

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

September 16, 2019 7:00 PM

Assembly Chambers
Regular Meeting 2019-31

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Introduction of Exchange Students

B. Proclamation: Energy Efficiency Day 2019

IV. APPROVAL OF MINUTES

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

1. Ordinances for Introduction

- a. **Ordinance 2019-38 An Ordinance Amending Ordinance No. 87-28 Vacating the Reversion Clause Relating to the Conveyance Agreement and Quit Claim Deed for Property Located at 1968 Lemon Creek Road, Further Described as Lot 20, Block D, Glacier View Subdivision.**

Ordinance 87-28 authorized the CBJ to convey property to JAMHI Health and Wellness, Inc. so it could provide housing for people receiving mental health services. Ordinance 87-28 included a reversion clause that required title to revert back to the CBJ if JAMHI ceased to use the property.

JAMHI requests that the reversion clause be removed because it is considering selling the property and using the sale proceeds to provide better community housing and support services in more suitable locations in town. The CBJ has not identified another public use for this property and due to recent State funding reductions, allowing JAMHI to retain and sell this property would be a simple way for CBJ to provide support to help the program relocate to better locations.

At its August 26, 2019, meeting, the Lands Committee unanimously passed a motion of support to remove the reversion clause.

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

- b. **Ordinance 2019-39 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Lot 1, Glacier Lands Subdivision, Located Near 5611 Montana Creek Road, from D3 to D5.**

The Planning Commission, at its regular meeting held on August 13, 2019, recommended that the Assembly approve a request to rezone approximately 17.34 acres from D3 to D5. The Planning Commission found that the proposed rezone to D5 substantially conforms to the Urban Low Density Residential designation of the land use maps of the Comprehensive Plan and Title 49. Furthermore, the proposed rezone is consistent with the Comprehensive Plan vision, policies and its implementing actions, standard operating procedures, and development guidelines, which support increased residential densities when appropriate infrastructure is in place to serve the development.

The City Manager recommends that this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- c. **Ordinance 2018-11(AQ) An Ordinance Appropriating to the Manager the Sum of \$2,322,800 to Fund the City and Borough of Juneau's Fiscal Year 2019 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.**

This ordinance would appropriate \$2,322,800, which is the State's FY19 5.58% on-behalf PERS benefit rate paid for CBJ. Funding is provided by the Alaska Department of Administration, which was authorized by passage of HB286 during the 2018 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on the CBJ's finances.

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

- d. **Ordinance 2018-11(AR) An Ordinance Appropriating to the Manager the Sum of \$2,176,791 to Fund Bartlett Regional Hospital's Fiscal Year 2019 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.**

This ordinance would appropriate \$2,176,791, which is the State's FY19 5.58% on-behalf PERS benefit rate paid for Bartlett Regional Hospital. Funding is provided by the Alaska Department of Administration, which was authorized by passage of House Bill 286 during the 2018 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on BRH's finances.

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

- e. **Ordinance 2018-11(AT) An Ordinance Appropriating to the Manager the Sum of \$2,200,000, as Partial Funding for Bartlett Regional Hospital's Fiscal Year 2019 Operating Budget; Funding Provided by Hospital Revenues, and Hospital Fund's Fund Balance.**

This ordinance will appropriate an additional \$2,200,000 to Bartlett Regional Hospital for FY19 operations. BRH experienced increased patient activity that required both additional staff and supplies. This appropriation is being funded from FY19 hospital revenues in excess of the budget of \$1,700,000 and Hospital Fund's fund balance of \$500,000.

The Bartlett Finance Committee was informed of the year-end operating expense authorization shortfall, and the need to obtain Assembly budget authorization, at its September 30, 2019, meeting.

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

- f. **Ordinance 2019-06(D) An Ordinance Transferring \$147,000 from the Juneau Renewable Energy Strategy (JRES) Implementation Capital Improvement Project, to the Manager for the Purpose of Providing a Grant to Heat\$mart.**

This ordinance would transfer \$147,000 of Areawide Street Sales Tax funding from the JRES Implementation CIP D12-083 to the Mayor &

Assembly's budget, providing a grant to Heat\$mart, a newly organized non-profit established to assist Juneau households reduce energy costs. The program would provide critical data and experience needed to successfully accelerate heat pump usage in Juneau.

The Assembly Committee of the Whole approved this action, and forwarded it to the Assembly for action at its August 26, 2019, meeting,

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

- g. **Ordinance 2019-06(E) An Ordinance Appropriating to the Manager the Sum of \$25,402,903 as Funding for the Juneau International Airport Taxiways A, E, & D-1 Capital Improvement Project; Funding Provided by the Federal Aviation Administration Airport Improvement Program Grant.**

This funding is provided by a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant and covers 93.75% of the project. Matching funds in the amount of \$1,693,277 (6.25%) will be provided by Passenger Facility Charge (PFC) collections; \$1,281,000 was appropriated at the August 13, 2018 meeting, and the remaining \$412,277 will be temporarily funded with a transfer of airport revolving funds at the next meeting and reimbursed later from an amendment to PFC9 collections.

The project will rehabilitate Taxiway A pavement, realign Taxiway E, and relocate Taxiway D-1, replace the remaining section of the Jordan Creek culvert as required by the EIS Record of Decision, as well as improve drainage and replace lighting.

The Public Works and Facilities Committee (PWFC) reviewed this action at its April 8, 2019 and September 23, 2019, meetings.

