

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - June 8, 2020

MEETING NO. 2020-31: The Regular Meeting of the City and Borough of Juneau Assembly held via Zoom webinar and broadcast to the public via Facebook Live, was called to order at 7:00 p.m. by Mayor Beth Weldon.

I. FLAG SALUTE

II. ROLL CALL

Assembly Members Present: Mayor Beth Weldon, Maria Gladziszewski, Loren Jones, Rob Edwardson, Wade Bryson, Carole Triem, Michelle Hale, Alicia Hughes-Skandijs, and Greg Smith

Assembly Absent: None.

Staff Present: City Manager Rorie Watt, City Attorney Robert Palmer, Deputy City Manager/Incident Commander Mila Cosgrove, Municipal Clerk Beth McEwen, Deputy Municipal Clerk Diane Cathcart, Police Chief Ed Mercer, Deputy Chief David Campbell, Library Director Robert Barr, Hospital Administrator Chuck Bill, Deputy City Attorney Emily Wright, Lands Manager Dan Bleidorn, Parks and Recreation Director George Schaaf, Finance Director Jeff Rogers, Community Development Director Jill Maclean, CDD Planning Manager Alexandra Pierce, JPD staff: Lt. Jeremy Weske, Public Safety Manager Erann Kalwara, and Dispatcher Sara Dallas

III. SPECIAL ORDER OF BUSINESS

A. Instructions for Public Participation via Zoom Webinar

Anyone wishing to provide public comment during the meeting is asked to call the Municipal Clerk's public testimony request phone line at 586-0215 by 3 p.m. the day of the meeting or send an email to City.Clerk@juneau.org providing their name, email address, and phone number they will be calling from. Testimony time will be limited by the Mayor based on the number of participants. The public is encouraged to send comments in advance of the meeting to BoroughAssembly@juneau.org.

If you have not notified the Clerk's Office ahead of time you can still participate. When attending the zoom webinar [*login info listed at top of agenda*] to speak on an item up for public hearing or a non-agenda item please hit the 'raise hand' button if participating via a computer/tablet; if participating by phone press *9 on your phone, this will place a 'raised hand' icon next to your phone number and will add you to the queue.

Municipal Clerk McEwen explained the process by which the public can participate in the Zoom webinar and that the meeting was also being broadcast via Facebook Live and

that KTOO radio was also broadcasting the audio of the meeting.

B. Census Update - CANCELLED

C. COVID-19 Update and Actions

Incident Commander Mila Cosgrove provided an update regarding the COVID-19 response. There was one new case over the weekend and one new case Monday, June 8. Of particular note was that they stood up greeting, screening and testing at the airport over the weekend. Overall, there were 478 passengers who arrived at the airport, 198 of whom were from out of state. 33% of interstate travelers arrived with negative results in hand and 147 tests were administered. She noted that Alaska Airlines was handing out the state travel declaration forms on board the flights and that helped the process immensely. Ms. Cosgrove gave a shout out to Jarvis Schultz, Joe Mishler and all their teams for doing such a great job setting up the airport testing center within such a short turnaround time.

Ms. Cosgrove provided clarification after questions from Assemblymembers about how the numbers of tests are reported by the Division of Public Health and said that while 147 individuals were tested at the airport, only those that are Juneau residents will show up in the numbers of tests on the Public Health reports.

Mayor Beth Weldon said this will take the place of her Mayor's Report later in the meeting but it falls under this section more appropriately. She said that on May 14 she took her son down south to retrieve his items from his college dorm and it was a whirlwind of a trip and they didn't get much sleep. Upon returning to Juneau she couldn't figure out why she wasn't regaining her energy and after a few days, she felt like she was fighting off a cold for a few days and then felt some irritation in her chest and some irritation in her nasal passages. In light of that, she opted to be tested for COVID-19 and she thanked the Fire Department who came to her house to administer the test since she was still in quarantine after traveling. She found out that she tested positive for COVID-19. She and her son were both in quarantine and he has tested negative both times that he has been tested. She and her son quarantined at their home while her husband was immediately sent to their cabin for the duration of their quarantine. She described her symptoms and was in daily contact with the Public Health nurses each day during that time. The Public Health nurses determined she was recovered as of June 4 and advised her to stay away from large gatherings for a few days. She said she spoke with Dr. Anne Zink about it now that she has had it. Dr. Zink told her that people who have recovered are considered immune and not considered carriers. Mayor Weldon said she didn't share her story with everyone before that as she didn't want to worry her family until after she had recovered. She said that she is sharing her story so that anyone with the slightest symptoms is encouraged to get tested. She encouraged people to continue to take the necessary precautions including social distancing and to get tested if they find any reason to suspect they may have the virus.

D. Proclamation: National Nursing Assistants' Week June 18-24

Mayor Weldon read the proclamation honoring National Nursing Assistants' Week.

E. Update from Police Chief Mercer

Mayor Weldon said that the Assembly has received approximately 250 emails from the public communicating concerns related to racial inequality and concerns about procedures related to the police and as the issue was becoming one of great public interest, she extended an invitation to JPD Chief Ed Mercer to provide information to the Assembly during this meeting. She also noted that Chief Mercer and Deputy Chief David Campbell will be at the June 22 Assembly Committee of the Whole meeting at which the Assemblymembers can ask additional questions and discuss the matter further.

Mr. Watt explained that if the public has any questions and/or information they wish to share with the Assembly, the best method for doing that would be to send those emails to the BoroughAssembly@juneau.org email address and staff will collect that input and try to address those questions and concerns as best as they can. He noted that the Assembly will discuss this at greater length at the Assembly Committee of the Whole worksession on June 22 and while that is a time for the Assembly to be in worksession, they generally don't take public testimony during those meetings but rather they are meetings at which the Assembly has a chance to answer questions of and receive answers from staff.

Chief Ed Mercer thanked the Assembly for inviting him and Deputy Chief Campbell to address these issues and he thanked those members of the public watching the meeting online. Chief Mercer said that since the death of George Floyd in Minneapolis, our country has been ripped apart. For the past two Saturdays, members of the Juneau Police Department have attended protests in Juneau to show their solidarity in denouncing the excessive use of force by police departments. What happened in Minneapolis and other parts of this country should not be tolerated.

Chief Mercer said that any discussion of use of force should also include discussions related to hiring and training of police officers. He then went on to explain the hiring protocols, background checks, polygraph examination, and other screening protocols. Once someone is hired, they then go through extensive training at the Sitka Police Academy where they receive training during an intensive 14 week period. After academy, JPD officers receive an additional 80 hours of training each year on a variety of topics such as less use of lethal force, crisis intervention, domestic violence, deescalation training and strangulation to name a few.

Chief Mercer said that when discussing "Use of Force" that justifiable force will always be part of law enforcement. He then described a recent experience in which JPD

responded to an assault in progress which required a number of methods to restrain the suspect in order to keep him from harming others and to take him into custody. He said the key point is that the use of force has to be justified. He then went on to explain the process under state law in which use of force justification is reported, reviewed and deemed justified. If an officer exceeds their authority, they themselves are violating the law and JPD takes officer accountability very seriously. While it doesn't happen often, JPD officers have been reprimanded, disciplined, terminated and/or even arrested as the situation warranted. The Alaska Police Standards Council certifies officers and is made up of officers as well as civilians and he sits on that council. In addition to the Alaska Police Standards Council there is the Office of Victim Rights, and the Special Prosecutor's Office. He said JPD officers use the use of force paradigm to respond to situations requiring force.

