of such series of Bonds.

Interpretation and Rules of Interpretation.

(a) Unless the context otherwise indicates, words expressed in the singular shall include the plural and vice versa and the use of the neuter, masculine, or feminine gender is for convenience only and shall be deemed to mean and include the neuter, masculine or feminine gender, as appropriate.

(b) Headings of articles and sections herein and the table of contents hereof are solely for convenience of reference, do not constitute a part hereof and shall not affect the meaning, construction or effect hereof.

(c) All references herein to "Articles," "Sections" and other subdivisions are to the corresponding Articles, Sections or subdivisions of this ordinance; the words "herein," "hereof," "hereby," "hereunder" and other words of similar import refer to this ordinance as a whole and not to any particular Article, Section or subdivision hereof.

Section 3. Authorization of Bonds. For the purpose of financing the Projects as authorized by the Bond Authorization and paying the costs of issuance of such bonds, the City and Borough shall issue its general obligation bonds in the aggregate principal amount of not to exceed $6,600,000 but in any event providing no more than $6,600,000 in net proceeds (principal amount plus premium, if any, less costs of issuance) (the "Bonds"). The Bonds shall be dated as of the date of initial delivery, shall be fully registered as to both principal and interest, shall be in denominations of $5,000 each, or any integral multiple thereof, provided that no Bond of any series shall represent more than one maturity, shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification, and shall bear interest from their date payable on the dates and rates set forth in the respective approved Bond Purchase Agreement, and shall come due on the dates set forth in the Bond Purchase Agreement of the following years in the following estimated aggregate principal installments:

Maturity Year	Principal Amount*
2023	$2,985,000
2024	610,000
2025	645,000
2026	675,000
2027	710,000
2028	750,000

Total: $6,375,000*
* Principal maturities do not add to $6,600,000, in anticipation of selling Bonds with original issue premium, generating not more than $6,600,000 in net proceeds.

If the Bonds are sold in more than one series, the principal maturities of a series shall be applied to reduce the foregoing schedule as provided in the resolution approving the sale of that series; provided that in the aggregate the foregoing estimated principal amounts in any year are increased or decreased by no more than 15%, and *provided, further,* in the aggregate, the Bonds shall be issued in principal amounts that provide no more than $6,600,000 (principal amount plus premium, if any, less costs of issuance) in net proceeds or $6,600,000 in principal amount, whichever is less.

Section 4. Registration, Exchange and Payments.

(a) *Bond Registrar/Bond Register*. The City Manager or his/her designee is hereby authorized and directed to solicit proposals from and select a financial institution to act as authenticating agent, paying agent and bond registrar for each series of Bonds (the "Bond Registrar") and to enter into a Registrar Agreement with the Bond Registrar pursuant to which the Bond Registrar will perform the duties specified for the Bond Registrar under this ordinance and hold and invest certain funds (Bond proceeds and debt service money) from time to time. The form of the Registrar Agreement shall be subject to the approval of the City and Borough Representative, which approval shall be presumed upon the execution thereof by the City and Borough Representative. So long as any Bonds of a series remain outstanding, the Bond Registrar shall make all necessary provisions to permit the exchange or registration of transfer of such series of Bonds at its principal corporate trust office. The Bond Registrar may be removed at any time at the option of the City and Borough Representative upon prior notice to the Bond Registrar, DTC, each entity entitled to receive notice pursuant to Section 14, and a successor Bond Registrar appointed by the City and Borough Representative. No resignation or removal of the Bond Registrar shall be effective until a successor shall have been appointed and until the successor Bond Registrar shall have accepted the duties of the Bond Registrar hereunder. The Bond Registrar is authorized, on behalf of the City and Borough, to authenticate and deliver such series of Bonds transferred or exchanged in accordance with the provisions of such series of Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance. The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication on such series of Bonds.

(b) *Registered Ownership*. The City and Borough and the Bond Registrar, each in its discretion, may deem and treat the Registered Owner of each Bond of a series as the absolute owner thereof for all purposes (except as provided in Section 14 of this ordinance), and neither the City and Borough nor the Bond Registrar shall be affected by any notice to the contrary. Payment of any such Bond of a series shall be made only as described in Section 4(h) hereof, but such Bond may be transferred as herein provided. All such payments made as described in Section 4(h) shall be valid and shall satisfy and discharge the liability of the City and Borough upon such Bond to the extent of the amount or amounts so paid.

(c) *DTC Acceptance/Letter of Representations*. To induce DTC to accept the Bonds as eligible for deposit at DTC, the City and Borough has executed and delivered to DTC a Letter of Representations.

Neither the City and Borough nor the Bond Registrar will have any responsibility or obligation to DTC participants or the persons for whom they act as nominees (or any successor depository) with respect to the Bonds in respect of the accuracy of any records maintained by DTC (or any successor depository) or any DTC participant, the payment by DTC (or any successor depository) or any DTC participant of any amount in respect of the principal of or interest on Bonds of a series, any notice which is permitted or required to be given to Registered Owners under this ordinance (except such notices as shall be required to be given by the City and Borough to the Bond Registrar or to DTC (or any successor depository), or any consent given or other action taken by DTC (or any successor depository) as the Registered Owner. For so long as any Bonds of a series are held in fully-immobilized form hereunder, DTC or its successor depository shall be deemed to be the Registered Owner for all purposes hereunder (except as provided in Section 14), and all references herein to the Registered Owners shall mean DTC (or any successor depository) or its nominee and shall not mean the owners of any beneficial interest in such Bonds.

If any Bond shall be duly presented for payment and funds have not been duly provided by the City and Borough on such applicable date, then interest shall continue to accrue thereafter on the unpaid principal thereof at the rate stated on such Bond until such Bond is paid.

(d) *Use of Depository*.

(1) The Bonds shall be registered initially in the name of "CEDE & Co.", as nominee of DTC, with one Bond maturing on each of the maturity dates for each series of Bonds in a denomination corresponding to the total principal therein designated to mature on such date. Registered ownership of such immobilized Bonds, or any portions thereof, may not thereafter be transferred except (A) to any successor of DTC or its nominee, provided that any such successor shall be qualified under any applicable laws to provide the service proposed to be provided by it; (B) to any substitute depository appointed by the City and Borough Representative pursuant to subsection (2) below or such substitute depository's successor; or (C) to any person as provided in subsection (4) below.

(2) Upon the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository or a determination by the City and Borough Representative to discontinue the system of book-entry transfers through DTC or its successor (or

any substitute depository or its successor), the City and Borough Representative may hereafter appoint a substitute depository. Any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it.

(3) In the case of any transfer pursuant to clause (A) or (B) of subsection (1) above, the Bond Registrar shall, upon receipt of all outstanding Bonds of a series, together with a written request from the City and Borough Representative, issue a single new Bond for each maturity of such series then outstanding, registered in the name of such successor or such substitute depository, or their nominees, as the case may be, all as specified in such written request of the City and Borough Representative.

(4) In the event that (A) DTC or its successor (or substitute depository or its successor) resigns from its functions as depository, and no substitute depository can be obtained, or (B) the City and Borough Representative determines that it is in the best interest of the Beneficial Owners of the Bonds of such series that such owners be able to obtain such Bonds in the form of Bond certificates, the ownership of such Bonds may then be transferred to any person or entity as herein provided, and shall no longer be held in fully-immobilized form. The City and Borough Representative shall deliver a written request to the Bond Registrar, together with a supply of definitive Bonds of such series, to issue Bonds of such series as herein provided in any authorized denomination. Upon receipt by the Bond Registrar of all then outstanding Bonds of such series together with a written request on behalf of the Assembly to the Bond Registrar, new Bonds of such series shall be issued in the appropriate denominations and registered in the names of such persons as are requested in such written request.

(e) *Registration of Transfer of Ownership or Exchange; Change in Denominations*. The transfer of any Bond of a series may be registered and Bonds of such series may be exchanged, but no transfer of any such Bond shall be valid unless such Bond is surrendered to the Bond Registrar with the assignment form appearing on such Bond duly executed by the Registered Owner or such Registered Owner's duly authorized agent in a manner satisfactory to the Bond Registrar. Upon such surrender, the Bond Registrar shall cancel the surrendered Bond of such series and shall authenticate and deliver, without charge to the Registered Owner or transferee therefor, a new Bond (or Bonds at the option of the new Registered Owner) of the same series, date, maturity, redemption provisions and interest rate and for the same aggregate principal amount in any authorized denomination, naming as Registered Owner the person or persons listed as the assignee on the assignment form appearing on the surrendered Bond, in exchange for such surrendered and cancelled Bond. Any Bond may be surrendered to the Bond Registrar and exchanged, without charge, for an equal aggregate principal amount of Bonds of the same series, date, maturity, redemption provisions and interest rate, in any authorized denomination. The Bond Registrar shall not be obligated to register the transfer or to exchange any Bond during the 15 days preceding the date any such Bond is to be redeemed.

(f) *Bond Registrar's Ownership of Bonds*. The Bond Registrar may become the Registered Owner of any Bond with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as member of, or in any other capacity with respect to, any committee formed to protect the right of the Registered Owners of Bonds.

(g) *Registration Covenant*. The City and Borough covenants that, until all Bonds of a series have been surrendered and cancelled, it will maintain a system for recording the ownership of each Bond of such series that complies with the provisions of Section 149 of the Code.