The Airport Board approved this action at its September 10, 2019, meeting,

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

2. Resolutions

- a. **Resolution 2865 A Resolution Authorizing the Manager to Provide Temporary Law Enforcement Aid to the City of Craig at No Cost to the City & Borough of Juneau.**

The City of Craig, Alaska has a temporary need for an additional police officer and the City & Borough of Juneau has the capability of providing a

police officer temporarily to Craig. The provision of a Juneau police officer, at no cost to Juneau, fills a critical need for a neighboring community, provides a training opportunity for the Juneau Police Department, and establishes a means of reciprocity if Juneau develops a temporary need for police officers. Craig has requested one police officer to assist with police coverage, in Craig from October 7, 2019 through October 20, 2019. The Juneau Police Department has an officer that is ready, willing, and able to volunteer for this task.
The City Manager recommends the Assembly adopt this resolution.

3. Liquor License

a. **Liquor License Transfer for License 1384**

This liquor license action is before the Assembly to either protest or waive its right to protest the license action.

Liquor License Transfer

License Type: Restaurant/Eating Place, License #1384

TRANSFER FROM: Alfonso Soriano d/b/a Jovany's Italian Restaurant

TRANSFER TO: Haienadangle LLC d/b/a Bowl of Pho

Location: 9121 Glacier Hwy Suite 107, Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development departments have reviewed the above license and recommend the Assembly waive its right to protest the application. Copies of the documents associated with this license are in the Assembly's e-packet or available in hard copy upon request to the Clerk's office.

The City Manager recommends the Assembly waive its right to protest the transfer of liquor license 1384.

4. Other Items for consent

a. **Marijuana License Renewals for the following licenses: #13279, #10844, #10315 and #11605**

CBJ received notice of the following Alcohol Marijuana Control Office (AMCO) marijuana license renewal applications [Copies of all documents relating to a license are available upon request from the Municipal Clerk's Office]:

MARIJUANA LICENSE RENEWALS

Retail Marijuana Store, License #13279, The Mason Jar LLC, d/b/a THE MASON JAR LLC located at: 2771 Sherwood Lane Unit E, Juneau

(60-day comment period ends Sunday, September 22, 2019)

Retail Marijuana Store, License #10844, Green Elephant LLC, d/b/a GREEN ELEPHANT, LLC located at: 101 Mill St. Suite B, Juneau
(60-day comment period ends Sunday, September 22, 2019)

Standard Marijuana Cultivation Facility, License #10315, Green Elephant, LLC, d/b/a GREEN ELEPHANT LLC located at: 101 Mill St. Suite A, Juneau
(60-day comment period ends Sunday, September 22, 2019)

Standard Marijuana Cultivation Facility, License #11605, Always Redeye LLC, d/b/a Stoned Salmon Farms located at: 2005 Anka Street, Juneau
(60-day comment period ends Friday, October 11, 2019)

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed these applications for compliance with CBJ laws and regulations and recommends the Assembly waive its right to protest the issuance of these licenses. In the event the Assembly does protest the issuance of a license, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly.

The City Manager recommends the Assembly waive its right to protest the renewal of the following AMCO marijuana licenses: License #13279, License #10844, License #10315 and License #11605.

VIIIPUBLIC HEARING

A. Transfer T-2024 A Transfer of \$200,000 from CIP H51-116 Marine Park to Taku Upland Improvement/Archipelago to CIP H51-122 Docks Security Stations

This request is to transfer \$200,000 in additional funds for the construction award, contingency, construction administration and inspection for security check points at the approach docks to the Alaska Steamship and Cruise Ship Terminal facilities.

With evolving Coast Guard security requirements and the need to better manage passenger embarkation to cruise ships, Docks & Harbors commenced design efforts to create security check points. Currently there is \$450K in Marine Passenger Fees available for the project. Due in part to uncertainty with steel tariffs, the most recent construction estimate places the construction award at \$550K.

The Docks & Harbors Board reviewed and recommended approval of this grant

funding at its August 29, 2019 meeting.

The City Manager recommends approval of this transfer.

B. Bid Award: Cruise Ship Security Checkpoint (DH19-050)

With evolving Coast Guard security requirements and the need to better manage passenger embarkation to cruise ships, there is a need to create security check points at the approach docks to the Alaska Steamship and Cruise Ship Terminal facilities. The project consists of all activities necessary to construct two Downtown Cruise Ship Security facilities as shown in the contract documents. The work generally includes manufacturing and erection of steel framing, installation of glass paneling, roofing, lighting and other associated improvements.

Bids were opened on this project on September 10, 2019. The Docks & Harbors Board recommended award of this project at a special board meeting on September 11, 2019.

The bidders and their total bids are as follows:

Bidders	Total Bid
Southeast Earth Movers	\$596,600.00
Island Contractors, Inc.	\$647,674.00
Alaska Commercial Contractors, Inc.	\$779,395.00
<i>Engineer's Estimate</i>	\$550,000.00

The City Manager recommends award of this project to Southeast Earth Movers in the total amount bid of \$596,600.00.

C. Ordinance 2019-32 An Ordinance Authorizing the Sale of City and Borough Land Located at Pederson Hill and Establishing the Terms and Conditions Related to the Sale.

The 86 lot Pederson Hill Subdivision will be constructed in three stages. The first stage consists of 17 lots and is anticipated to be completed late this summer. The Planning Commission approved the final plat on July 9, 2019. The Lands Division desires to offer the lots for sale in advance of next year's building season. Minimum lot prices will be established by appraisal. City financing is available for all lots sold.

Three disposal methods are proposed for this land sale:

- Sealed Competitive Bid – 5 Lots
- Block Sale – One Unit Composed of 6 Lots
- Fixed Price Lottery – 6 Lots

Any remaining lots that do not sell through the initial process would be made

available through over the counter sales on a first come first served basis. The July 8, 2019 Assembly Committee of the Whole reviewed this disposal proposal and recommended approval.