Chief Mercer then went on to detail the use of force paradigm vs. a use of force continuum as well as the department's use of body worn cameras. He then went into detail regarding the 2019 use of force instances. In 2019, over 99% of the contacts JPD had did not require the use of force. The people of Juneau do not need to fear use of force unless they are committing a violent act or resisting arrest. He then went on to describe a variety of programs that JPD employs to reach out and interact with the community including Coffee with a Cop, National Night Out, Citizens Academy and others.

Chief Mercer then answered a number of questions from Assemblymembers.

Ms. Hale asked if JPD was going to be holding any type of "Town Hall" interactive forum where the public can ask questions of and get answers from JPD and what that might look like during COVID-19. Chief Mercer said they would be more than happy to engage in a town hall or other format to interact with the community.

Mr. Smith asked if JPD tracks race data within the use of force and other statistics related to arrests. Chief Mercer said they do track those demographics and he'd be happy to share that information at the next meeting.

Ms. Gladziszewski asked if they could provide information at the COW meeting regarding what they do about racial sensitivity training, what are the policies regarding officers with domestic abuse charges or history. She also asked them to provide information about oversight committees and/or how the Assembly or public would get reports on any officers who may be coming from other communities that have had egregious use of force in other communities they previously worked for. Ms. Gladziszewski said she would like to see the department's use of force policy in particular.

Chief Mercer said that Juneau is fortunate that it doesn't have the extremely large forces that other communities have and when they are fully staffed, JPD has 57 sworn police

officers. He said that if people in Juneau are seeing misconduct, they are quick to report it and JPD is quick in responding to it. He said that with respect to policies, many of the requests they have received, they have already implemented them in their policies. Deputy Chief Campbell elaborated on JPD's hiring practices and that they do not hire any officers with domestic violence history and they do extensive background checks for all applicants.

Ms. Gladziszewski said that the Assembly needs to lead the forum in which to hear from the public and although that is not going to be at the COW meeting, it is the Assembly's responsibility to provide for that opportunity and not that of JPD.

Ms. Triem asked if JPD has any of the "military style" gear that we've seen on the news from other communities. Chief Mercer said JPD does use different tools and equipment that may look like it is military equipment. They did participate in the 1033 federal program. The most recent thing they received through that was the mobile incident command equipment. That was obtained by Department of Homeland Security grant funds. JPD was also provided SWAT gear and also they receive rifles back in the early 2000s and JPD has since replaced those. Mr. Triem asked if all the information being provided could be coalesced and posted online somewhere.

Mr. Edwardson, following up on Ms. Gladziszewski's question, said he would also like to see JPD's use of force policy. Mr. Edwardson said he is familiar with use of force policies as he followed them in his career for 20 years and he is familiar with the Use of Force continuum and he asked if it would be possible for he and the Assembly to see JPD's use of force policy. Chief Mercer said he would be open to having that discussion. When Mr. Edwardson asked if he could see the printed use of force policy, Chief Mercer responded not at this time. Chief Mercer said they would be able to work with the City Attorney and City Manager's office to provide that information to the Assembly.

Mr. Edwardson said he has been getting more reports about complaints about use of force and while they aren't so much as kneeling on someone's neck, they are about placing hands on people, manhandling people, doing more dangerous maneuvers with use of cars than might be warranted. He then gave examples of use of force continuum policies that he was accustomed to and he said he would like to see all the records or at least those records still in the retention schedule of complaints of use of force violations against JPD. He asked if that would be possible. Chief Mercer said he would have to have discussions with the Law Department on how to proceed since personnel files are not something they release to the public; however they will be willing to work with the Law Department to see what portions of those reports may be able to be released.

Ms. Hughes-Skandijs said she is interested in hearing more from JPD at the June 22 COW meeting and she is particularly interested in having them share information about demographics related to victims of crimes as well as demographics related to use of

force. She asked what the policies and procedures currently in place for use of body cameras are and if there are consequences if they aren't used. Chief Mercer explained that there are consequences for officers if they do not follow policy and with respect to body worn cameras, they have a review process that the supervisors go through and periodically review body worn cameras to make sure they are working, how they are working, and what the officers are doing out in the field. He said that since 2017 when they first began using body worn cameras, it has evolved quite a bit and the officers have seen how useful body worn cameras can be with 1) capturing evidence, and 2) helping determine the facts when somebody does file a complaint. Deputy Chief Campbell said that the issue of demographics is somewhat more difficult. He explained that a number of years ago, there were some concerns surrounding potential for racial profiling in police departments and at the time, Chief Johnson put out a directive that JPD is still following that officers are not allowed to ask anyone that they have contact with in the field, what their race is. If they automatically disclose that with JPD, they can record that information. They can also use APSIN and DMV information but if that information isn't in there, they have to list the individuals in the "other" category. He said in light of that, while they do have some demographic information, there are limitations on that information.

Ms. Triem said she was surprised that they could not see the use of force policy and that got her wondering about the process involved in coming up with, reviewing, and updating any of the policies used in the department. Chief Mercer said he and the Deputy Chief are in charge of developing the policies and they are reviewed at least every three years as well as whenever there are national changes. They use templates from national organizations as well as modifying them to fit the needs of our community.

Ms. Gladziszewski asked about the 8Can'tWait policies and said it is disturbing to her that they are not willing to make those public. Chief Mercer said he is more than willing to have those discussions with the Assembly and public about certain policies but when it comes to operations and tactics, those are policies that he is not comfortable making public due to safety concerns for the public as well as the officers.

Chief Mercer said that JPD follows at least five of the 8CantWait policies but there are some of those such as the use of force continuum, which is defunct and has been replaced with the use of force paradigm which is better suited to individual situations. He said that some things have changed over the last few years with respect to active shooter scenarios and some of those policies have had to adjust to address those situations. Ms. Gladziszewski said she would like to follow up with them to discuss some of her questions more directly.

Mr. Smith also said he would like to hear JPD respond with additional details about the issues raised by the Black Lives Matter protesters. He asked if JPD has seen alternate models or other systems in other communities emphasizing mental health in crisis response. He asked if JPD has seen that and if something like that might be able to

assist JPD in responding to other incidents. Chief Mercer said he has heard of that and they even had discussions here in Juneau about possibly standing up a mobile response where health care workers or people who work in the mental health field would go out and have contact with individuals, especially if they are showing signs of mental health or addiction issues. He said that would be a good thing for Juneau. He said that even if they did, he thinks that JPD would still play a role in those responses to ensure the safety of those mental health professions who are responding to a situation.

Mayor Weldon asked what their procedures are when JPD responds to a non-violent mental health patient incident, do they call Mental Health from the scene or do they take the individual to BRH? Chief Mercer said it depends on the circumstances. They go on many calls where the circumstances pose mental health issues and they follow Title 47 law protocols before they can take an individual into custody for a voluntary or involuntary commitment to be evaluated. Fortunately, the department has a crisis intervention team and they stood that up about three years ago and a majority, if not all of the officers, are now trained in crisis intervention and they refer them to JAMHI to follow up on or JAMHI may be called while they are out in the field. In many circumstances, JPD does take the individual into custody due to concerns for the individual's well being or the well being of others.