(h) *Place and Medium of Payment*. Both principal of and interest on each series of Bonds shall be payable in lawful money of the United States of America. Interest on each series of Bonds shall be calculated on the basis of a 360-day year and twelve 30-day months. For so long as all Bonds of a series are in fully immobilized form, payments of principal and interest shall be made as provided to the parties entitled to receive payment as of each Record Date in accordance with the operational arrangements of DTC referred to in the Letter of Representations.

In the event that such series of Bonds are no longer in fully immobilized form, interest on such series of Bonds shall be paid by check or draft mailed to the Registered Owners at the addresses for such Registered Owners appearing on the Bond Register as of the Record Date, and principal of such series of Bonds shall be payable upon presentation and surrender of such Bonds by the Registered Owners at the principal office of the Bond Registrar; provided, however, that if so requested in writing by the Registered Owner of at least $1,000,000 principal amount of such series of Bonds, interest will be paid by wire transfer on the date due to an account with a bank located within the United States.

Section 5. Redemption and Purchase of Bonds.

(a) *Optional Redemption*. Each series of Bonds may be subject to optional redemption on the dates, at the price of par, and under the terms set forth in the Bond Purchase Agreement for such series of Bonds approved by the City and Borough Representative pursuant to Section 13.

(b) *Mandatory Redemption*. Each series of Bonds may be subject to mandatory redemption to the extent, if any, set forth in the Bond Purchase Agreement for such series of Bonds and as approved by the City and Borough Representative pursuant to Section 13.

(c) *Purchase of Bonds for Retirement*. The City and Borough reserves the right to purchase any of the Bonds of a series offered to the City and Borough at any price deemed reasonable to the City and Borough Representative.

(d) *Effect of Optional Redemption/Purchase*. To the extent that the City and Borough shall have optionally redeemed or purchased any Term Bonds prior to their scheduled mandatory redemption of such Term Bonds, the City and Borough may reduce the principal amount of the Term Bonds to be redeemed in like aggregate principal amount. Such reduction may be applied in the year specified by the City and Borough Representative.

(e) *Selection of Bonds for Redemption*. As long as the Bonds are held in book-entry only form, the selection of Bonds within a series and maturity to be redeemed shall be made in accordance with the operational arrangements in effect at DTC. If the Bonds are no longer held in uncertificated form, the selection of such Bonds within a series and maturity to be redeemed shall be made as provided in this subsection (e). If the City and Borough redeems at any one time fewer than all of the Bonds having the same series and maturity date, the particular Bonds or portions of Bonds of such series and maturity to be redeemed shall be selected by lot (or in such other manner determined by the Bond Registrar) in increments of $5,000. In the case of a Bond of a denomination greater than $5,000, the City and Borough and Bond Registrar shall treat each Bond as representing such number of separate Bonds each of the denomination of $5,000 as is obtained by dividing the actual principal amount of such Bond by $5,000. In the event that only a portion of the principal sum of a Bond is redeemed, upon surrender of the such Bond at the principal office of the Bond Registrar there shall be issued to the Registered Owner, without charge therefor, for the then unredeemed balance of the principal sum thereof, at the option of the Registered Owner, a Bond or Bonds of like series, maturity and interest rate in any of the denominations herein authorized. If Bonds are called for optional redemption, portions of the principal amount of such Bonds, in installments of $5,000 or any integral multiple of $5,000, may be redeemed. If less than all of the principal amount of any Bond is redeemed, upon surrender of such Bond at the principal office of the Bond Registrar there shall be issued to the registered owner, without charge therefor, for the then unredeemed balance of the principal amount thereof, a new Bond or Bonds, at the option of the Registered Owner, of like series, maturity and interest rate in any denomination authorized by this ordinance.

(f) *Notice of Redemption.*

(1) Official Notice. Unless waived by any owner of Bonds to be redeemed, official notice of any such redemption (which notice may be conditional) shall be given by the Bond Registrar on behalf of the City and Borough by mailing a copy of an official redemption notice by first class mail at least 20 days and not more than 60 days prior to the date fixed for redemption to the Registered Owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such registered owner to the Bond Registrar.

All official notices of redemption shall be dated and shall state:

(A) the redemption date,

(B) the redemption price,

(C) if fewer than all outstanding Bonds are to be redeemed, the identification by series, maturity (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,

(D) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and

(E) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Bond Registrar.

On or prior to any redemption date, the City and Borough shall deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date.

(2) Effect of Notice; Bonds Due. If an unconditional notice of redemption has been given, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City and Borough shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Bond Registrar at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Registered Owner a new Bond or Bonds of the same series and maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be canceled and destroyed by the Bond Registrar and shall not be reissued.

(3) Additional Notice. In addition to the foregoing notice, further notice shall be given by the City and Borough as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed. Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (A) the CUSIP numbers of all Bonds being redeemed; (B) the date of issue of the Bonds as originally issued; (C) the rate of interest borne by each Bond being redeemed; (D) the maturity date of each Bond being redeemed; and (E) any other descriptive information needed to identify accurately the Bonds being redeemed. Each further notice of redemption may be sent at least 25 days before the redemption date to the insurer, if any, the party entitled to receive notice pursuant to Section 14, and to the Underwriter for such series of Bonds or to its business successor, if any, and to such persons and with such additional information as the City and Borough Representative shall deem appropriate, but such mailings shall not be a condition precedent to the redemption of such Bonds.

(4) Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

(5) Amendment of Notice Provisions. The foregoing notice provisions of this Section 5, including but not limited to the information to be included in redemption notices and the persons designated to receive notices, may be amended by additions, deletions and changes in order to maintain compliance with duly promulgated regulations and recommendations regarding notices of redemption of municipal securities.

Section 6. **Form of Bonds.** The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. ________ $____________

STATE OF ALASKA

CITY AND BOROUGH OF JUNEAU
GENERAL OBLIGATION BOND, 2023[A/B]

INTEREST RATE: MATURITY DATE: CUSIP NO.:

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

THE CITY AND BOROUGH OF JUNEAU, ALASKA (the "City and Borough"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount indicated above and to pay interest thereon from __________, 2023, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the Interest Rate set forth above, commencing on ________ 1, 20___ and semiannually thereafter on the first day of each _______ and __________. Both principal of and interest on this bond are payable in lawful money of the United States of America. For so long as the bonds of this issue are held in fully immobilized form, payments of principal and interest thereon shall be made as provided in accordance with the operational arrangements of The Depository Trust Company ("DTC") referred to in the Blanket Issuer Letter of Representations (the "Letter of Representations") from the City and Borough to DTC. ____ is acting as the registrar, authenticating agent and paying agent for the bonds of this issue (the "Bond Registrar").

This bond is one of an authorized issue of bonds of like date and tenor, except as to number, amount, rate of interest and date of maturity, in the aggregate principal amount of $_________ (the "Bonds"), and is issued pursuant to elections authorizing the same for the purpose of making capital improvements to facilities of the City and Borough.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under Ordinance Serial No. 2023-13(b) of the City and Borough (the "Bond Ordinance") until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Bond Registrar. Capitalized terms used in this bond and not otherwise defined herein have the meanings given such terms in the Bond Ordinance.

The bonds of this issue are is issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Alaska and ordinances duly adopted by the Assembly, including the Bond Ordinance.

The bonds of this issue are subject to redemption as stated in the Bond Purchase Agreement dated _____________ for the Bonds.

The City and Borough has obligated and bound itself to make annual levies of ad valorem taxes upon all the taxable property within the City and Borough, without limitation as to rate or amount, in amounts sufficient, together with such other moneys of the City and Borough available for such purposes as the Assembly of the City and Borough may, from time to time, appropriate and make available to pay the principal of and interest on this bond as the same shall become due. The full faith, credit and resources of the City and Borough are hereby irrevocably pledged for the levy of such taxes and the prompt payment of such principal and interest. The pledge of tax levies for payment of principal of and interest on the bond may be discharged prior to maturity of the bond by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

The bonds of this issue are not "private activity bonds" as such term is defined in the Internal Revenue Code of 1986, as amended (the "Code"). The City and Borough has not designated the bonds of this issue as "qualified tax-exempt obligations" under Section 265(b) of the Code for investment by banks, thrift institutions and other financial institutions.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Alaska to exist, to have happened, been done and performed precedent to and in the issuance of this bond have happened, been done and performed and that the issuance of this bond and the bonds of this issue does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City and Borough may incur.

IN WITNESS WHEREOF, the City and Borough of Juneau, Alaska has caused this bond to be executed by the manual or facsimile signature of its City Manager or his/her designee and attested by the manual or facsimile of the Clerk, and the official seal of the City and Borough to be impressed, imprinted or otherwise reproduced hereon, as of this ____ day of _________, 2023.

CITY AND BOROUGH OF
JUNEAU, ALASKA

By__________/s/ manual or facsimile____________
City Manager or Designee

ATTEST:

______/s/ manual or facsimile____________
Clerk

The Certificate of Authentication for the Bonds shall be in substantially the following form:

CERTIFICATE OF AUTHENTICATION

Date of Authentication:

This bond is one of the General Obligation Bonds, 2023[A/B] of the City and Borough of Juneau, Alaska, dated _____________, 2023, and described in the within-mentioned Bond Ordinance.