The City Manager recommends the Assembly adopt this ordinance.

D. Ordinance 2019-33 An Ordinance Amending the City and Borough Code Relating to Criminal Offenses and Penalties.

The State recently adopted a suite of criminal justice reform legislation. The State legislation clarified ambiguous terms, reclassified crimes, and generally lengthened penalties. The CBJ criminal codes generally mirror the applicable State criminal laws to avoid confusion and to enable the CBJ to independently prosecute cases to protect the community.

On July 25, 2019, the Committee of the Whole directed the City Attorney to prepare an ordinance that updates the CBJ criminal justice codes. A memo from the City Attorney summarizes the changes.

The City Manager recommends the Assembly adopt this ordinance.

E. Ordinance 2018-11(AS) An Ordinance Appropriating to the Manager the Sum of \$35,000 as Funding for the Downtown Wayfinding Capital Improvement Project; Funding Provided by the Rasmuson Foundation and the Alaska Humanities Forum.

The CBJ has received, through the Rasmuson Foundation and the Alaska Humanities Forum, grant awards to further the Downtown Wayfinding project. The Rasmuson Foundation awarded CBJ \$25,000 and the Alaska Humanities Forum awarded CBJ \$10,000 to create and install the Community Voices Audio Wayfinding project as part of the Downtown Wayfinding project. The installations will be linked to the wayfinding and interpretive system to be installed throughout downtown in spring of 2020. This project will illuminate the lesser-known histories of Juneau: its original and ongoing Tlingit community, gold rush era, fisheries, political histories, and geographical features, awakening Juneau residents and visitors to a deeper understanding of place and community.

At the Public Works and Facilities Committee (PWFC) meeting on August 6, 2018, the Committee approved staff to pursue the grants for this aspect of the Downtown Wayfinding project with matching funds identified: \$15,000 from Downtown Streets project CIP R72-116 and \$5,000 from the Downtown Wayfinding project CIP D12-097.

At the July 1, 2019, PWFC, the appropriations and downtown streets fund transfer were recommended to the Assembly for approval.

The City Manager recommends the Assembly adopt this ordinance.

F. T-2025 A Transfer of \$15,000 from CIP R72-116 Downtown Streets to CIP D12-097 Downtown Wayfinding.

This request is to transfer \$15,000 in matching funds for the grant awards to further the Downtown Wayfinding project as described in Appropriating Ordinance 2018-11(AS). There are \$5,000 in additional matching funds already available in the Downtown Wayfinding project. At the Public Works and Facilities Committee (PWFC) meeting on August 6, 2018, the committee approved pursuit of the grants, and identified matching funds as described. At the July 1, 2019, PWFC meeting, the transfer was recommended to the Assembly for approval.

The City Manager recommends approval of this transfer.

G. Ordinance 2019-06(B)(d) An Ordinance Appropriating to the Manager the Sum of \$4,500,000 in Grant Funding for the Juneau Arts and Culture Center, Funding Provided by the Sales Tax Fund Balance.

This ordinance would appropriate \$4,500,000 in grant funding for the JACC. At its June 15, 2019, meeting, the Assembly Committee of the Whole approved funding for the JACC grant. Direction from the Committee was to use funds from the 2017 voter approved 1% sales tax. Since the sales tax funds will be received during the next four years it is necessary to initially use fund balance and then reimburse the fund as revenues come in.

On August 19, 2019, the Assembly amended the grant conditions and then adopted Ord. 2019-34(c)(am), which authorized an advisory ballot proposition for grant funding to the New JACC. Consistent with the amended grant conditions in Ordinance 2019-34, the Assembly requested an amendment so the grant conditions in this ordinance would be consistent with Ordinance 2019-34. Accordingly, the Manager has proposed version 2019-06(B)(d). Because version (c) was introduced and Charter 5.3 does not allow substantive amendments to an ordinance at introduction, the Assembly would need to make the amendments depicted in version (d) and then consider adopting version (d).

The City Manager recommends the Assembly adopt this ordinance.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Senior Citizen and Hardship Late File Property Tax Exemptions

XI. STAFF REPORTS

A. Hazard Mapping Update

In July 2018, CBJ received a grant from the Federal Emergency Management Agency to conduct a study and update CBJ's adopted hazard maps from 1987. Tetra Tech, a consulting and engineering firm, has been selected through the CBJ bidding process to conduct the study. The study will provide separate hazard maps for landslide and avalanche areas, supported by a technical engineering report. If grant timelines remain as expected, the first draft of the maps and report will be available

to the public for review and comment in approximately November 2020. In addition, the CBJ Planning Commission will hold public hearings to consider adoption of the maps and the supporting analysis. The study area extends from approximately two miles south of downtown Juneau to three miles north of downtown Juneau. The grant covers all contract expenses, and no CBJ match is required.

The need for a detailed avalanche/landslide hazard analysis is documented in the 2013 Comprehensive Plan and Resolution 2813. In addition, CBJ development of the new area plan for downtown Juneau requires accurate identification of hazards to promote appropriate land use regulations and ensure public safety.

No Assembly action is needed at this time. More information is available at the Community Development Department.

XII.ASSEMBLY REPORTS

- A. Mayor's Report
- B. Committee Reports, Liaison Reports, Assembly Comments and Questions
- C. Presiding Officer Reports

XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV.EXECUTIVE SESSION

XV. ADJOURNMENT

XVISUPPLEMENTAL MATERIALS

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

Presented by: The Manager
Introduced: 9/16/2019
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-38

An Ordinance Amending Ordinance No. 87-28 Vacating the Reversion Clause Relating to the Conveyance Agreement and Quit Claim Deed for Property Located at 1968 Lemon Creek Road, Further Described as Lot 20, Block D, Glacier View Subdivision.