Ms. Hughes-Skandijs asked if JPD does a breakdown of the types of calls that come into 911 and provide statistics on their calls. Deputy Chief Campbell provided information on how they report out the types of calls and he said that while the data system is very robust, he isn't sure if that is one of the factors included in those reports.

Mayor Weldon thanked everyone for their questions and said the Assembly will have a more robust discussion at the Committee of the Whole worksession on June 22. She encouraged anyone who still has questions to submit them in writing to the BoroughAssembly@juneau.org or the City.Clerk@juneau.org email addresses.

Mayor Weldon then recessed the meeting for a 10 minute break to reconvene at 8:15p.m.

IV. APPROVAL OF MINUTES

A. March 26, 2020 Special Assembly Meeting #2020-12 DRAFT Minutes

MOTION by Ms. Hale to approve the minutes of the March 26, 2020 meeting and asked for unanimous consent. *Hearing no objection, the minutes were approved.*

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Albert Rinehart, a resident of downtown Juneau, spoke in solidarity with Black Lives

Matter and he spoke to the 10 demands from the Black Lives Matter movement.

Erika Bergren, a resident of Thane, spoke in support of the Black Lives Matter movement and the 10 demands from Saturday's protest. She suggested that the Assembly could take into consideration the addition of social workers to the work of the police department. She said that law enforcement's primary focus is on incarceration and she asked that more funding and emphasis be placed on prevention and community safety.

Frank Bergstrom, a resident of Lemon Creek, expressed his appreciation for and thanks to the police department. He said they have performed admirably and they are truly color blind and while he hasn't had to use their services, he is thankful for the work they do and in knowing they are there if/when the need arises.

Serene Hutchinson, a resident of downtown Juneau, thanked those who have spoken out about Black Lives Matter and she also thanked the Juneau Police Department. She said she and her brother own Juneau Tourism Whale Watch and she asked that the funds be considered to help keep businesses above water so that when the next season comes around, they are still in business and able to open up. She said they received the PPP funding and that has helped them create jobs in their shop and as soon as those funds run out, they will be out of money. They are currently selling property and moving to smaller premises and smaller homes and she encouraged the Assembly to support funding of business assistance programs so they can open again in 2021.

Phillip Moser, a resident of the Mendenhall Valley, spoke regarding the police response that he has seen as well as the ongoing actions by the Assembly to provide relief to businesses and individuals. He has been asking for rent relief for citizens of Juneau and so far, the response has been very low. So far, the Assembly has proposed putting those relief funds towards businesses in town instead. The minority owned businesses that he knows of in town have not received federal funding in terms of COVID-19 relief. This all fits into the same issue of the police primarily protecting the private interest of businesses over the health and welfare of private citizens. He said that because when it is time to start evicting people from their homes, it will be police, however nice they are, choosing to evict people and making them homeless during the times when people have the greatest need to be in their homes and that will include a disproportionate number of minorities and people of color. He encouraged the Assembly to defund the police department and put those monies towards those relief efforts.

Assemblymember Smith pointed out to Mr. Moser that there are rental assistance programs offered by the city and the state during this time.

Laura Steele, a resident of North Douglas, spoke in support of the demands from the Black Lives Matter rally on Saturday. She said that there is an attitude in Juneau that we are small enough, diverse enough, and open minded enough to think that racism doesn't exist in Juneau but she said sadly it does. She said that far too often black members of

our community do not feel safe, supported, or welcome but they are worthy, valued, and loved and they are just as much a part of our community as anyone else and they should be made to feel that way. She said that she feels it is the responsibility of the Assembly, as representatives of the wider community, to send them that message and take action in support of the demands that they made. These demands were made by members of our community, they belong here and are part of Juneau and we respect them and we should hear them. She emphasized the last demand from the 10 demands and asked that the Assembly especially consider what Ally-ship actually means.

Joseph Biagini, a resident of downtown Juneau, spoke in support of the Black Lives Matters rally and he thanked Ms. Gladziszewski for requesting JPD provide their use of force policies. He also spoke against the increase of JPD's budget from the FY19 actuals to the FY22 proposed budget in which they will see an approximate 20% increase while the rest of CBJ's budget expenditures only grew by 11% and that does not reflect the values that our community has been stating through the testimony and messages the Assembly has been receiving over the past week and during this meeting. He suggested those funds be diverted towards public housing, mental health resources, addiction resources, social workers and other similar programs.

Tonja Cadigan, a resident of Douglas, called in support of the Business Sustainability Grant Program funding. Her family has had a business in downtown Juneau for 35 years and this summer's lack of tourism is having a devastating impact on all of Juneau and especially on all the businesses within it. She said it is incredibly difficult to ask for help as they are generally the ones who provide community support in a variety of ways. She encouraged the Assembly to support the Business Sustainability Grant Program so that the businesses can survive to thrive next year and be able to once again support our community in all these ways they do. She thanked the Assembly for all their hard work.

Charity McKinnon, thanked the Assembly for even considering grants to small businesses. She thanked Ms. Cadigan for her comments on behalf of businesses. She also said that the PPP is a loan that will need to be repaid. She said this pandemic is going to last a lot longer than the PPP funding.

Sonia Ibarra, a resident of Tee Harbor and a guest on the traditional territories of the A'akw Kwáan and has been fortunate to call Juneau her home for the past 8 years and looks forward to being a respectful guest on this land for decades to come. She said she is hurting for our black, brown and indigenous brothers and sisters. Change is needed across this country, this state, our community and even at the local government level. She asked the Assembly to contemplate the 10 demands, have the difficult conversations about them, challenge the white privilege that they may be upholding in their lives, because the reality is that if we aren't all part of the solution, we are part of the problem. Lastly, to all those who have been fighting the fight against racism, live it, breathe it, who are actively leading the way for people of color or are part of the movement towards racial equity, please know that she stands with you.

Todd Wehnes, a resident of downtown Juneau, spoke in support of the 10 demands of the Black Lives Matter movement and asked the Assembly to defund the police.

VII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION by Ms. Gladziszewski to adopt the Consent Agenda and asked for unanimous consent.

Objection by Mr. Jones for purposes of an amendment as he couldn't get off mute fast enough.

Amendment #1 by Mr. Jones that in addition to Ordinance 2019-06(AH) being introduced and set for public hearing that it also be referred to the Assembly Finance Committee (AFC) meeting on June 17 prior to going back to the Assembly for public hearing.

Ms. Hale objected for purposes of a question and asked if Mr. Jones could explain the reason for his objection.

Mr. Jones said that the CARES funding for the second and third rounds of the business grants are coming to that AFC meeting and since this ordinance is also CARES funding, the committee would be able to continue the conversation that had begun in the Committee of the Whole (COW). He said this ordinance deserved to at least have some committee discussion before it goes to an Assembly meeting to be voted upon.

Ms. Hale asked for clarification and Mr. Jones provided clarification about his motion and Ms. Hale removed her objection.

Hearing no objection, Mr. Jones' Amendment #1 passed.

Hearing no objection, the Consent Agenda as amended was adopted.