__________________________, as Bond Registrar

By____
Authorized Signer

Section 7. Execution of Bonds. The Bonds shall be executed on behalf of the City and Borough with the manual or facsimile signature of the City Manager or his/her designee, shall be attested by the manual or facsimile signature of the City and Borough Clerk, and the seal of the City and Borough shall be impressed or a facsimile thereof imprinted or otherwise reproduced thereon.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be officer or officers of the City and Borough before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City and Borough, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City and Borough as though those who signed the same had continued to be such officers of the City and Borough. Any Bond may also be signed and attested on behalf of the City and Borough by such persons who are at the actual date of delivery of such Bonds the proper officers of the City and Borough although at the original date of such Bonds any such person shall not have been such officer of the City and Borough.

Section 8. Lost, Stolen, Destroyed or Mutilated Bonds. In case any Bonds shall at any time become mutilated or be lost, stolen or destroyed, the City and Borough in the case of such mutilated Bonds shall, and in the case of such lost, stolen or destroyed Bonds in its discretion may, execute and deliver a new Bond of like tenor and effect in exchange or substitution for and upon the surrender and cancellation of such mutilated Bonds, or in lieu of or in substitution for such destroyed, stolen or lost Bonds, or if such stolen, destroyed or lost Bonds shall have matured, instead of issuing a substitute therefor, the City and Borough at its option pay the same without the surrender thereof. Except in the case where a mutilated Bonds is surrendered, the applicant for the issuance of a substitute Bond shall furnish to the City and Borough evidence satisfactory to it of the theft, destruction, or loss of the original Bonds, and of the ownership thereof, and also such security and indemnity as may be required by the City and Borough, and no such substitute Bond shall be issued unless the applicant for the issuance thereof shall reimburse the City and Borough for the expenses incurred by the City and Borough in connection with the preparation, execution, issuance, and delivery of the substitute Bonds, and any such substitute Bond shall be equally and proportionately entitled to the security of this ordinance with all other bonds issued hereunder, whether or not the Bonds alleged to have been lost, stolen or destroyed shall be found at any time or be enforceable by anyone.

Section 9. Pledge of Taxes and Credit. The City and Borough hereby irrevocably covenants that, unless the principal of and interest on the Bonds are paid from other sources, it will make annual levies of taxes without limitation as to rate or amount upon all of the property in the City and Borough subject to taxation in amounts sufficient to pay such principal and interest as the same shall become due. The full faith, credit and resources of the City and Borough are hereby irrevocably pledged for the annual levy and collection of such taxes and for the prompt payment of such principal and interest. There is maintained in the office of the Finance Director a special fund of the City and Borough known as the "Debt Service Fund" (the "Bond Fund"), for the sole purpose of paying the principal of and interest on the Bonds and all other general obligation bonds of the City and Borough. Accrued interest, if any, received at the time of delivery of the Bonds shall be paid into the Bond Fund.

The City and Borough hereby irrevocably covenants and pledges for as long as the Bonds are outstanding that it will make provision for the payment of the principal of and interest on the Bonds in its annual budgets and further covenants that it will make annual levies of ad valorem taxes, for payment into the Bond Fund, upon all the property within the City and Borough subject to taxation, without limitation as to rate or amount, in amounts sufficient, with such other moneys available for such purposes as the Assembly from time to time may appropriate and order transferred to the Bond Fund, to pay the principal of and interest on the Bonds as the same shall be come due and payable.

Section 10. Construction Fund for Proceeds of the Bonds. There has heretofore been created in the office of the Finance Director of the City and Borough certain funds and accounts (the "Construction Fund"), into which shall be paid the proceeds of the Bonds (other than accrued interest which shall be deposited in the Bond Fund), and any and all other moneys which the City and Borough may now or later have on hand which are necessary and legally available to pay the costs authorized by Ordinance Serial No. 2022-38 and paying the costs of issuance of the Bonds. The Finance Director shall maintain records sufficient to account for the investment and expenditure of the Bond Authorizations.

Said funds shall be drawn upon for paying the costs authorized by Ordinance Serial No. 2022-38, for repaying any other funds or accounts of the City and Borough that may have advanced moneys for such purposes and for paying all expenses incidental to such purposes and the expenses incidental to the issuance of the Bonds. Bond proceeds in the Construction Fund may be invested in any legal investment for City and Borough funds and the proceeds thereof and earnings thereon shall be deposited in the Construction Fund or at the option of the Finance Director in the Bond Fund. In the event there are any proceeds of the Bonds left remaining in the

Construction Fund after the payment of all of such costs and expenses, the same may be used for any purpose permitted under Ordinance Serial No. 2022-38 or may be transferred to the Bond Fund or may be used for any purpose permitted under Section 10.10 of the Home Rule Charter of the City and Borough.

Section 11. Defeasance. In the event that money and/or noncallable Government Obligations maturing or having guaranteed redemption prices at the option of the holder at such time or times and bearing interest to be earned thereon in amounts (together with such money, if any) sufficient to redeem and retire part or all of the Bonds in accordance with the its terms, are hereafter irrevocably set aside in a special account and pledged to effect such redemption and retirement, then no further payments need be made into the Bond Fund or any account therein for the payment of the principal of and interest on the Bonds or portion thereof so provided for and the Bonds or portion thereof shall then cease to be entitled to any lien, benefit or security of this ordinance, except the right to receive the accounts so set aside and pledged, and the Bonds or portion thereof shall no longer be deemed to be outstanding hereunder.

Section 12. Tax Covenants.

(a) *Arbitrage Covenant.* The City and Borough hereby covenants that it will not make any use of the proceeds of sale of the Bonds or any other funds of the City and Borough which may be deemed to be proceeds of the Bonds pursuant to Section 148 of the Code and the applicable regulations thereunder which, if such use had been reasonably expected on the dates of delivery of the Bonds to the initial purchasers thereof, would have caused such Bonds to be "arbitrage bonds" within the meaning of said section and said regulations. The City and Borough will comply with the requirements of Section 148 of the Code and the applicable regulations thereunder throughout the term of the Bonds.

(b) *Private Person Use Limitation for Bonds.* The City and Borough covenants that for as long as the Bonds is outstanding, it will not permit:

(1) More than 10% of the Net Proceeds of the Bonds to be used for any Private Person Use; and

(2) More than 10% of the principal or interest payments on the Bonds in a Bond Year to be directly or indirectly (A) secured by any interest in property used or to be used for any Private Person Use or secured by payments in respect of property used or to be used for any Private Person Use, or (B) derived from payments (whether or not made to the City and Borough) in respect of property, or borrowed money, used or to be used for any Private Person Use.

The City and Borough further covenants that, if:

(3) More than five percent of the Net Proceeds of the Bonds is to be used for any Private Person Use; and

(4) More than five percent of the principal or interest payments on the Bonds in a Bond Year are (under the terms of this ordinance or any underlying arrangement) directly or

indirectly: (A) secured by any interest in property used or to be used for any Private Person Use or secured by payments in respect of property used or to be used for any Private Person Use, or (B) derived from payments (whether or not made to the City and Borough) in respect of property, or borrowed money, used or to be used for any Private Person Use, then, (i) any Private Person Use of the projects described in subsection (3) hereof or Private Person Use payments described in subsection (4) hereof that is in excess of the five percent limitations described in such subsections (3) or (4) will be for a Private Person Use that is related to the state or local governmental use of the projects funded by the Bonds, and (ii) any Private Person Use will not exceed the amount of Net Proceeds of the Bonds used for the state or local governmental use portion of the project to which the Private Person Use of such portion of the project relates. The City and Borough further covenants that it will comply with any limitations on the use of the projects by other than state and local governmental users that are necessary, in the opinion of its bond counsel, to preserve the tax status of the Bonds. The covenants of this section are specified solely to assure the continued exemption from regular income taxation of the interest on the Bonds. To that end, the provisions of this section may be modified or eliminated without any requirement for formal amendment thereof upon receipt of an opinion of the City and Borough's bond counsel that such modification or elimination will not adversely affect the tax status of the Bonds.

Section 13. Sale of Bonds.

(a) *Bond Sale*. The City and Borough Representative shall select one or more underwriting firms to underwrite such series of Bonds through a process of soliciting proposals for underwriting. Upon the selection of one or more underwriters, the City and Borough Representative shall negotiate the terms of sale for such series of Bonds, including the terms described in this section, in a contract of sale (the "Bond Purchase Agreement").

The City and Borough Representative is authorized to negotiate and complete the sale of the Bonds to the Underwriter on terms and conditions consistent with this ordinance and the Bond Purchase Agreement for the Bonds. Such terms and conditions, including the final principal amount, date, principal amounts of each maturity, final interest rates, maturity dates and redemption provisions, all as provided for in this ordinance, shall be set forth in the Bond Purchase Agreement, all subject to the Assembly's approval by resolution, which resolution may, at the option of the Assembly, provide for delegation within parameters approved by the Assembly.

Subject to the terms and conditions set forth in this Section 13, the City and Borough Representative is hereby authorized to execute the final form of a Bond Purchase Agreement, upon his or her approval of the final interest rates, maturity dates, aggregate principal amount, principal maturities and redemption rights set forth therein. Following the sale of the Bonds, the Designated Representative shall provide a report to the Assembly, describing the final terms of the Bonds approved pursuant to the authority delegated in this section.