WHEREAS, JAMHI Health & Wellness, Inc, is a nonprofit corporation that provides health and wellness services, especially mental health and support services for the benefit of the community;

WHEREAS, the City & Borough of Juneau granted a quitclaim deed (Book 289 Page 628) on July 30, 1987, for the property known as Lot 20, Block D, Glacierview Subdivision, Juneau Recording District, that included a reversion clause.

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. Amendment of Ordinance 87-28. Ordinance 87-28, attached as Exhibit 1, is amended by repealing and vacating the reversion clause in Section 2(a).

Section 3. Manager Authorization. In exchange for JAMHI Health & Wellness, Inc.'s assurance that it will continue to provide health and wellness services, especially mental health

and support services for the benefit of the community, the Manager is authorized to execute a revised quitclaim deed that does not have a reversion clause.

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

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Ordinance 2019-38 Exhibit 1

Presented by: The Manager
Introduced: 04/20/87
Drafted by: C.J./S.J.F.

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 87-28

AN ORDINANCE AUTHORIZING THE MANAGER TO CONVEY LOT 20, BLOCK D, GLACIER VIEW SUBDIVISION, TO THE JUNEAU ALLIANCE FOR THE MENTALLY ILL (JAMI) AT NO COST FOR THE SOLE PURPOSE OF PROVIDING APARTMENT FACILITIES FOR JAMI'S SEMI-INDEPENDENT CLIENTS.

WHEREAS, the Juneau Alliance for the Mentally Ill (JAMI), a private, - nonprofit corporation, seeks title to a four-plex building located at 1968 Lemon Creek Road, described as Lot 20, Block D, Glacier View Subdivision (hereinafter referred to as "the property"), for the purpose of providing apartment facilities for JAMI's semi-independent clients, and

WHEREAS, on July 8, 1986, the Assembly approved the expenditure of Community Development Block Grant (CDBG) funds to acquire housing for the mentally ill, such housing program to be operated by JAMI, and

WHEREAS, on February 23, 1987, JAMI formally requested the city to purchase the property, and

WHEREAS, on March 10, 1987, the city received title to the property, and

WHEREAS, the Assembly Lands Committee, at its meeting on February 24, 1987, and the Planning Commission, at its meeting on March 24, 1987, recommended approval of the conveyance of the property to JAMI, with certain conditions, and

WHEREAS, the property to be conveyed will be used by JAMI solely for the purpose of providing a mental health service to the public which service is supplemental to governmental mental health services which could or should reasonably be provided by the state or the city and borough;

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.

Ordinance 2019-38 Exhibit 1

* Section 2. Pursuant to CBJ 53.09.260 and 53.09.610(b), which allows for the disposal of municipal land to private nonprofit corporations at less than market value, and notwithstanding Resolution Serial No. 1042, which states property will not be sold or given to a private, nonprofit corporation at less than market value, the manager is authorized to execute the conveyance of Lot 20, Block D, Glacier View Subdivision, to JAMI, at no cost, for the purpose of providing and operating apartment facilities for JAMI's semi-independent clients, subject to the following conditions:

(a) The deed whereby the city and borough conveys the property to JAMI shall contain a reversion clause allowing title to revert back to the city and borough, at the city and borough's option, should JAMI cease to use the property for the purpose set forth hereinabove. The reversion clause shall provide that in the event the title to property reverts to the city and borough, title to any improvements made to the property by JAMI shall vest with the city and borough, at the option of and at no cost to the city and borough.

(b) The deed whereby the city conveys the property to JAMI shall contain a clause referencing the "Conveyance Agreement" described in Section 2(c) hereinbelow.

(c) As a condition precedent to the city and borough executing the deed conveying the property to JAMI, the city and borough and JAMI shall enter into a "Conveyance Agreement" which shall contain the following conditions:

(1) JAMI's use of the property is limited to providing and operating an apartment facility for its semi-independent mentally-ill clients.

(2) The property shall not be used by JAMI as collateral to secure a debt without the prior written consent of the city and borough.

(3) JAMI shall be responsible for all insurance and maintenance costs associated with the property.

(4) The city and borough, its officers, employees, and agents shall not be held liable for any claims, liabilities, penalties, fines or for damage to any goods, property, or effects of any person whatsoever, nor for any personal injury or death, caused by or resulting from any act or omission of JAMI, or by any of JAMI's officers, employees, agents, representatives, contractors, or subcontractors in the

Ordinance 2019-38 Exhibit 1

operation, use, or management of the property, and JAMI further agrees to appear and defend, and to indemnify and save free and harmless the city and borough, its officers, employees, and agents from and against any of the foregoing claims, liabilities, penalties, fines, or damages, whether or not valid, and for any cost and expense, including reasonable attorney's fees, incurred by the city and borough, its officers, employees, or agents on account of any claim therefor.

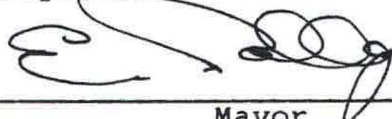
(5) JAMI shall relinquish permit CU-24-86 allowing a group home to be located on Montgomery Street, prior to transfer of title to the property.

(6) JAMI shall not place any client in the four-plex located on the property who has any medical or criminal history showing a pattern of violence which would cause JAMI to deem the client a threat to the residents of the neighborhood.