1. Ordinances for Introduction

- a. Ordinance 2020-22 An Ordinance Authorizing the Manager to Lease Approximately 1.25 Acres, Located adjacent to the Juneau Arts and Culture Center and Centennial Hall, to the State of Alaska for Employee Parking.

The State of Alaska currently leases the area adjacent to the JACC and Centennial Hall for employee parking. The current lease terminates this summer. This ordinance would authorize the CBJ to continue leasing the area to the State for up to five more years.

The Lands Committee provided a motion of support to continue this lease at its meeting on May 4, 2020.

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

- b. Ordinance 2020-24 An Ordinance Amending the Elections Code Relating to Vote by Mail for City and Borough of Juneau Municipal Elections.

This ordinance updates the CBJ code to clarify terms, dates, and standards, so a vote by mail municipal election can be conducted fairly and efficiently. At the regular Assembly meeting on May 18, 2020, the Assembly authorized the October 2020 municipal election to be by mail.

The Human Resources Committee reviewed this topic on May 18, 2020, and recommends staff draft the necessary code changes to improve voting by mail. The changes proposed in this ordinance would apply to the municipal election on October 6, 2020.

The City Manager recommends the Assembly introduce this ordinance, refer it to the Committee of the Whole on June 22, and set it for public hearing on June 29.

- c. Ordinance 2020-26 An Ordinance Authorizing the Manager to Renew the Lease of the Mayflower Building and Grounds to the Juneau Montessori Center.

The Juneau Montessori Center is a nonprofit school located in Douglas and has leased CBJ property for its school since 1992. In 2014, the Assembly authorized a five year lease, with renewal options, and a lease rate of less than fair market value subject to Assembly approval at renewal. The first five year period is expiring soon, and Juneau Montessori requested the lease rate continue at less than fair market

value. The Lands Committee reviewed this request on June 1, 2020, and recommended the Assembly provide a one-year lease at \$2,000 per month, which would be less than fair market value.

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

- d. Ordinance 2019-06(AD) An Ordinance Appropriating to the Manager the Sum of \$18,086 as Funding for the Land for Senior Assisted Living Capital Improvement Project; Funding Provided by Affordable Housing Fund's Fund Balance.

This housekeeping ordinance would appropriate \$18,086 of the Affordable Housing Fund's Fund Balance to the Land for Senior Housing CIP. The original appropriation of \$1,512,000 was approved as part of the FY20 CIP Resolution. That appropriation amount was incidentally incorrect, as \$1,519,000 was the purchase price agreed upon by the seller and approved by the Lands Committee. Additionally, the CIP appropriation was insufficient to pay closing costs of \$11,086.

This appropriation ordinance corrects these errors.

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

- e. Ordinance 2019-06(AE) An Ordinance Appropriating to the Manager the Sum of \$10,000,000, as Partial Funding for Bartlett Regional Hospital's Fiscal Year 2020 Operating Budget; Funding Provided by CARES Act Funding and the Hospital Fund's Fund Balance.

Bartlett Regional Hospital (BRH) requests an additional appropriation of \$10,000,000 for FY20 hospital operations. After 9 months of operations, BRH has overspent its expense budget by \$6.2 million. This variance was driven by increased patient volumes and spending on additional staff and supplies necessary to provide care.

BRH has also incurred unbudgeted expenses due to the COVID-19 pandemic. This amount currently is at \$1,264,000.

This supplemental appropriation will be funded by CARES Act funding of \$7,252,838. The remaining balance of \$2,747,162 will be funded by the Hospital Fund's Fund Balance.

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

meeting.

- f. Ordinance 2019-06(AG) An Ordinance Appropriating up to \$8,500,000 to the Manager for Phases 2 and 3 of a COVID-19 Business Sustainability Grant Program; Funding Provided by the CARES Act Special Revenue Fund.

The Economic Stabilization Task Force has been developing options for the Assembly to help the local economy recover from the harm caused by COVID-19. This would provide additional funding of \$8.5M for Phases 2 and 3 of the Business Sustainability Program. This topic was discussed by Assembly committees on May 20 (AFC) and June 1 (COW).

The City Manager recommends the Assembly introduce this ordinance, refer it to the Finance Committee on June 17, and then set for public hearing on June 29 unless a Special Assembly meeting is scheduled earlier for public hearing.

- g. Ordinance 2019-06(AH) An Ordinance Appropriating up to \$1,000,000 to the Manager for a COVID-19 Conservation Corps Program; Funding Provided by the CARES Act Special Revenue Fund.

The Economic Stabilization Task Force has been developing options for the Assembly to help the local economy recover from the harm caused by COVID-19. This ordinance would create an employment training program for people furloughed, unemployed, or underemployed due to COVID-19. This ordinance would provide a grant to Trail Mix, Inc., and supplemental FY21 appropriations to Eaglecrest and the Parks and Recreation Department for COVID-19 Conservation Corps programs. As of late May, Trail Mix had nearly 150 people interested in such a program. The Assembly Finance Committee briefly discussed this topic during the budget process. The Economic Stabilization Task Force recommended the Assembly consider this program at its meeting on June 4, 2020.

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

- h. Ordinance 2019-06(AI) An Ordinance Appropriating to the Manager the Sum of \$700,000 for COVID-19 Testing Equipment to be Operated by Bartlett Regional Hospital; Funding Provided by the CARES Act Special Revenue Fund.

These funds would be used to purchase testing equipment to expand the capacity of local testing for COVID-19. A medium-complexity technology has been selected and the funds would be used to purchase a Roche 6800, 8800 or similar equipment and related supplies. A medium-

complexity machine can be easily operated with the technical expertise that currently exists in Juneau. Once operational, this will allow for broad scale, high sensitivity, same day COVID-19 testing.

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

- i. Ordinance 2019-06(AJ) An Ordinance Appropriating to the Manager the Sum of \$52,600 as Supplemental Funding for Downtown Parking's Fiscal Year 2020 Operating Budget; Funding Provided by the Downtown Parking Fund's Fund Balance.

Downtown Parking is anticipating a budgetary shortfall of \$52,600 in the FY20 operating budget. This was caused by increased electricity costs at the DTC garage due to a colder winter, and an overage in contractual services. The contractual services overage occurred from unbudgeted lease payments for the sub-port parking area. These anticipated expenses were added late in FY19 after the Downtown Parking budget was already submitted.

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

2. Resolutions

- a. Resolution 2892 A Resolution Providing For Interest Rates For The General Obligation Refunding Bond Being Issued Through The Alaska Municipal Bond Bank.

On June 24, 2020 CBJ is scheduled to sell, via the Alaska Municipal Bond Bank (AMBB), approximately \$7.3 million in general obligation bonds in order to refund/refinance bonds originally issued in June 2010. The original bonds were issued to fund a portion of the Dimond Park Aquatic Center.

The issuance of bonds was authorized by the Assembly in Ordinance 2020-19 (adopted May 18, 2020). The final Assembly action, per CBJ Charter, related to these bonds is to "prescribe" (set/accept) by resolution the interest rates and annual principal maturity payment dollar amounts. CBJ legal counsel, K&L Gates, has prepared Resolution 2892 to adopt the interest rates, via delegation to the City Manager, and set other final bond sale terms. Schedule A of the resolution list the years and amounts when the bonds will mature and sets the maximum interest rates authorized. The aggregate interest cost for all the bonds is estimated to be around 2.0% and result in a net present value savings of \$150k.