The City and Borough Representative is further authorized and directed to take such other actions to publicize or facilitate the sale as he/she may deem desirable or necessary, including, but not limited to, securing a rating on the Bonds from one or more of the established rating services.

(b) *Delivery; Documentation*. Upon the passage of this ordinance, the proper officials of the City and Borough, including the City and Borough Representative, are authorized and directed to undertake all other actions necessary for the prompt execution and delivery of the Bonds to the Underwriter thereof and further to execute all closing certificates and documents required to effect the closing and delivery of the Bonds in accordance with the terms of the Bond Purchase Agreement.

The City and Borough Representative and other City and Borough officials, agents, and representatives are hereby authorized and directed to do everything necessary for the prompt issuance, execution and delivery of the Bonds to the Underwriter and for the proper application and use of the proceeds of sale of the Bonds. In furtherance of the foregoing, the City and Borough Representative is authorized to approve and enter into agreements for the payment of costs of issuance, including Underwriter's discount, the fees and expenses specified in the Bond Purchase Agreement, including fees and expenses of Underwriter and other retained services, including Bond Counsel, Financial Advisor, rating agent, Bond Registrar, and other expenses customarily incurred in connection with issuance and sale of bonds.

(c) *Preliminary and Final Official Statements*. The City and Borough Representative is authorized to ratify and to approve for purposes of the Rule, on behalf of the City and Borough, the Official Statement (and any preliminary Official Statement) and any supplement thereto relating to the issuance and sale of the Bonds and the distribution of the Bonds pursuant thereto with such changes, if any, as may be deemed by him/her to be appropriate.

Section 14. Undertaking to Provide Ongoing Disclosure.

(a) *Contract/Undertaking*. This section constitutes the City and Borough's written undertaking for the benefit of the owners of the Bonds as required by Section (b)(5) of the Rule.

(b) *Financial Statements/Operating Data*. The City and Borough agrees to provide or cause to be provided to the Municipal Securities Rulemaking Board ("MSRB"), the following annual financial information and operating data for the prior fiscal year (commencing June 30, 2024 for the fiscal year ending June 30, 2023):

1. Annual financial statements, which may or may not be audited prepared in accordance with generally accepted accounting principles;

2. The assessed valuation of taxable property in the City and Borough;

3. Property taxes due and property taxes collected;

4. Property tax levy rate per $1,000 of assessed valuation; and

5. Outstanding general obligation debt of the City and Borough.

Items 2-5 shall be required only to the extent that such information is not included in the annual financial statements.

Such annual information and operating data described above shall be provided on or before nine months after the end of the City and Borough's fiscal year. The City and Borough's current fiscal year ends June 30. The City and Borough may adjust such fiscal year by providing written notice of the change of fiscal year to the MSRB. In lieu of providing such annual financial information and operating data, the City and Borough may cross-reference to other documents available to the public on the MSRB's internet website.

If not provided as part of the annual financial information discussed above, the City and Borough shall provide the City and Borough's audited annual financial statement prepared in accordance generally accepted accounting principles when and if available to the MSRB.

(c) *Listed Events*. The City and Borough agrees to provide or cause to be provided, in a timely manner to the MSRB notice of the occurrence of any of the following events with respect to the Bonds not in excess of ten business days after the occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material or events affecting the tax status of the Bonds;
7. Modifications to rights of owners, if material;
8. Optional, contingent or unscheduled Bond calls other than scheduled sinking fund redemptions for which notice is given pursuant to Exchange Act Release 34-23856, if material, and tender offers;
9. Defeasances;
10. Release, substitution or sale of property securing the repayment of the Bonds, if material;
11. Rating changes;

12. Bankruptcy, insolvency, receivership or similar event of the City and Borough;

13. The consummation of a merger, consolidation, or acquisition of the City and Borough or the sale of all or substantially all of the assets of the City and Borough, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement to undertake such an action, other than pursuant to its terms, if material;

14. Appointment of a successor or additional trustee or the change of name of the trustee, if material;

15. Incurrence of a financial obligation of the City and Borough, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the City and Borough, any of which affect security holders, if material; and

16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the City and Borough, any of which reflect financial difficulties.

The term "financial obligation" means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term "financial obligation" shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

Solely for purposes of information, but without intending to modify this agreement, with respect to the notice regarding property securing the repayment of the Bonds, the City and Borough will state in its preliminary and Final Official Statements that there is no property securing the repayment of the Bonds.

(d) *Notice Upon Failure to Provide Financial Data*. The City and Borough agrees to provide or cause to be provided, in a timely manner, to the MSRB notice of its failure to provide the annual financial information described in subsection (b) above on or prior to the date set forth in subsection (b) above.

(e) *EMMA; Format for Filings with the MSRB*. Until otherwise designated by the MSRB or the SEC, any information or notices submitted to the MSRB in compliance with the Rule are to be submitted through the MSRB's Electronic Municipal Market Access system ("EMMA"), currently located at www.emma.msrb.org. All notices, financial information and operating data required by this undertaking to be provided to the MSRB must be in an electronic format as prescribed by the MSRB. All documents provided to the MSRB pursuant to this undertaking must be accompanied by identifying information as prescribed by the MSRB.

(f) *Termination/Modification*. The City and Borough's obligations to provide annual financial information and notices of material events shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds. Any provision of this section shall be null and void if the City and Borough (1) obtains an opinion of nationally recognized bond counsel to the effect that the portion of the Rule that requires that provision is invalid, has been repealed retroactively or otherwise does not apply to the Bonds and (2) notifies the MSRB of such opinion and the cancellation of this section.

The City and Borough may amend this section with an opinion of nationally recognized bond counsel in accordance with the Rule. In the event of any amendment of this section, the City and Borough shall describe such amendment in the next annual report, and shall include a narrative explanation of the reason for the amendment and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the City and Borough. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (1) notice of such change shall be given in the same manner as for a material event under Subsection (c), and (2) the annual report for the year in which the change is made shall present a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

(g) *Bond Owner's Remedies Under this Section*. A Bond owner's right to enforce the provisions of this section shall be limited to a right to obtain specific enforcement of the City and Borough's obligations hereunder, and any failure by the City and Borough to comply with the provisions of this undertaking shall not be a default with respect to the Bonds under this ordinance.

(h) *Additional Information*. Nothing in this Section 14 shall be deemed to prevent the City and Borough from disseminating any other information, using the means of dissemination set forth in this Section 14 or any other means of communication, or including any other information in any annual financial statement or notice of occurrence of a material event, in addition to that which is required by this Section 14. If the City and Borough chooses to include any information in any annual financial statement or notice of the occurrence of a material event in addition to that specifically required by this Section 14 the City and Borough shall have no obligation under this ordinance to update such information or to include it in any future annual financial statement or notice of occurrence of a material event.

Section 15. Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City and Borough shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds.

Section 16. Effective Date. This ordinance shall become effective thirty days after adoption.

ADOPTED this 20th day of March, 2023.

Beth A. Weldon
Mayor

ATTEST:

Elizabeth J. McEwen
Municipal Clerk

CERTIFICATE

I, the undersigned, Clerk of the City and Borough of Juneau, Alaska (the "City and Borough"), Do HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance Serial No. 2023-13(b) (the "Ordinance") of the City and Borough as finally passed at a regular meeting of the Assembly of the City and Borough (the "Assembly") held on the 20th day of March, 2023, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such special meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Assembly voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of March, 2023.

____
Elizabeth J. McEwen, Municipal Clerk
City and Borough of Juneau

Presented by:	The Manager
Introduced:	February 27, 2023
Drafted by:	Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-06(b)(AO)

An Ordinance Appropriating $6,600,000 to the Manager for the Areawide Trail Improvements, Adair-Kennedy Memorial Park, and Public Use Cabins Capital Improvement Projects; Funding Provided by General Obligation Bond Proceeds.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of $6,600,000 for the Areawide Trail Improvements, Adair-Kennedy Memorial Park, and Public Use Cabins Capital Improvement Projects, allocated as follows:

Adair-Kennedy Memorial Park	$ 5,000,000
Areawide Trail Improvements	$ 1,000,000
Public Use Cabins	$ 600,000

Section 3. Source of Funds

General Obligation Bond Proceeds	$ 6,600,000

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this ________ day of ____________, 2023.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Adoption of Title 07, Juneau International Airport
Chapter 10, Rates and Fees

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE MANAGER AND THE JUNEAU INTERNATIONAL AIRPORT BOARD HEREBY ADOPT THE FOLLOWING REGULATIONS WHICH SUPERCEDE AND REPLACE THOSE REGULATIONS ADOPTED BY THE ASSEMBLY, AND EFFECTIVE JULY 1, 2023, UNLESS OTHERWISE NOTED:

Section 1. **Authority.** These regulations are adopted pursuant to CBJ 01.60 and CBJ 05.01.080.

Section 2. **Amendment of Regulations.** The City and Borough of Juneau Administrative Code is amended by the adoption of a new Title 07, Chapter 10, reading:

City and Borough of Juneau Administrative Code
Title 07: Juneau International Airport
Chapter 10: Rates and Fees

Sections:

010 Policy
020 Rates and Fees
030 Definitions

07 CBJAC 10.010 Policy. The policy of the City and Borough of Juneau, Juneau International Airport Board establishing the rates and fees for the Juneau International Airport are as follows:

(a) The rates and fees charged at the Juneau International Airport shall be structured to assure that the Airport is as financially self-sustaining as possible, while ensuring fair and reasonable rates.