(7) Any other terms and conditions that the manager determines to be in the best interests of the city and borough.

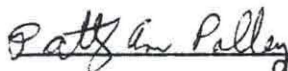
* Section 3. Effective Date. This ordinance shall be effective thirty days after its adoption.

Adopted this 4th day of May, 1987.



Mayor

Attest:



Clerk

Presented by: The Manager
Introduced: 9/16/2019
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-39

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Lot 1, Glacier Lands Subdivision, Located Near 5611 Montana Creek Road, from D3 to D5.

WHEREAS, the area of the proposed rezone, Lot 1, Glacier Lands Subdivision, located on Montana Creek Road, is currently zoned D3; and

WHEREAS, the applicant, Coogan Alaska, LLC, wishes to rezone the entire parcel to D5; and

WHEREAS, the Comprehensive Plan of the City and Borough of Juneau identifies this area of the Mendenhall Valley as Urban Low Density Residential (ULDR) in Land Use Map G; and

WHEREAS, ULDR is described as lands characterized by urban and suburban residential lands with detached single-family units, duplex, cottage, or bungalow housing, zero-lot-line dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre and that any commercial development should be of a scale consistent with a single-family residential neighborhood; and

WHEREAS, the proposed rezone is located within the Urban Service Area Boundary, which has access to City and Borough water and sewer utilities to adequately accommodate higher development usage and which the CBJ Comprehensive Plan supports as an area for development to increase efficient land use; and

WHEREAS, the Comprehensive Plan vision, policies, implementing actions, standard operating procedures, and development guidelines support increased residential densities when appropriate infrastructure is in place to serve the development; and

WHEREAS, the D5 zone district is described as intended to accommodate primarily single family housing at a density of five dwelling units per acre; and

WHEREAS, rezoning the lot from D3 to D5 substantially conforms to the maps of the Comprehensive Plan; and

WHEREAS, the zone change application meets the criteria set forth in CBJ 49.75.120, as follows:

- a) The zone change is greater than two acres and is an expansion of an existing zone district;
- b) The application is not substantially similar to another rezone considered in the last 12 months; and
- c) The proposed zoning district and the uses allowed therein are in substantial conformance with the Land Use Map of the Comprehensive Plan.

NOW, THEREFORE, 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 Lot 1, Glacier Lands Subdivision, located on Montana Creek Road, from D3 to D5.

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 _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



AME20190008

Zone Change for
GLACIER LANDS LOT 1
from D3 to D5



Presented by: The Manager
 Introduced: Sept. 16, 2019
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AQ)

An Ordinance Appropriating to the Manager the Sum of \$2,322,800 to Fund the City and Borough of Juneau's Fiscal Year 2019 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

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 \$2,322,800 to fund the City and Borough of Juneau's fiscal year 2019 Public Employee Retirement System contribution distributed as follows:

General Fund:

Arboretum	\$ 4,783
Clerk's Office	9,146
Community Development	92,035
Finance	183,792
General Engineering	84,458
Human Resources	28,958
Law	54,735
Libraries	84,002
Management Information Systems	71,885
Manager's Office	55,525
Mayor & Assembly	574
Parks and Landscape	<u>15,025</u>
Total General Fund	<u>\$ 684,918</u>

Special Revenue Funds:

Capital City Fire	\$ 246,360
Capital Transit	161,041
Eaglecrest Ski Area	31,236
Lands & Resources	14,882
Parks and Recreation	122,761
Police	447,572
Streets	94,873
Visitor Services	<u>798</u>
Total Special Revenue Funds	<u>\$ 1,119,523</u>

Enterprise Funds:

Airport	\$ 122,670
Docks	53,168
Harbors	60,007
Water	53,850
Wastewater	126,308
Waste Management	<u>4,853</u>
Total Enterprise Funds	<u>\$ 420,856</u>

Internal Service Funds:

Building Maintenance	\$ 49,801
Public Works Fleet	26,484
Self-Insurance	<u>21,218</u>
Total Internal Service Funds	<u>\$ 97,503</u>

Total Appropriation **\$ 2,322,800**

Section 3. Source of Funds

Alaska Department of Administration \$ 2,322,800

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

Adopted this ____ day of _____, 2019

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: Sept. 16, 2019
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AR)

An Ordinance Appropriating to the Manager the Sum of \$2,176,791, to Fund Bartlett Regional Hospital's Fiscal Year 2019 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

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 \$2,176,791 to fund Bartlett Regional Hospital's fiscal year 2019 Public Employee Retirement System contribution.

Section 3. Source of Funds

Alaska Department of Administration	\$ 2,176,791
-------------------------------------	--------------

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

Adopted this ___ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: Sept. 16, 2019
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AT)

An Ordinance Appropriating to the Manager the Sum of \$2,200,000, as Partial Funding for Bartlett Regional Hospital's Fiscal Year 2019 Operating Budget; Funding Provided by Hospital Revenues, and Hospital Fund's Fund Balance.

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 \$2,200,000 for Bartlett Regional Hospital's fiscal year 2019 operating budget.

Section 3. Source of Funds

Bartlett Regional Hospital FY19 Revenues	\$ 1,700,000
Bartlett Regional Hospital Fund's Fund Balance	\$ 500,000

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

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: Sept. 16, 2019
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-06(D)

An Ordinance Transferring \$147,000 from the Juneau Renewable Energy Strategy (JRES) Implementation Capital Improvement Project, to the Manager for the Purpose of Providing a Grant to Heat\$mart.

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. Transfer of Appropriation. The appropriation to the Manager for the Juneau Renewable Energy Strategy (JRES) Implementation Capital Improvement Project is reduced by \$147,000, to be transferred to the Manager as outlined in Section 3.