The City Manager recommends the Assembly adopt this resolution.

- b. Resolution 2894 A Resolution Authorizing the Manager to Convey a Driveway and Utility Easement across a Fraction of City Property in the Vicinity of 11000 North Douglas Highway.

Roger and Ann-Marie Ramsey own a landlocked parcel and are seeking a driveway and utility easement across CBJ land. There are two similar overlapping easements on this City-owned property that provide access to other privately owned landlocked parcels. Fair market value was determined by appraisal to be \$13,355.

On June 11, 2019, the Planning Commission recommended the Assembly grant this easement. On March 2, 2019, the Lands Committee recommended the Assembly grant this easement for fair market value.

The City Manager recommends the Assembly adopt this resolution.

3. Bid Award

- a. Bid No. 21-006 Term Contract for Transport Services for Household Hazardous Waste and E-Waste

This is a five-year term contract to transport Household Hazardous Waste & E-Waste from Juneau to recycling centers in Washington. Recycling supplies will also be transported from Washington back to Juneau. This contract will begin in FY21, effective July 1, 2020.

Bids were opened on this project on May 14, 2020. The bid protest period ended May 19, 2020. The following bids were received:

Bidder	Total Bid
Samson Tug & Barge	\$143,400.00
Alaska Marine Lines	\$146,900.00
<i>Estimate</i>	\$175,000.00

The City Manager recommends that the bid be awarded to Samson Tug & Barge in the total bid amount of \$143,400.

- b. Bid No. 21-012 Term Contract for Roadway De-Icing Chemicals

This will be a five-year term contract for the purchase and delivery of roadway de-icing chemicals for use in the Engineering/Public Works Department, Streets Division, and the Juneau International Airport. Combined estimated costs are *approximately* \$310,000 per year. This

term contract will take effect on July 1, 2020.

Bids were opened on this project on May 20, 2020. The following bids were received:

Bidder	Total Bid
CP Industries, LLC	\$301,904.00
Alaska Garden Pet & Supply	\$306,000.00

The protest period ended June 3, 2020.

The City Manager recommends the award of this contract to CP Industries, LLC in the total bid amount of \$301,904.

4. Liquor License

a. Liquor Licenses-2 New & 1 Transfer

These liquor license actions are before the Assembly to either protest or waive its right to protest the license action.

Liquor License New Applications

License Type: Distillery License, License #5901

Name: Alaskan Brewing, LLC d/b/a Alaskan Distilling Co.

Location: 5366 Commercial Blvd., Juneau

License Type: Distillery License, License #5905

Name: Alaskan Brewing, LLC d/b/a Alaskan Distilling Co.

Location: 5433 Shaune Dr., Juneau

Liquor License Transfer of Ownership & Location

License Type: Beverage Dispensary, License #772

Transfer From:

NYT, Inc d/b/a Rendezvous at 184 S. Franklin St. Juneau

Transfer To:

AK Grizzly Bar, LLC d/b/a AK Grizzly Bar at 210 Admiral Way, Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development departments have reviewed the above licenses and recommend 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 new liquor license applications and the liquor license transfer.

VIIIPUBLIC HEARING

- A. Ordinance 2020-14 An Ordinance Authorizing the Sale of Foreclosed Property Located at 12280 Glacier Highway by Sealed Competitive Bid.

Property tax is due every year. State law (AS 29.45.290-500) prescribes a multi-year process to foreclose on property with unpaid property tax. The property at 12280 Glacier Highway has had unpaid property tax since 2017. In November 2019, the CBJ received a Clerk's Deed for the property.

There is an unoccupied house on the property, and the owner of record (Steven Baker) has not responded to multiple attempts to cure the property tax debt. Staff has reached out to other family members who said the owner left the state and has not been reachable for some time. The property has been the subject of multiple nuisance complaints.

State law authorizes a municipality to retain foreclosed property or dispose of foreclosed property when there is no public purpose for it. Staff does not see a public purpose to retain the property except a small public utility easement along Glacier Highway.

The Lands Committee recommended selling this property at its meeting on February 10, 2020.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Mr. Bryson asked for a definition of a Clerk's Deed. Mr. Palmer explained that a Clerk's Deed is what we receive from the courts when the municipality has satisfied all the foreclosure requirements and the City then owns the property.

Assembly Action

-
MOTION by Mr. Smith to adopt Ordinance 2020-14 and asked for unanimous consent.
Hearing no objection the ordinance was adopted.

- B. Ordinance 2020-23(b) An Ordinance Amending the Purchasing Code to Allow for Additional Methods of Public Notice and Electronic Receipt of Bids.

This ordinance would amend the CBJ Procurement Code to allow on-line advertising of solicitations and electronic submission of bids and proposals. This

change is intended to promote public competition, reduce administrative processing, and lower procurement costs.

Version (b) reflects the newspaper publication changes recommended by the Assembly Finance Committee on May 6, 2020.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

- **MOTION** by Ms. Hughes-Skandijs to adopt Ordinance 2020-23(b) and asked for unanimous consent. *Hearing no objection the ordinance was adopted.*

- C. Ordinance 2019-06(AC)(b) An Ordinance Appropriating up to \$3,500,000 to the Manager for Phase 1 of a COVID-19 Business Sustainability Grant Program; Funding Provided by the CARES Act Special Revenue Fund.

The Economic Stabilization Task Force has been developing options for the Assembly to help the local economy recover from the harm caused by COVID-19. This ordinance incorporates two of the Task Force's recommendations into a business sustainability grant program: (1) a \$2.2M rent/lease and long-term debt cost program and (2) a \$1.3M utility cost program.

On May 20, the Assembly Finance Committee recommended an ordinance be drafted for the \$2.2M program. There was additional discussion that staff should evaluate the \$1.3M utility cost program idea. After working with the co-chairs of the Task Force, this ordinance combines the two programs, which provides a simplified and efficient mechanism to provide grants to businesses that are suffering interruptions caused by COVID-19.

On June 1, 2020, the Committee of the Whole made amendments that are reflected in version (b) of this ordinance.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Charlie Williams urged the Assembly to consider that these people who need the money are the people who will be paying sales tax next year. If they are no longer around and in business, they will not be able to remit sales tax to the city. Mr. Williams said that the CARES Act funds were really intended to be directed to the business community. He said that due to the unique nature of Juneau's visitor industry, many of the businesses have been devastated and these funds would enable those and other businesses to survive. He urged the Assembly to pass this ordinance to get the funds to the businesses

that need them.

Marc Wheeler, a resident of downtown Juneau, said that for the past seven years, he and his wife have owned a business. They have been impacted by the pandemic and it is scary looking at the summer and the fall as the summer is where they make the majority of their profits for the year and they don't see that happening this year. They have been fortunate enough to receive the PPP loan but because of that, they weren't eligible for the State of Alaska grant that was just offered. He said it seems strange as a business to be asking the government for money and not something he ever thought he would do as a business owner. He used to ask for money for non-profits but as a business owner he is not accustomed to it. Lastly, with the PPP funds, it was harder for some underserved communities to receive those funds and given the current spotlight on racial inequity, it might be worth considering setting aside a certain percentage of these grants for minority-owned businesses to make sure they are able to access these funds equitably. He thanked the Assembly for their support and encouraged them to move this ordinance and that for phases 2 and 3 as well.