(b) The Juneau International Airport shall monitor, assess and amend such rates and fees as needed to maintain (a) above.

(c) Revenue derived from the use of obligated Airport property must be used for the operation, maintenance, or development of the Airport.

(d) All space designated by the Airport Manager as aviation use at the Juneau International Airport shall be available for leasing on a first-come, first-served basis, but may be allocated by the Airport Manager to insure that the reasonable needs of all users may be met. All other space may be available through competitive bid or other process.

(e) The Juneau International Airport may be required to furnish space to a governmental agency on a “rent-free” basis in order to obtain the services of a governmental agency, or to obtain a grant or other governmental participation in the operation or cost of improving or operating the airport facility, or to honor prior grant or participation agreements.

(f) Failure to pay applicable rates and fees outlined in this Regulation, shall be subject to citation, fines and interest on past due amount.

07 CBJAC 10.020 Rates and Fees. The following are rates and fees established by the Airport Board. These rates and fees may be subject to change by amendment and may be subject to City and Borough of Juneau Sales Tax.

(a) **Fuel Flowage Fees.** For sales of aviation fuel and aviation fuel delivery services at the Juneau International Airport, the following fees shall apply:

(1) Signatory.

(A) Aircraft with maximum certificated gross weight of 12,500 lbs. or less shall pay fuel flowage fee of $.~~22~~ 26 per gallon ~~effective July 1, 2016~~.

(B) Aircraft with maximum certificated gross weight of more than 12,500 lbs. shall pay fuel flowage fee of $.~~155~~265 per gallon, effective May 1, 2023.

(2) Non-signatory.

All Non-signatory aircraft shall pay a fuel flowage fee of $.~~28~~ 3325 per gallon, ~~effective July 1, 2016~~, effective May 1, 2023.

(3) Exemption to Fuel Flowage Fees: The Civil Air Patrol (CAP) shall be exempt from Fuel Flowage Fees on missions, practice missions and fuel purchased in bulk by the CAP.

(b) **Landing Fees.** Landing Fees shall be based on maximum take-off weight as certified by the FAA, for all types of aircraft whether empty or loaded, as follows:

(1) Signatory.

(A) Under 12,500 lbs., no fee.

(B) 12,500 lbs. and over, ~~for each 1,000 lbs. or any fraction thereof: $2.45~~ 3.06 per 1,000 lbs., or any fraction thereof, effective ~~July 1, 2016~~ May 1, 2023.

(C) Exemptions to signatory landing fees:
i. Aircraft engaged in test flights.
ii. Aircraft compelled to return after take-off.

iii. Aircraft compelled to land under an emergency diversion situation.
iv. Public aircraft not engaged in commercial operations.

(2) Non-Signatory.

(A) Under 12,500 lbs., no fee.

(B) 12,500 lbs. and over~~, for each 1,000 lbs. or any fraction thereof~~: $~~3.06~~ 3.83 per 1,000 lbs., or any fraction thereof, effective ~~July 1, 2016~~ May 1, 2023.

(C) Exemptions to non-signatory landing fees:

i. Aircraft engaged in test flights.
ii. Aircraft compelled to return after take-off.
iii. Aircraft compelled to land under an emergency diversion situation.
iv. Public aircraft not engaged in commercial operations.

(c) **Air Carrier Terminal Lease Rates.**

(1) Signatory. Terminal rental rates for air carriers are established by the Airport Board. Lease of terminal space preference shall be given to air carriers. The rates are per Square Foot, Annually, as follows:

Space Type	**Rate**
Counter (North Wing) plus 7 feet	$~~25.16~~30.45
Counter (East Wing)	$~~31.69~~38.35
Office (North Wing)	$~~22.88~~27.69
Office (East Wing)	$~~25.52~~30.89
Office (~~Old Tower, Ops~~ Admin East)	$~~25.52~~30.89
~~Office (AK Maintenance)~~	~~$25.52~~
Baggage Claim (Public)	$~~25.52~~30.89
Storage/Bag Make Up (Covered Bag Well)	$~~20.34~~24.61
Storage/Frt Rm (North Wing)	$~~20.34~~24.61
Canopy Storage (North Wing)	$~~12.71~~15.30
Hold Room/ Departure Lounge	$~~31.69~~38.35

Jetbridge/Passenger Boarding Bridge (Airport –owned) at Gate 2 & Gate 5 *$3,500/month*

(2) Non-Signatory.

(A) For non-signatory air carriers requiring the use of the terminal for one-time or occasional use (up to four times per month), the following fee schedule shall apply:

Wide Body Jets: $1,500 per use or turn

Narrow Body Jets:	$ ~~500~~1,000 per use or turn
Regional Prop (greater than 12,500 lbs.)	$ ~~75~~ 175 per use or turn
Small carrier (12,500 lbs. or less)	$ ~~25~~ 50 per use or turn

(B) Wide Body and Narrow Body jet use of the terminal shall be limited to departure lounge, available counter space, available jetway, bag claim, bag make-up and public circulation areas. Regional prop aircraft and small carrier use of terminal shall be limited to available counter space and public circulation area. Other non-signatory fees for airside use shall apply, such as landing fees, fuel flowage fees and parking or gate use also apply.

(C) Terminal Space rent shall be charged at 25% more than the published Signatory rate.

(d) **Aircraft Parking Fees.**

(1) Assigned Parking per Month. Fees for all types of aircraft, regardless of size or weight, per month or any fraction thereof, for parking or tiedown privileges in areas designated by the Airport Manager are as follows:

(A)	Overnight parking at Air Carrier gate	$~~500~~ 1,000
(B)	Main Ramp, >12,500 lbs.	$~~500~~ 750
(C)	Air Taxi (small box)	$~~75~~ 90
(D)	Air Taxi (large box)	$~~100~~ 125
(E)	Hard-surfaced parking areas	$~~60~~ 75
(F)	Gravel-surfaced parking areas	$~~50~~ 60
(G)	Privately-owned seaplane floats (North & South)	$~~90~~ 110
(H)	Airport-owned seaplane floats(North & South)	$~~150~~ 180
(I)	Privately-owned seaplane floats (West Finger)	$~~150~~ 180

Seaplane floats fee based on 8 months of use/fees annually.

(2) Transient Parking. The parking fee for transient aircraft is determined by the maximum take-off weight as certified by the FAA, as follows:

(A)	Under 6,001 lbs. (Non-commercial)	$~~10~~ 15 per day
(B)	Under 6,001 lbs. (Commercial)	$~~25~~ 50 per day
(C)	6,001 lbs. to 12,500 lbs.	$~~75~~ 100 per day
(D)	12,501 lbs. to 100,000 lbs.	$~~175~~ 250 per day
(E)	100,001 lbs. and over	$~~500~~ 1,000per day/lg aircraft ramp, per turn/terminal gate
(F)	Jetway Use ~~5 Air Carrier g~~Gate 2, 5 (Non-Signatory)	$~~500~~ 1,000 per turn/use

All aircraft parking spaces are designated one aircraft per space. Any additional aircraft parked in/near/around a parking spot, or any aircraft not within an aircraft designated space will be assessed the daily transient rate for size/type of aircraft/operation.

Aircraft parking fees are assessed for the first 24 hours or any fraction thereof. Subsequent days are charged for each 24 hour period or any fraction thereof. Non-commercial aircraft are exempt for the initial two hours of aircraft parking. Rates apply to the public parking areas of the airport.

(3) Storage Fees. Property that remains on a tiedown or other location after termination of the agreement, shall be charged a storage fee of $200 per month, except that ownership of a dock on the float pond shall revert to the Airport if not removed upon termination of the agreement.

(e) **Land Lease Rates.** Certain property at the Juneau International Airport has been designated by the Assembly as available for airport related purposes. CBJ Chapter 05.20 "Airport Lands," provides for the administration of such property and authorizes the Airport Manager to negotiate certain leases subject to Airport Board approval, and according to certain terms provided therein. Airport land lease rates shall be according to airport land type and/or use as follows:

(1) Land Lease Rates (all rates per square foot, annually):

(A)	Non-Commercial Airfield Land Lease	$0.~~47~~ 57~~/~~sq ft/year
(B)	Commercial Airfield Land Lease	$0.~~57~~ 70/sq ft/year
(C)	SIDA Airfield Land Lease	$0.~~80~~ 97/sq ft/year
(D)	Landside Non-Aviation Land Lease	$0.~~71~~ 86/sq ft/year
(E)	~~Undeveloped Land Lease~~1st Right of Refusal $0.~~19~~ 05/sq ft/year	

(2) Non-aviation Land Lease Rates. Non-aviation land lease rates shall be set through competitive bid or other process, but shall not be less than the highest Airfield land lease rate plus 25%.