Section 3. Appropriation. There is appropriated to the Manager the sum of \$147,000 for the purpose of making a grant in the amount of \$147,000 to Heat\$mart.

Section 4. Source of Funds.

Juneau Renewable Energy Strategy (JRES)	\$147,000
Implementation CIP D12-083	

Section 5. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: Sept. 16, 2019
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-06(E)

An Ordinance Appropriating to the Manager the Sum of \$25,402,903 as Funding for the Juneau International Airport Taxiways A, E, & D-1 Capital Improvement Project; Funding Provided by the Federal Aviation Administration Airport Improvement Program Grant.

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 \$25,402,903 as Funding for the Juneau International Airport Taxiways A, E & D-1 Capital Improvement Project.

Section 3. Source of Funds

Federal Aviation Administration AIP Grant: \$ 25,402,903

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

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth A. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 9/16/2019
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2865

A Resolution Authorizing the Manager to Provide Temporary Law Enforcement Aid to the City of Craig at No Cost to the City & Borough of Juneau.

WHEREAS, the City of Craig, Alaska ("Craig") has a temporary need for an additional police officer and the City & Borough of Juneau ("Juneau") has the capability of providing a police officer temporarily to Craig;

WHEREAS, the provision of a Juneau police officer, at no cost to Juneau, fills a critical need for a neighboring community, provides a training opportunity for the Juneau Police Department, and establishes a means of reciprocity if Juneau develops a temporary need for police officers;

WHEREAS, Craig has requested one police officer to assist with police coverage for up to approximately two weeks during October 2019;

WHEREAS, the Juneau Police Department has an officer that is ready, willing, and able to volunteer for this task.

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

Section 1. Authorization. The Manager is authorized to provide temporary law enforcement aid to the City of Craig at no cost to the City & Borough of Juneau.

Section 2. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. 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

August 2, 2019

City and Borough of Juneau

Attn: Beth McEwen

VIA Email: beth.mcewen@juneau.org
city.clerk@juneau.org

License Type:	Restaurant/Eating Place	License Number:	1384
Licensee:	Haienadangle LLC		
Doing Business As:	Bowl of Pho		
Premises Address:	9121 Glacier Hwy Suite 107		

☐ **New Application**

☒ **Transfer of Ownership Application**

☐ **Transfer of Location 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,

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

What is this form?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A menu or expected menu listing the meals, including entrees prepared onsite and offered to patrons, and copy of the DEC Food Service Permit (or corresponding DHH Packet Page 28 of 122 licenses located in the Municipality of Anchorage) must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	HALENADANGLE LLC		
License Type:	Restaurant or eating place	License Number:	1384
Doing Business As:	Bowl of Pho		
Premises Address:	9121 Glacier Hwy suite 107		
City:	Juneau	State:	AK
Contact Name:	ENA Chung	ZIP:	99801
		Contact Phone:	(206)823-4977

Section 2 – Type of Designation Requested

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

- ☐ Dining after standard closing hours: AS 04.16.010(c)
- ☒ Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- ☒ Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- ☒ Employment for persons 16 or 17 years of age: AS 04.16.049(c)
NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY	
Transaction #:	Initials:



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Minor Access

Review AS 04.16.049(a)(2); AS 04.16.049(a)(3); AS 04.16.049(c)

List where within the premises minors are anticipated to have access in the course of either dining or employment as designated in Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the Kitchen.)

Minor will be allowed through out the restaurant premises.

Packet Page 29 of 122

Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol while dining or employed at your premises.

we will check Id and There will be an adult manager there to supervise through out the day.

Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours?

Yes ☒ No ☐

Section 4 – DEC Food Service Permit

Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services documentation is required.

Please follow this link to the DEC Food Safety Website: <http://dec.alaska.gov/eh/fss/food/>

Please follow this link to the Municipality Food Safety Website:

<http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx>

IF you are unable to certify the below statement, please discuss the matter with the AMCO office:

Initials

I have attached a copy of the current food service permit for this premises OR the plan review approval.

EC

*Please note, if a plan review approval is submitted, a final permit will be required before finalization of any permit or license application.



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Hours of Operation

Review AS 04.16.010(c).

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

Monday - Saturday	10:00 AM - 9:00 pm
Sunday -	10:00 - 8:00 pm

Packet Page 30 of 122

Section 6 – Entertainment & Service

Review AS 04.11.100(g)(2)

Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises?

Yes

☐

No

☒

If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur:

--

Food and beverage service offered or anticipated is:

☒

table service

☐

buffet service

☐

counter service

☐

other

If "other", describe the manner of food and beverage service offered or anticipated:

--



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 7 – Certifications and Approvals

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

There are tables or counters at my establishment for consuming food in a dining area on the premises.

EC

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons.
This menu includes entrees that are regularly sold and prepared by the licensee at the licensed premises.

EC

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site,
golf course, or restaurant or eating place license.

EC

I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted.
(AB-03 applications that accompany a new or transfer license application will
not be required to submit an additional copy of their premises diagram.)

EC

I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true,
correct, and complete.