Assembly Action

MOTION by Mr. Bryson to adopt Ordinance 2019-06(AC)(b) and asked for unanimous consent.

Objection by Mr. Jones for purposes of an amendment.

Amendment #1 on page 3 of 4, section (i) that says **Phase 1 maximum grant amount**, to replace the word "average" with the word "total."

Ms. Triem and Ms. Gladziszewski objected for purposes of clarification. They asked Mr. Jones to explain the effect this change would have. He did so and explained that this was a request from the Economic Stabilization Task Force (ESTF) as they thought they had made that change to the language but it had been missed in this version (b) of the ordinance.

Ms. Triem and Ms. Gladziszewski removed their objections.

Hearing no further objection, Amendment #1 passed.

Amendment #2 was provided in the red folder. Mr. Jones' amendment #2 read as follows: to delete Section 4(b) and replace it with new Section 4(b) as stated below:

(b) Entity types. The program is open to all qualifying businesses (including a nonprofit), regardless of whether they have applied for or have obtained any other state or federal COVID-19-related assistance if the business was registered in Alaska on or before January 1, 2020 and had a physical presence in Juneau, Alaska on February 15, 2020 and continuously operated through the date of application unless

the business is seasonal or was subject to a government mandated shutdown. The program will exclude from eligibility C Corporations traded on a U.S. stock exchange or a corporate-equivalent entity traded on a foreign stock exchange, and businesses owned in whole or majority—owned by such a publicly traded corporation or national chains that own and operate their premises in Juneau; franchise(e) owned and operated businesses in Juneau would be eligible.

Mr. Jones said this language is used in the City of Kenai and was forwarded to him from the Economic Stabilization Task Force. Mr. Jones noted that the version he sent to staff is different than what is in the red folder due to track changes. It was noted that the red lined version inadvertently was showing that section (c) Grant Application was crossed out.

Additional discussion and clarification took place regarding the red folder version and Mr. Palmer explained that section (b) reflects the types of entities that can apply whereas section (c) referred to the process in which the grant applications are submitted. It was determined that section (c) would remain as written in Ordinance 2019-06(AC)(b) for purposes of Amendment #2.

Mr. Bryson asked about the language relating to "S" and "C" Corps, as long as they satisfy local ownership rules and they are not traded on the public stock market, those would be considered eligible. Mr. Palmer confirmed that was his understanding of that language as well.

Mr. Bryson offered a correction to the language in Mr. Jones' Amendment #2 at the end that states: ***"franchise owned and operated businesses in Juneau would be eligible."*** Mr. Bryson clarified that if it is "franchise owned" that term means that it is owned by the national corporation and not the local owner. He said that if they want to indicate the local ownership, they need to change that word to "franchisee" rather than "franchise."

Mr. Jones said that this language is what came from the ESTF and was copied from the City of Kenai. Mayor Weldon asked ESTF co-chair Linda Thomas to weigh in and share with the Assembly what the intent was for that language from the ESTF. Ms. Thomas explained that was the City of Kenai language, however, it was the intent of the ESTF was to focus on the local franchisee.

Ms. Thomas said that with respect to section (c), that should have been a separate amendment. The purpose for that was that with the language changes proposed to item (b), they took away some of the requirements for making sure that businesses had a local presence and were locally owned. She said that JEDC, which will be administering the grants, indicated, as well as the applicants, that it would be difficult to submit the documents physically to the grant administrator. She said that if the Assembly approves (b), they could potentially remove (c) since it would have been fixed with the changes to

(b).

Mayor Weldon said for ease of operations, she would like them treated as separate motions and at this time the Assembly would only be taking up the changes to section (b) with the additional correction to the word "franchisee" if Mr. Palmer would OK that change legally. Mr. Palmer said he did not have any problem with that minor change and Mr. Jones also agreed that was a good correction to his amendment.

Hearing no further objection, Amendment #2 passed as noted in bold above with the change of the word "franchise" to "franchisee."

Amendment #3 by Ms. Triem to section 4(c) on page 2 of 4 of the ordinance by changing the word "but" to "and" and also include on the third line insert the words "or electronically" prior to the words "to the Grant Administrator." so that section (c) would read:

(c) Grant application. A business seeking a grant may provide supporting documents electronically and the business owner, managing member, or equivalent person must submit an original grant application form in person or electronically to the Grant Administrator.

Hearing no objection, Amendment #3 passed.

Amendment #4 by Mr. Smith to add a new section titled "Intent to remain open" that shall read: An applicant shall state their intention for their business to be open on April 1, 2021.

Mr. Smith spoke to reasons behind his amendment and said that since this is grant money, this is a limited resource and he wanted to make sure that the grant administrator could hear from applicants that they intend to be open through April 1, 2021. Mayor Weldon asked Mr. Palmer if there were any legal problems with the amendment as proposed. Mr. Palmer said he did not have any legal issues with the amendment.

Mr. Jones and Mr. Bryson objected to the amendment.

Mr. Jones said that there may be a wide variety of reasons that business may not be open on April 1, 2021 and by making this amendment it demonstrates to the business community that they are not being trusted to stay in business. Mr. Bryson said that businesses are throwing every resource they have right now in trying to stay open and he appreciated Mr. Jones' comments. Ms. Hale said that while she understands and appreciates Mr. Smith's intent to ensure the Assembly is doing due diligence with the finances, they heard testimony and have received emails from businesses saying that they never thought they would need assistance and as such, she was voting against the amendment. Mayor Weldon also said she appreciated Mr. Smith's intent but that April 1 may be too early for some of the seasonal businesses to be open so she objected to the

amendment as well.

ROLL CALL Vote on Amendment #4

Ayes: Smith

Nays: Hughes-Skandijs, Jones, Triem, Hale, Gladziszewski, Edwardson, Bryson, Weldon

Motion failed 1 Aye, 8 Nays.

Amendment #5 by Mr. Smith to add a new section that reads "Eligible Expenses: COVID sustainability grant funding may only be for business expenses."

Mr. Smith said he is trying to put up some safeguards on the use and receipt of this money which is different than the loan program which had a requirement that it be paid back; this is essentially free money. He asked the City Attorney earlier if the way that the ordinance was currently written, if a business could receive the grant and then just close up and go on a vacation. The attorney advised him that there was nothing preventing that from happening as written. Mr. Smith said that in light of the reaction to his previous amendment, he would withdraw this amendment.

Additional discussion took place regarding intent language but since the amendment was withdrawn, the Assembly went on to take a vote on the main motion as amended.

Hearing no further objection, Ordinance 2019-06(AC)(b) with Amendments #1, 2, and 3 passed as amended.

IX. UNFINISHED BUSINESS

- A. Ordinance 2020-08 An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2020 Based Upon the Proposed Budget for Fiscal Year 2021.