(3) Land Lease Wait List Fees. The Juneau International Airport has established wait lists and application fees based on the land lease types and proposed construction types. Tenants wishing to apply for land lease space shall fill out an annual wait list application and pay the following annual application fees:

(A)	Commercial Leases:	$25/annually
(B)	Executive Hangar Leases:	$25/annually
(C)	T-Hangar Leases:	$25/annually

(f) **Rental Car Lot.** Rental car lot spaces shall be charged at the following rate:

(1) $~~75~~ 100 per space, per month or any fraction thereof,

(g) **Commercial Vehicle Access Fees.** Access fees are per vehicle, per calendar year. A numerically sequenced permit/sticker is issued for each fee paid. Permit/sticker must be properly displayed and permanently affixed to the vehicle windshield prior to operating on the Airport premises. Failure to display and affix permit to the vehicle will be considered as conducting business at the airport without a valid permit. Prior year(s) permits must be removed or current year permit will be invalid. The following fee structure applies to the categories of Ground Transportation and Access users as indicated:

(1) Ground Transportation Fees. (Taxicab, bus, airporter, courtesy van, or limo.)

	1-7 PAX Rate	8-16 PAX Rate	17 or MORE Rate
Annual	$~~150~~ 200.00	$~~200~~ 250.00	$~~250~~ 350.00

For each calendar year, each tour operator permitting multiple large buses, shuttles and/or vans, may purchase as many annual vehicle permits as needed to conduct business on the Airport premises and pay the actual cost of permits per vehicle in accordance with the above table, or $10,000, whichever is less.

(2) Commercial Freight Pick-up/Delivery Vehicles. Off-Airport businesses performing a commercial pick-up or delivery of freight transitting the Airport shall be required to purchase and display a Commercial Freight Pick-up/Delivery permit on their vehicle prior to conducting such business on the airport premises. ~~This excludes any item that an airport tenant may use or consume for their own personal or business purposes.~~ The permit entitles the vehicle to free parking in the Short-Term lot during pick-up and delivery only.

	1st Vehicle Rate	Each Additional Vehicle Rate
Annual	$~~150~~ 200.00	$~~25~~ 50.00

(3) Airport Operational Area (Commercial freight pick-up/delivery vehicles with inside the fence access.)

	1st Vehicle Rate	Each Additional Vehicle Rate
Annual	$~~230~~ 300.00	$~~35~~ 75.00

(h) **Boundary Crossing Fee.** Companies or businesses conducting business within the boundaries of the Airport that do not lease property on the Airport are subject to an annual boundary crossing fee. (Separate from public ground transportation access fees and commercial access delivery fees outlined in (g) above).

Boundary Crossing Fee:	$200 minimum per year, as negotiated based on Airport land use or boundary activity

(i) **International Passenger Processing Fee.** Any passenger arriving or processed through U.S. Customs who has deplaned off of a scheduled or chartered international commercial flight will be assessed an international processing fee.

International Passenger Processing Fee:	$4 per passenger

(j) **Employee Parking Fees**.

(1) A company, business, or government agency conducting business on the Juneau International Airport, or an employee or association of employees thereof may park in the airport employee parking lot while on duty under the following terms and conditions:

(A) Parking fees are paid in full prior to the beginning of the calendar month or fraction thereof, for which parking is desired.

(B) A 10% discount shall be given for prepayment of an entire period as described in section (3) below.

(C) Use of the employee parking lot for any purpose, other than parking while on duty, will forfeit access to, and fees paid for, the employee parking lot for that period.

(D) Vehicles may not park in the employee parking lot for more than 24 hours without Airport Management approval. If an employee has been approved for extended parking, the employee must make arrangements to have the vehicle moved upon request of the Airport. Vehicles not in compliance with the subsection ~~will~~ may be towed and impounded at the owner's expense.

(E) Employee vehicles must be registered with Airport Management. Vehicles parked in the employee parking lot that have not been registered ~~will~~ may be towed and impounded at the owner's expense.

(2) The rate for parking in the employee parking lot is $~~40~~ 50 per space per month, or any fraction thereof.

(3) There will be two rental periods per year. The first period shall be from October through April (7 months), and the second period shall be from May through September (5 months).

(4) Use of a parking space may be shared between two eligible employees and a single fee charged, provided work schedules do not overlap and/or actual use is limited at all times to a single car in the single rented space.

(k) **Concession Fees.** Concessions which operate at the airport shall be awarded through Bid process, Request for Proposal (RFP) process or as a sole responder with a Letter of Interest.

Concession fees are established through contract negotiations, but will not be leased at a rate less than those established for Airfield/Aviation Use Land Lease Rates.

(l) **Governmental Agency Rental Rates.** The Juneau International Airport may enter into an agreement with governmental agencies for the reimbursement of expenses incurred by the airport in providing services (which may include, but not be limited to: maintenance, utilities, supplies and janitorial services) to the "rent-free" space. The charge for such reimbursable expenses for services shall be based on the annual per square foot cost of providing such services to the entire area serviced.

(m) **Airport Reimbursable Costs.** The Juneau International Airport may charge tenants, users or patrons of the Airport for costs associated with reimbursement of personnel costs, equipment costs or supplies for which a tenant, user or patron requests a special service which is not covered by a tenant or user agreement or is not a normally provided function of Airport operations. This may include damage to airport property for which the tenant, user or patron is responsible and whereby additional cost has been incurred by the Airport. A detailed breakdown of all costs will be provided after an emergency situation or an estimate will be supplied in advance to a request if appropriate.

(n) **Fingerprint Fees.** For fingerprinting and electronic submission to the Federal Bureau of Investigation (FBI) for criminal history records check, the following fees shall apply:

(1) Employees, tenants, employees of tenants, or those employees of businesses and agencies directly working with/at the Juneau International Airport, the fingerprint fee shall be: $~~50~~ 75 per person.

(2) For all others, the fingerprint fee shall be: $75 per person.

(o) **Badging Fees.** For access and identification badges issued at the Juneau International Airport, the following fees shall apply:

(1) Security Identification Display Area (SIDA),135 ramp (Non-SIDA), General Aviation AOA badges, or Airport Employee identification badges, the fees shall be:

(A)	Initial Issuance ($~~25~~50) & Deposit ($50)	$ ~~75~~ 100
(B)	Renewal (Annual)	$ ~~25~~ 40
(C)	Re-issuance for worn or damaged	$ ~~25~~ 40
(D)	Lost badge	$200
(E)	Contractor Deposit	$200
(F)	Proximity Gate Card	$ ~~10~~ 15
(G)	Non-Airport ID	$ ~~25~~ 50

Deposits shall only be refunded upon the timely return of an individual's current access badge to Airport Security or Airport Administration. If a "lost" badge is later recovered, a refund ~~of $190~~ may be issued, minus the fees associated with the replacement badge, only if the lost badge is of the current issuance lot (color, badge design).

In lieu of a deposit, an employer may issue a written letter of guarantee for their employee(s). Such letter will be on company or business letterhead, signed by an authorized agent of the company or business, and guarantee that if an authorized employee of their company or business does not return a badge or loses a badge, the company or business shall be responsible for the non-returned/lost badge and remit the $200 fee to the Airport.

(2) Proximity Cards (or gate access cards): $~~10~~ 15 per card / issuance

(3) Non-airport identification media : $~~25~~ 50 per card / issuance

(p) **Airline Fee for Airport Security Screening**. Each Air Carrier shall pay $~~1.43~~ 2.26/per screened enplaned passenger effective May 1, 2023, ~~enplaned passenger~~ ; for that Air Carrier's passengers subject to security screening and enplaning, at Juneau International Airport, ~~retroactive to May 1, 2016.~~

The Non-signatory rate for Airline Fee for Airport Security Screening shall be at a rate of 25% more than the established signatory rate for Airport Security Screening Fee.

(q) **Lease Action Filing Fee.** For any Lease Action Request (Assignment, New Lease, Extension/Amendment, Collateral Assignment, Cancellation) at the Juneau International Airport: $100/per Lease Action Request

07 CBJAC 10.030 Definitions. For purposes of this chapter, unless the context plainly requires otherwise:

"Aviation Use" means the storage, operation, maintenance, or servicing of aircraft, or a use directly ancillary to such aviation use.

"Employee" a person employed by a company, business or governmental agency and who is stationed to work at the Juneau International Airport for that company, business or agency.

"Juneau International Airport" or "Airport" means the facilities and lands owned by the City and Borough of Juneau, and designated as Airport properties, or the administration which oversees the facilities and lands at the Airport, subject to this regulation.

"Signatory" means air carriers or aircraft owners/operators who have a written lease agreement with the Airport.

"Non-Signatory" means air carriers or aircraft owners/operators who do not have a written lease agreement with the Airport. A sublease agreement does not qualify at the "signatory" rate.

"Commercial Land" means that area of the Airport which is designed for businesses and commercial activity, but may be leased to private individuals at the commercial rate.

"Landside Non-Aviation Land" means that area of the Airport which is outside the airfield perimeter fence, and designated for any non-aviation related use.

"Non-Commercial Land" means that area of the Airport which is designed for private, non-business activities, but may be leased to commercial businesses at the commercial rate.

"SIDA Land" (or Security Identification Display Area) means that area of the Airport which is designated for SIDA activities/business, pursuant to 49 CFR 1500 series.

"Transient Aircraft" at the Airport means an aircraft that is not assigned to a permanent parking space, that is not subject to a written parking agreement with the Airport, that is not parked in its assigned permanent parking space, or that is double parked in an aircraft parking space.

"Undeveloped Land" means raw land that has not been filled to grade or been permitted for development.

Section 3. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on February 12, 2023, which is not less than 21 days before the date of adoption of these regulations as set forth below.

Adoption by Agency

After considering all relevant matter presented to it, the agency hereby amends these regulations as set forth above. The agency will next seek Assembly review and approval.