Signature of licensee

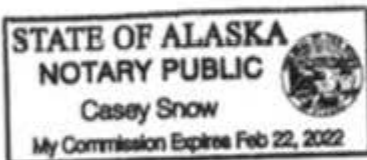
Eng Chung
Printed name of licensee

Signature of Notary Public

Notary Public in and for the State of

Alaska

My commission expires: 02-22-2022



Subscribed and sworn to before me this 01 day of August, 2019

Local Government Review (to be completed by an appropriate local government official):

Approved

Denied

☐☐

Signature of local government official

Date

Printed name of local government official

Title



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review:

Enforcement Recommendation:

Approve

Deny

☐☐

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Date

Packet Page 32 of 122

Enforcement Recommendations:

AMCO Director Review:

Approved

Denied

☐☐

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:

BOWL OF PHO

VIETNAMESE NOODLE SOUP & Seafood Cajun

KHAI VI (APPETIZERS)

- A1. VIETNAMESE EGG ROLLS (2)** **\$7.95**
pork, shrimp, & chicken blend rolled in a wheat-flour wrap and deep fried until golden brown. served with sweet chili sauce.
- A2. FRIED SHRIMP ROLLS (6)** **\$7.95**
whole shrimp rolled in wheat-flour wrap deep fried until golden brown. served with sweet chili sauce.
- A3. VEGETARIAN EGG ROLLS (2)** **\$7.95**
tofu, sweet potato, mushroom blend rolled in a wheat-flour wrap and deep fried until golden brown. served with sweet chili sauce.
- A4. FRESH SPRING ROLLS (2)** **\$7.95**
broiled shrimp & pork, bean sprouts, lettuce, cucumber rolled in a rice paper. served with a special peanut sauce.
- A5. GRILLED PORK OR CHICKEN SPRING ROLLS (2)** **\$7.95**
grilled pork, bean sprouts, lettuce, cucumber rolled in a rice paper. served with special nouc mam sauce.
- A6. TOFU SPRING ROLLS (2)** **\$7.95**
tofu, bean sprouts, lettuce, cucumber rolled in a rice paper. served with a special peanut sauce.
- A7. FRIED WONTON (6)** **\$7.95**
choice of preparation: pan fried or deep fried. made with shrimp & pork. served with special house soy sauce.
- A8. LOTUS ROOT SALAD** **\$7.95**
lotus root, carrot, cilantro, basil tossed in special nouc mam sauce. and topped with fried shallots, broiled shrimp & pork.

PHO (BEEF NOODLE SOUP)

beef bones and spices simmered to make a light aromatic beef broth served with rice noodles. Topped off with white onion, green onion & cilantro.

(L) \$13.95
(XL) \$16.95

- P1. PHO COMBO** **(L) \$15.95**
includes rare steak, fat brisket, lean brisket, tendon, tripe & beef meatball. **(XL) \$18.95**

P2. PHO RARE STEAK**P3. PHO RARE STEAK & BRISKET****P4. PHO CHICKEN****P5. PHO SHRIMP****P6. PHO BEEF MEATBALL**

- P7. PHO VEGETARIAN W/ TOFU** **(L) \$13.95**
vegetable broth. served with vegetables & tofu. **(XL) \$16.95**

P8. CREATE YOUR OWN
(SELECT YOUR TOPPINGS)

RARE STEAK
FAT BRISKET
LEAN BRISKET
TENDON
TRIPLE
BEEF MEATBALL

★ **SIDE ORDERS**

\$3: BOWL OF BROTH, EXTRA NOODLES

\$4: PLATE OF RARE STEAK, BOWL OF BEEF MEATBALLS

A4. FRESH SPRING ROLLS

8. LOTUS ROOT SALAD

1. PHO COMBO

CHICKEN BROTH NOODLE SOUP

A light savory chicken broth, garnished with green onion, cilantro & fried shallots.

S1. WONTON & BBQ PORK EGG NOODLE SOUP **\$14.95**

S2. WONTON & BBQ PORK RICE NOODLE SOUP **\$14.95**

BUN (VERMICELLI SALAD BOWL)

rice vermicelli with lettuce, cucumber, bean sprouts & choice of protein, garnished with peanuts, green onions, fried shallots, pickled carrots & daikon, served with special nouc mam sauce on the side.

B1. B.O.P VERMICELLI SPECIAL **\$14.95**
comes with grilled pork, egg roll, & grilled shrimp.

B2. GRILLED PORK VERMICELLI **\$14.95**

B3. GRILLED CHICKEN VERMICELLI **\$14.95**

B4. GRILLED SHRIMP VERMICELLI **\$14.95**

B5. FRIED EGG ROLL VERMICELLI **\$14.95**

B6. TOFU VERMICELLI **\$14.95**
served with special soy sauce.

COM (RICE PLATTER)

rice dish served with cucumber, pickled carrot & daikon, green onions, served with special nouc mam sauce, comes with bowl of chicken broth soup.

C1. GRILLED PORK CHOP COMBO **\$14.95**
grilled pork chop, 2 pieces of grilled shrimp and a fried egg

C2. GRILLED PORK COMBO **\$14.95**
grilled pork, 2 pieces of grilled shrimp and a fried egg

C3. GRILLED CHICKEN COMBO **\$14.95**
grilled chicken, 2 pieces of grilled shrimp and a fried egg

C4. GRILLED PORK CHOP **\$14.95**

C5. GRILLED PORK **\$14.95**

C6. GRILLED CHICKEN **\$14.95**

☛ SIDE ORDERS \$2
FRIED EGG, WHITE RICE, BOWL
OF CHICKEN BROTH

COM CHIEN (FRIED RICE)

jasmine rice stir fried with soy sauce, eggs, white onion, green onions, & carrots.

FR1. HOUSE SPECIAL FRIED RICE **\$14.95**
chicken, beef, bbq pork, & shrimp.