This ordinance establishes the mill rates for property taxes for 2020, which funds a significant portion of the City and Borough of Juneau's FY21 operating budget. The Charter requires the Assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the Manager's FY21 Revised Budget as amended by the Assembly Finance Committee (AFC). As part of the budget review process, the AFC reviews, amends and recommends to the Assembly the final mill levies. For FY21, the AFC recommends no change in mill rate from the FY20 Adopted Budget, resulting in a total mill levy of 10.66 mills; the components of which are:

Operating Mill Rate by Service Area	Millage	Change from FY20 Adopted
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Roaded Service Area	2.45	-
Fire Service Area	0.31	-
Areawide	6.70	-
Operating Total	9.46	-
 Debt Service	 1.20	 -
Total	10.66	-

An opportunity for public comment was provided at a Special Assembly meeting on April 22, 2020. The AFC reviewed the mill rate ordinance at its meetings on April 22 and May 27, referring the amended ordinance to the full Assembly for adoption.

The City Manager recommends the Assembly adopt this ordinance as amended by the Assembly Finance Committee.

Mayor Weldon said that it is the will of the body to decide whether or not to allow for public testimony since the items under unfinished business have already been before them for public hearing.

Ms. Gladziszewski suggested they allow for public testimony if anyone from the public wished to testify. Hearing no objection, Mayor Weldon opened it up for public testimony.

Public Comment

Norton Gregory, a resident of Douglas Island, thanked the Assemblymembers for their service and he applauded them for not raising the mill rate for property taxes. He encouraged them to continue to save our money and discontinue the practice of borrowing under bond debt unnecessarily but rather to take the approach of saving our tax dollars and paying for projects in cash when possible. The unneeded expense of interest on that debt is an expense on our community and he thanked the Assembly for keeping our mill levy at the same rate as last year.

Assembly Action

MOTION by Ms. Hale to adopt Ordinance 2020-08 and asked for unanimous consent. *Hearing no objection, the motion passed.*

- B. Ordinance 2020-09 An Ordinance Appropriating Funds from the Treasury for FY21 City and Borough Operations.

This ordinance appropriates \$385,686,000 in expenditure authority for the City and Borough of Juneau's FY21 operating budget, excluding the School District. The Charter requires adoption of the FY21 operating budget by June 15.

It is necessary to appropriate all transfers between funds that support operations,

debt service and capital projects, as well as the associated expenditures within the funds themselves. These transfers account for \$103,686,200 of the FY21 operating budget. The total appropriated expenditure authorization, net of inter-fund transfers, is \$281,999,800. This ordinance also recognizes \$365,495,800 of projected revenue and transfers-in, and decreases fund balances, across all funds, by \$20,190,200. The revenue and fund balance draw are sufficient to fund the budgeted expenditures.

The original ordinance was introduced at the April 1, 2020 Special Assembly meeting and referred to the Assembly Finance Committee (AFC) for deliberation. An opportunity for public comment was provided at a Special Assembly meeting on April 22, 2020. The AFC referred the amended budget ordinance to the full Assembly for adoption at the May 27, 2020 AFC meeting.

The City Manager recommends the Assembly adopt this ordinance, as amended by the Assembly Finance Committee.

Public Comment

None.

Assembly Action

MOTION by Ms. Triem to adopt Ordinance 2020-09(b) as amended by the Assembly Finance Committee and asked for unanimous consent.

Mr. Jones noted that while the ordinance in the packet was version (b), the agenda did not list the title as version (b). Mr. Palmer said that since version (b) of the ordinance was in the packet and the Manager's Report refers to version (b) of the ordinance that the typo to the title was insignificant enough that it shouldn't be a problem.

Hearing no objection, Ordinance 2020-09(b) passed as amended by the Finance Committee.

- C. Resolution 2877(b) A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2021 through 2026, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2021.

This resolution adopts the Capital Improvement Program (CIP) for fiscal years 2021 through 2026, as required by Charter Section 9.4, and lists the capital projects that will be initially appropriated by ordinance in FY21. This resolution authorizes \$34.5 million for capital improvement projects and \$0.8 million for operating budget activities.

The Public Works and Facilities Committee (PWFC) reviewed the preliminary CIP resolution at its meeting on March 2, 2020 and forwarded the plan to the Assembly.

The CIP resolution was introduced at the April 1, 2020 Special Assembly meeting and referred to the Assembly Finance Committee (AFC) for deliberation. An opportunity for public comment was provided at a Special Assembly meeting on April 22, 2020. The AFC referred the amended resolution to the full Assembly for adoption at the May 27, 2020 AFC meeting. The Charter requires adoption of the FY21 CIP by June 15.

The City Manager recommends the Assembly adopt this resolution, as amended by the Assembly Finance Committee.

Ms. McEwen noted that Resolution 2877(c) was provided as a Red Folder item and was posted to the online packet under Supplemental Materials.

Mr. Watt recommended the Assembly adopt Resolution 2877(c) as provided in the Red Folder and Amended by the Assembly Finance Committee and also requested that the Assembly make one additional amendment. Mr. Watt requested that the Assembly amend page 2 of Resolution 2877(c) to delete the section that read:

**FISCAL YEAR 2021
CARES ACT FUNDING**

DEPARTMENT	PROJECT	FY21 BUDGET
Manager's Office	Trail Workforce Development Program	<u>\$300,000</u>
CARES Act Funding Total		\$300,000

Mr. Watt said that as we move through the CIP, he originally recommended that they appropriate in the CIP this workforce development program and subsequently the ESTF essentially recommended the exact same idea through the ordinance that is being referred to the Assembly Finance Committee (AFC) for the Juneau Conservation Corps. In that ordinance, the basis for those funds is very clearly laid out. His concern is that at some future time, an auditor may look at this CIP, see this in the capital plan and disallow it since CARES Act funding does not allow for capital funding. He said an appropriate vehicle for that really would be the ordinance that was just referred back to the AFC. In the event that the agencies who would do the workforce development can hire more workforce and spend more funds, then he would recommend a supplemental appropriation at a later date.

MOTION by Mr. Jones to adopt Resolution 2877(c) with an amendment to remove the FY21 CARES ACT FUNDING in the amount of \$300,000 and asked for unanimous consent. *Hearing no objection, the motion carried.*

X. NEW BUSINESS

- A. Sealaska Heritage Institute v. CBJ Planning Commission: Notice of Appeal regarding conditions of a Conditional Use Permit 2020-0007 for arts campus building and plaza.

On June 2, 2020, the Clerk's office received a timely filed appeal of a Planning Commission decision to grant a Conditional Use Permit for an Arts Campus Building and Plaza USE#2020 0007.

In accordance with the Appeals Code, the Assembly must decide whether to accept or reject the appeal. If you determine, after liberally construing the notice of appeal in order to preserve the rights of the appellant, that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal.

If the appeal is accepted, you must decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer. If you decide to hear the appeal yourselves, a presiding officer should be appointed.

In hearing an appeal, the Assembly would sit in its quasi-judicial capacity and must avoid discussing the case outside of the hearing process. (See CBJ 01.50.230, Impartiality.)

MOTION by Ms. Gladziszewski that the Assembly accept the appeal and assign a hearing officer to this case. *Hearing no objection, the motion carried.*

Mayor Weldon requested Mr. Palmer follow through on that request for a hearing officer.

XI. STAFF REPORTS

Robert Barr, EOC Planning Section Chief, provided information re: local COVID-19 testing options. He provided a memo about this in the red folder.

Mr. Barr explained the logistical challenges and answered a number of questions from Assemblymembers both about the types of testing equipment as well as the capacity and anticipated need due to increased numbers of travelers. He said that they may not be able to go with the larger equipment. He also spoke to the success they had over the weekend with the new state requirements and of those arriving there was a significant number of travelers who came with their negative test results in hand upon arrival.