Date: _______________

____
Al Clough, Chairman
Juneau International Airport Board

Legal Review

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

(1) Consistency with federal and state law and with the charter, code, and other municipal regulations;

(2) The existence of code authority and the correctness of the required citation of code authority; and

(3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: ____________________ ________________________________

Sherry Layne
Assistant Municipal Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of ____________. They were adopted by the Assembly.

Date: ____________________ ________________________________

Elizabeth J. McEwen
Municipal Clerk

Filing with Clerk

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

1. These regulations were accepted for filing by the office of the clerk at ___:___ a.m./p.m. on the _____ day of __________________, ________.
2. After signing I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
3. A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
4. Effective date shall be the seventh day after the date of filing with the clerk, per CBJ 01.60.330.

Date: ____________________ ________________________________

Elizabeth J. McEwen
Municipal Clerk

OPERATIONAL IMPACT (Circle One) **No** ~~**Yes**~~ (If Yes, Explain in Detail)

Adoption of this amended Rates and Fees Regulation will assist the Airport in its mandate to remain as financially self-sufficient as possible during projected near-term budget deficits, while operating within national revenue norms. The Airport would implement this amended regulation July 1, 2023, with the exceptions as noted for earlier implementation. **Changes to Rates and Fees**: The Airport had not raised the majority of its rates and fees since 2013, with the exception of large carrier fuel flowage fees, landing fees and security fees that were increased in 2016. While the Airport showed deficits over the years, the Board approved the use of Airport Fund Balance to cover those deficits over the span of several years. In 2020, the Airport Fund Balance was hovering near the three-month reserve amount, so the Airport positioned itself to raise rates and fees across the board to meet the deficit it was projecting. However, Covid hit and revenue losses were experienced globally and air travel was impacted significantly, as well as mandates to combat Covid spread. Airports, including JNU, remained open with all the normal expenses (even increased expenses due to Covid), but significant reduction from incoming revenue. Congress pass multiple bills including CARES (et al) to assist the economy including 'subsidizing' airports/airlines to remain open and operational. The $30.6M of grants the JNU received assisted in covering expenses due to lost revenues, as well as provide capital project support (loss of passenger facility charge fees) and provide tenant rent abatement for commercial aviation. The funding for the first CARES grant will sunset in April 2024, and the Airport requires balancing its budget and deficit that has been carried over for several years; compounded. A combination of ANC CPI increases as well as financial model calculations provide basis for the increases. The following is a summary of the proposed rates and fees increases at JNU and associated additional revenue as amended and approved by the Airport Board at its March 9, 2023 Airport Board meeting:

<u>Airline Security Screening Fee:</u> Increase from $1.43 to $2.26/ per screened, enplaned Passenger begin ***May 1, 2023***;
Estimate additional revenue for FY24 budget: $310,400

<u>Taxi/Ground Commercial Vehicle Permits:</u>
Ground: 1-7 Pax $150 to $200/annually; 8-16 Pax $200 to $250/annually; 17+ pax $250 to $350/annually
Estimate additional revenue for FY 24 budget: $8,600
Commercial Delivery: 1st Vehicle $150 to $200/annually; Each Additional vehicle $ 25 to $50/annually
Estimate additional revenue for FY 24 budget: $1,000
Airport Operational Area (AOA): 1st vehicle $230 to $300/annually; Each Additional vehicle $ 35 to $75/annually
Estimate additional revenue for FY 24 budget: $1,500

<u>Rental Car Lot:</u> $75 to $100/per space per month
Estimate additional revenue for FY 24 budgets: $36,900

<u>Land Lease Rates:</u>

$0.57 to $0.70/sf/yr	Commercial Airfield and Landside (Aviation use)
$0.47 to $0.57/sf/yr	Non-commercial airfield
$0.71 to $0.86/sf/yr	Landside non-aviation
$0.80 to $0.97/sf/yr	SIDA land lease
$0.01 to $0.05/sf/yr	1st Right of Refusal

Estimated Additional Revenue for FY 24 budget $149,200

<u>Tiedown:</u>
$50 to $60/mo Gravel
$60 to $75/mo Asphalt
$75 to $90/mo Main-small
$100 to $125/mo Main-large
Estimated Additional Revenue for FY 24 budget: $12,100

<u>Float Pond:</u>
$90 to $110/mo Private
$150 to $180/mo Airport
$150 to $180/mo West finger
Estimated Additional Revenue for FY 24 budget: $7,400

<u>Signatory Jet/Jetway Parking/Use:</u>
$500 to $750/mo Main ramp > 12,500
$500 to $1,000/mo Air Carrier Gate/Cargo parking
$3,000 to $3,500/mo Jetbridge/PBB Use (Gates 2 &5)
Estimated Additional Revenue for FY 24 budget: $33,000

Transient A/C Tiedown:

$10 to $15/per day	<6,000 lbs. non commercial
$25 to $50/per day	<6,000 lbs. commercial
$75 to $100/per day	6,001 – 12,500 lbs.
$175 to $250/per day	12,501 – 100,000 lbs.
$500 to $1,000/per turn	>100,000 lbs.
$500 to $1,000/per turn/use	Jetway Use – Gate 2,5 (non-signatory)

Estimated Additional Revenue for FY 24 budget $0

Terminal Lease: (sf/yr)

$25.16 to $30.34	Counter North (+7 ft)
$31.69 to $38.35	Counter East (+12ft)
$22.88 to $27.69	Office North
$25.52 to $30.89	Office East
$25.52 to $30.89	Office Admin East
$25.52 to $30.89	Bag Claim (public)
$20.34 to $24.61	Bag Make-up/Storage
$20.34 to $24.61	Storage Frt Room North
$12.71 to $15.30	Canopy North
$31.69 to $38.35	Departure/Hold Room

Estimated Additional Revenue for FY 24 budget: $170,100

Employee Parking: $40 to $50/mo; $180 to $225/ summer months May – Sept; $252 to $315/ winter months Oct – Apr
Estimate additional revenue for FY 24 budget: $10,900

Fuel Flowage Fees:
Signatory:
Aircraft 12,500 lbs and under (AV or Jet) $0.22 to $0.26/gallon *(per 3/9/23 Board)*
Estimate additional revenue for FY 24 budget: $38,100

Aircraft greater than 12,500 lbs. (Large Commercial Jet) $0.155 to $0.265/gallon; begin **May 1, 2023**
Estimate additional revenue for FY 24 budget: $363,400
Non-Signatory:
Non-signatory $0.28 to $0.3325/gallon; *(per 3/9/23 Board)* begin **May 1, 2023**
Estimate additional revenue for FY 24 budget: $15,700

Landing Fees:
Signatory:
Aircraft 12,500 lbs and over, for each 1,000 lbs or fraction thereof $2.45 to $3.06/1,000 lbs; begin **May 1, 2023**
Estimate additional revenue for FY 24 budget: $533,700

Non-Signatory:
Aircraft 12,500 lbs and over, for each 1,000 lbs or fraction thereof $3.06 to $3.83/1,000 lbs ; begin **May 1, 2023**
Estimate additional revenue for FY 24 budget: $16,600

Badging Fees:

$75 to $100	Initial Badge
$25 to $40	Renewal Badge
$25 to $40	Reissuance (worn/damage/replacement)
$50 to $75	Fingerprint Fees (Airport)
$10 to $15	Prox/gate card
$25 to $50	Non-airport ID issue

Estimate additional revenue for FY 24 budget: $29,300

Fees not mentioned herein, will not change through this update.
Language is included to allow the airport to collect fees for abandoned property after termination of a lease; or ownership of property consistent with lease language.

Revenue increase: Total revenue increases for above outlined increases is $1,737,900.These new rates and fees and their resulting increased revenues have been factored into the proposed FY24 budget; to parallel the Assembly budget proces

(Attach Additional Pages as Necessary)

FINANCIAL IMPACT (Circle One) ~~No~~ **Yes** (If Yes, Complete the Following) **FUND:**

	FY24				
Expenditure Budget: Personal Services Materials & Commodities Capital Outlay Other:	$				
Total Expenditures	$				
Funding Sources: Federal Grant: Other: Fund Balance	$1,737,900				
Total Funding Sources	$1,737,900				
Personnel: Full-Time FTE's Part-Time FTE's Temporary FTE's	No change/ cost to implement this Reg. It is absorbed in the current personnel costs.				

CAPITAL IMPROVEMENT PROJECTS (CIP)

Project Budget: Direct Project Costs	$	
Total Project Budget	$	
Funding Sources: Other: Other:	$	
Total Funding Sources	$	
Personnel: Full-Time FTE's Part-Time FTE's Temporary FTE's		

Amounts noted at left are 100% of the project totals.
Project total before Appropriation: $
This Appropriation: $
Total Project: $

Comment:

Prepared by: Patricia Wahto Date: Mar 17, 2023
Affected Depts a) Airport Date: Mar 17, 2023
(Dir/Dept): b) ____________ Date:
Finance Dir: ____________ Date:
City Manager: ____________ Date:

Econ/Impact Note Form, Finance 10/20/94 F:\Forms\Econimp.frm

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

TO: Rorie Watt
City and Borough Manager

DATE: March 16, 2023

FROM: Greg Smith
Contract Administrator

FILE: 2124

SUBJ: BID RESULTS:
Outer Drive & West Juneau Lift Station Improvements
CBJ Contract No. BE23-194

Bids were opened on the subject project on February 23, 2023. The bid protest period expired at 4:30 p.m. on February 24, 2023. Results of the bid opening are as follows:

	Admiralty Construction, Inc	Dawson Construction	**Engineers Estimate**
Base Bid	$5,647,500.00	$6,265,651.00	**$3,561,200.00**
Additive Alternate No. 1 -	$70,000.00	$67,000.00	**$67,000.00**
Additive Alternate No. 2 -	$160,000.00	$151.000.00	**$151,200.00**
Additive Alternate No. 3 -	$105,000.00	$89,000.00	**$97,108.00**
TOTALS	**$5,982,500.00**	$6,572,291.00	**$6,572,291.00**

Project Manager: Michael Eich

Project Description: **BASE:** The WORK covered in the Contract Documents includes retrofit of two wastewater lift stations (pump stations) including bypass pumping, cure-in-place pipe lining of 30-inch gravity sewer main, structural concrete modifications, miscellaneous metals fabrication for wastewater facilities, removal and replacement of; ductile iron process piping, sewer slide gates, access hatches and safety grating, metal ladders, miscellaneous process and drain piping, wastewater process valves, dry-pit submersible wastewater pumps, instrumentation, pump power supply and controls, potable water plumbing, HVAC ducting, unit heater and blower system, pump electrical gear, conduit and conductors, water level sensing devices and related equipment. **Additive Alternate 1** – Spare Dry Weather Pump; **Additive Alternate 2** – Spare Wet Weather Pump; **Additive Alternate 3** - Spare Pump-West Juneau.

Funding Source: Waste Water Fund; Sales Tax
Total Project Funds: $7,650,000
CIP No. U76-122
Construction Encumbrance: $5,982,500
Construction Contingency: $598,250

Design: $372,000
Contract Administration/Inspection: $480,000
CBJ Administrative costs: $180,000

Staff recommends award of this project to Admiralty Construction, Inc. for the base and all alternates for the total amount bid of $5,982,500.

Approved: ________________________________
Duncan Rorie Watt
City & Borough Manager

Date of Assembly Approval:_____________

c: CBJ Purchasing

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

TO: Rorie Watt
City and Borough Manager

DATE: March 16, 2023

FROM: Greg Smith
Contract Administrator

FILE: 2208

SUBJ: BID RESULTS:
Calhoun Avenue Reconstruction Phase II
CBJ Contract No. BE23-205

Bids were opened on the subject project on March 15, 2023. The bid protest period will expire at 4:30 p.m. on March 17, 2023. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
Admiralty Construction, Inc	***S1,579,105.00***
Coogan Construction Company	$1,646,593.00
North40 Construction Corporation	$1,743,163.00
Engineer's Estimate	***$1,179,586.00***

Project Manager: John Nelson

The WORK covered in the Contract Documents includes reconstruction of Calhoun Avenue from the intersection of West 7th Street to Main Street. WORK generally includes excavation, Base Course grading, D-1, asphalt pavement, curb and gutter, concrete sidewalk, ADA ramps, replacement of storm drain pipe, catch basins, manholes, sewer pipes, HDPE water main and apparatuses, viaduct repair, retaining wall, traffic control markings, signs and other miscellaneous WORK.

Funding Source: Sales Tax-$4,000,973; Wastewater Fund-$135,000; Water Fund-$455,000
Total Project Funds: $$4,590,973.00
CIP No. R72-132
Construction Encumbrance: $1,579,105
Construction Contingency: $157,910
Design: $111,000
Contract Administration/Inspection: $126,330
CBJ Administrative costs: $48,000

Pending the outcome of the protest period, staff recommends award of this project to **Admiralty Construction, Inc** for the total amount bid of $1,579,105.

Approved: ______________________________
Duncan Rorie Watt
City & Borough Manager

Date of Assembly Approval:____________

c: CBJ Purchasing

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

TO: Rorie Watt
City and Borough Manager

DATE: March 16, 2023

FROM: Greg Smith
Contract Administrator

FILE: 2219

SUBJ: BID RESULTS:
JNU Gate K Culvert Replacement
CBJ Contract No. BE23-223

Bids were opened on the subject project on March 1, 2023. The bid protest period expired at 4:30 p.m. on March 2, 2023. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
Colaska dbs SECON	***$555,213.00***
Engineer's Estimate	*$488,827.00*

Project Manager: Mike Greene, Airport Project Manager

Project Description: WORK generally consists of the emergency removal of an existing eighty foot long steel pipe arch with approximate 12'-0" span and 6'-4" rise, protection of existing utilities, installation of a stream bypass system, installation of a new eighty foot long aluminum pipe arch with 13'-1" span and 8'-4" rise, removal and reconstruction of existing riprap bank armoring, re-seeding of disturbed banks, reconstruction and repaving of disturbed roadway and other miscellaneous Work.

Funding Source: Airport CARES funding/Airport Budget
Total Project Funds: $670,426
CIP No. A50-110
Construction Encumbrance: $555,213
Construction Contingency: $55,213
Design and Contract Administration/Inspection: $49,000
CBJ Administrative costs: $11,000

Staff recommends award of this project to SECON for the total amount bid of $555,213.

Approved: ______________________________
Duncan Rorie Watt
City & Borough Manager

Date of Assembly Approval:____________

c: CBJ Purchasing

CITY AND BOROUGH OF JUNEAU ALASKA'S CAPITAL CITY

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

TO: Rorie Watt
City and Borough Manager

DATE: March 16, 2023

FROM: Greg Smith
Contract Administrator

FILE: 2214

SUBJ: BID RESULTS:
JNU Outgoing Baggage Belt Repairs
CBJ Contract No. BE23-263

Bids were opened on the subject project on March 7, 2023. The bid protest period expired at 4:30 p.m. on March 9, 2023. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	BASE BID	Add. Alt. No. 1	TOTAL BID
Robson Handling Technology USA, Inc.	**$1,169,012.00**	**$106,912.00**	**$1,275,924.00**
Dawson Construction, LLC	$1,321,000.00	$221,000.00	$1,542,000.00
Engineer's Estimate	*$706,860.00*	*420,750.00*	*$1,127,610.00*

Project Manager: Ke Mell, Airport Architect

Project Description: This project is a partial replacement of existing out-going baggage conveyor assembly components within the Juneau International Airport.

Funding Source: CARES Grant
Total Project Funds: $ 1,469,716
CIP No. A50-105
Construction Encumbrance: $1,275,924.00
Construction Contingency: $127,592
Design and Contract Administration/Inspection: $41,200
CBJ Administrative costs: $25,000

Staff recommends award of this project to Robson Handling Technology, USA, Inc. for the total amount bid of $1,275,924.

Approved: ______________________________
Duncan Rorie Watt
City & Borough Manager

Date of Assembly Approval:____________

c: CBJ Purchasing

Ordinance 2022-06(b)(AR) An Ordinance Appropriating up to $2,340,737 to the Manager for Juneau School District Special Revenue Fund Deficits and Current Year Student Activities; Funding Provided by General Funds.

This ordinance would appropriate up to $2,340,737 of additional outside the cap funding to resolve current and prior year deficits in the School District's special revenue funds, as well as a request for new wrestling mats for middle and high schools totaling $80,000. This appropriation would allocate funding for the following purposes:

FY2021 Deficits			
	Pupil Transportation	$	374,939
	Rally	$	464,770
	FY2021 Total	$	839,709
FY2022 Deficits			
	Pupil Transportation	$	425,914
	Community Schools	$	126,884
	FY2022 Total	$	552,798
FY2023 Deficits			
	Pupil Transportation	$	483,000
	Rally	$	285,230
	Community Schools	$	100,000
	FY2023 Total	$	868,230
New Requests			
	Middle/High School Activities (wrestling mats)	$	80,000
	New Requests Total	$	80,000
	Total JSD Supplemental Funding Request	$	2,340,737

After consultation with the Alaska Department of Education and Early Development, JSD has removed their request for funding of summer school in 2023; which has been determined to be an instructional cost that must be paid for inside the educational funding cap.

This request does not correct the School District's operating fund deficit of $620,400 at June 30, 2022, as CBJ already contributed the maximum local contribution inside the cap. I am advised that JSD intends to correct that issue with its FY24 budget request.

School funding is complicated and the there are three concurrent funding processes that the Assembly should understand as it acts on this request.

First, this Ordinance has been requested for introduction.

Second, the Legislature is seriously contemplating an increased base student allocation, as much as $1,200. The results of that deliberation will not be known for some time.

Third, The JSD budget for FY24 will be received in accordance with Law by April 1, 2023. In that budget, JSD has to anticipate many factors, including an Assembly decision on this Ordinance, action by the legislature, enrollment, and staffing costs.

Last, the Assembly should be informed that due to the increase in the value of real property in Juneau, funding JSD instruction "to the cap" in FY24 will increase CBJ's allowable appropriation by approximately $2.3 Million (about an 8% increase) over the FY23 level.

This request was reviewed and approved by the Juneau School District Board on January 10, 2023. This request was reviewed by the Assembly Finance Committee at the March 1, 2023 meeting. Based on some feedback from DEED on summer school funding, JSD staff have adjusted the request.

The Manager recommends this ordinance be introduced, referred to Finance Committee and set for public hearing at the next regular Assembly meeting.