Mayor Weldon stated that they will add that ordinance to the next Assembly meeting agenda.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon said that she already provided her Mayor's report earlier in the meeting about her COVID-19 experience and she wanted to wait until she was fully recovered before she could tell her family. She was given the all clear on Saturday which is when

she informed her family and she was informing the Assembly about it today.

B. Committee Reports, Liaison Reports, Assembly Comments and Questions

ASSEMBLY COMMITTEE REPORTS

Assembly Finance Committee Chair Jones noted that they passed the budget ordinances at this meeting. The next AFC meeting will be held on June 17 and will include discussion of two CARES Act related ordinances. Mr. Rogers will also provide them with some more routine AFC matters during that meeting.

Assembly Committee of the Whole Chair Gladziszewski reported that the COW met last week and talked about CARES Act funding big picture. They also discussed the Business Sustainability Grant ordinance extensively. The next COW meeting will be on June 22.

Lands Committee Chair Edwardson reported that the Lands Committee (LC) met on June 1 and discussed the Mayflower Building Montessori lease, Eagles Edge land donation request, Crazy Horse Drive communications tower lease request and they recommended to the Assembly that the Assembly adopt those. The committee will be having the Hurlock property purchase/lease release request on the next LC agenda for action. The last item was the FEMA map adoption process informational item. He recommended Assemblymembers look at that and if they have questions to contact Ms. Maclean.

Public Works and Facilities Committee Chair Hale reported that the PWFC met on June 1 and reviewed the Centennial Hall design. There is \$200,000 for the design to move forward and they should expect another \$400,000 appropriation request to complete that design work. They also asked that the Planning Commission provide sidebars to the Assembly on parking in the downtown area and to include the Fee in Lieu of Parking. This is to build up for a longer term, holistic look at parking downtown. They also touched on the Mendenhall Transit Center process continuing forward. They also received an update from Ms. Koester on staff morale on the work they are doing.

Mayor Weldon noted that she did reach out to Ms. Maclean to work on finding a date for a joint meeting between the Assembly and Planning Commission to discuss parking and other matters.

Human Resources Committee Chair Bryson noted that the HRC meeting that had been scheduled earlier that evening had been cancelled. The next meeting will be the meeting of the Full Assembly sitting as the HRC to interview applicants for the Airport, Eaglecrest, and Docks & Harbors boards. He said that the application deadline is June 15. Depending on the number of applications received, they may hold that as one meeting or split it up into two meetings.

Mayor Weldon noted that the Juneau Human Rights Commission is having meetings in

the near future and she said there are currently some vacancies on that Commission if anyone is interested in applying. She asked the Clerk to provide the meeting information. Ms. McEwen said that the Juneau Human Rights Commission will be meeting on June 11 via a Zoom webinar meeting at noon and a PSA would be going out about that on Tuesday morning.

LIAISON REPORTS/ASSEMBLY COMMENTS

- Mr. Smith provided information about the Planning Commission meeting coming up on Tuesday. He said he attended the Tlingit Haida solidarity rally and the Black Lives Matter rally on Saturday. He provided information about the rental/mortgage assistance program. He thanked the Mayor for sharing her COVID-19 story as it illustrates the importance of following the mandates and quarantine procedures.

Ms. Hughes-Skandijs noted that the Docks and Harbors Board met on May 28 and they discussed wifi in the harbors as well as the Visitor Industry Task Force report. Ms. Hughes-Skandijs reported that the Juneau Commission on Sustainability has been on a long hiatus and is waiting to enter the Zoom age and they will be having their first meeting this coming Wednesday. She also attended the rally on Saturday and thanked everyone who took the time to write and all those who called in and provided testimony. She said that this is an important time in our country's history and that moving at the speed of government can be frustrating but she also noted that we can't solve systematic racism overnight. She said we do have room to improve and is looking forward to the conversation on June 22.

Mr. Bryson said he had nothing to report.

Ms. Hale said she did not attend any of her liaison meetings. She did attend the rally last weekend and echoed the reports of her fellow Assemblymembers.

Ms. Triem said that she provided the Aquatics Board meeting report at the last AFC meeting. She attended the Southeast Conference Visitor Industry Committee meeting last week where they talked about the lack of this season's cruise industry. She also attended the Black Lives Matter rally.

Mr. Edwardson said that neither of the committees he is liaison to have had meetings since the last Assembly meeting. The Airport Board has its next meeting tomorrow and the LEPC will be meeting on Wednesday at noon. He said that it is important to say out loud "Black Lives Matter" and he supports all the protests and demonstrations going on. He said they should also consider that there are a lot of people in Juneau who have been fighting for racial justice for a very long time. They have a lot of background and experience in it and he thinks those people need to be supported as well, otherwise their voices may be crowded out by people who are rightfully motivated right now. He said we can be more effective together and encouraged them to search out those people and

organizations because they were working at this long before the victims or those calling out their names were killed.

Mr. Jones reported that the School Board has not met since the last meeting. They are meeting tomorrow starting at 4:30p.m. to redo their FY20 budget followed by a regular JSD meeting at 6p.m. He attended the last Hospital Board meeting and the last Airport Board meeting. He also attended the ESTF and JEDC tourism cluster group meetings and the neighborhood meeting on Glory Hall/SAIL building out by St. Vincent DePaul. He said that CDD did a great job with public testimony via Zoom. He said there was quite a bit of public testimony and the Planning Commission will be taking up the Conditional Use Permit for that on July 14.

Ms. Gladziszewski reported that she had attended the Black Lives Matter vigil held the previous weekend but was not able to attend the rally this past weekend. She said that she read recently that what we are seeing is a past due notice for unpaid debt to Black Americans and that seems right to her. She said that she feels honored to be able to be in the position she is in right now and she doesn't just want to talk about it, she wants to be able to take action to do something about it. She looks forward to talking with JPD and seeing their use of force policies and she doesn't want to let that go with the answer that they can't see them. She looks forward to having the conversations needed with JPD but she also wants have a community conversation on this and not just COW meeting.

C. Presiding Officer Reports

Mr. Jones noted that Clerk staff is still working on trying to find a date that will work for all parties for a pre-hearing conference related to the Lee vs. Planning Commission appeal.

XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV.EXECUTIVE SESSION

- A. Red Folder- Ordinance 2019-06(AI) Local COVID-19 Memo from EOC Planning Section Chief Robert Barr
- B. Red Folder- Ordinance 2019-06(AG) Proposed Amendment from Loren Jones
- C. Corrected Proposed Amendment to Ordinance 2019-06(AC) from Loren Jones

XV. ADJOURNMENT

Mayor Weldon thanked everyone from the public who testified and provided comments in writing to the Assembly.

Ms. McEwen reported that some of the ordinances introduced at this meeting will be up for public hearing at a Special Assembly Meeting immediately following the June 17 Assembly Finance Committee meeting and that the Notice of Public Hearing for those ordinances will be posted online June 9, and appearing in the Thursday, June 11 Juneau Empire.

There being no further business to come before the Assembly, the meeting was adjourned at 10:39 p.m.

Signed: _____
Elizabeth J. McEwen

Signed: _____
Beth A. Weldon