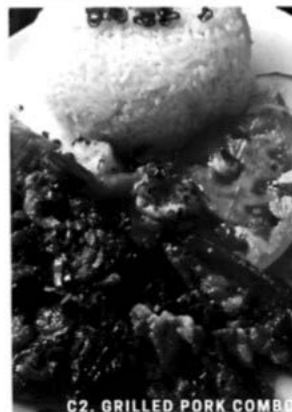
FR2. CHICKEN FRIED RICE **\$14.95**

FR3. BBQ PORK FRIED RICE **\$14.95**

FR4. BEEF FRIED RICE **\$14.95**

FR5. SHRIMP FRIED RICE **\$14.95**

FR6. TOFU FRIED RICE **\$14.95**





CS1. SHAKEN BEEF



BM1. B.O.P. SPECIAL BANH MI



ICED THAI TEA

STIR FRY CHEF SPECIALS

CS1. SHAKEN BEEF	\$14.95
tender cubed filet mignon sauteed in our special sauce with onions and bell peppers. served with special red rice or white rice.	
CS2. SAUTEED LEMONGRASS (SPICY)	\$14.95
stir fried with lemongrass spicy sauce and vegetables. comes with jasmine rice. choice of protein:	
CHICKEN	BEEF
PORK	SHRIMP
CS3. HOUSE CRISPY EGG NOODLES	\$14.95
deep fried egg noodles topped with sauteed bokchoy, carrot, napa cabbage, mushrooms, bean sprouts and chicken, beef, pork, & shrimp.	
CS4. HOUSE PAN FRIED RICE NOODLES	\$14.95
pan fried rice noodles topped with sauteed bokchoy, carrot, napa cabbage, mushrooms, bean sprouts and chicken, beef, pork, & shrimp.	
CS5. STIR FRIED UDON NOODLES	\$14.95
thick udon rice noodles sauteed with bokchoy, carrot, napa cabbage, bean sprouts, mushrooms, chicken, beef, pork, & shrimp.	
CS6. TOFU VEGETABLE STIR FRY	\$14.95
sauteed assorted vegetables- bokchoy, carrot, napa cabbage in special house brown sauce, served with white rice	

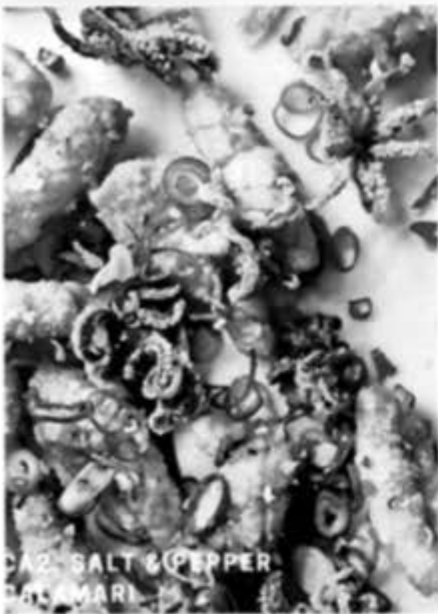
BANH MI SANDWICHES

choice of protein served on a toasted French baguette with butter spread, cilantro, cucumber, pickled carrot & daikon, sliced jalapenos.

BM1. B.O.P. SPECIAL BANH MI	\$14.95
includes bbq pork, ham & pate.	
BM2. GRILLED PORK BANH MI	\$14.95
BM3. GRILLED CHICKEN BANH MI	\$14.95
BM4. TOFU BANH MI	\$14.95

DRINKS

SWEET TEA	\$14.95
UNSWEET TEA	\$14.95
ICED THAI TEA	\$14.95
sweet, creamy iced beverage topped with heavy cream.	
POT OF HOT TEA	\$14.95
ICED VIETNAMESE COFFEE	\$14.95
coffee with heavy cream and condensed milk	
FRESH COCONUT JUICE	\$14.95
BOTTLED WATER	\$14.95
SOY BEAN MILK	\$14.95
FOUNDATION DRINKS	\$14.95
- COKE	- FRUIT PUNCH
- DIET COKE	- SPRITE



CA2. SALT & PEPPER
CALAMARI



CA1. FRIED SHRIMP



CA3. CRAWFISH



APPETIZERS

- | | | |
|------|---|----------------|
| CA1. | FRIED SHRIMP ROLLS (6)
deep fried shrimp eggroll, served with sweet chili sauce. | \$14.95 |
| CA2. | SALT & PEPPER SHRIMP OR CALAMARI
your choice of shrimp or calamari lightly battered and sauteed with onion, jalapeños, & scallions. | \$14.95 |
| CA3. | SALT & PEPPER DUNGUNESS CRABS
lightly battered and sauteed with onion, jalapeños, & scallions. | \$14.95 |
| CA4. | GINGER DUNGUNESS CRABS
sauteed in a ginger house sauce. | \$14.95 |

Packet Page 36 of 122

- | | | |
|------|--|----------------|
| SS1. | SEAFOOD GARLIC SPAGHETTI
spaghetti noodles sauteed in a buttery, garlic sauce, served with shrimp, scallops, mussels & lobster tail. | \$14.95 |
|------|--|----------------|

CAJUN BOILS

our seafood is boiled in our special blend of cajun spice and put into a bag with your choice of sauce. all cajun boils are served with: sausage, potato, corn, and boiled egg.

STEP 1) CHOICE YOUR SAUCE:

- CAJUN SAUCE (MILD, MEDIUM, EXTRA SPICY)
- GARLIC BUTTER

STEP 2) CHOOSE YOUR SEAFOOD (PER POUND)

- | | | | |
|---------------|---------|----------------------|-----|
| CJ1. CRAWFISH | \$14.95 | CJ4. SNOWCRABS | |
| CJ2. SHRIMP | \$14.95 | CJ5. DUNGENESS CRABS | M/P |
| CJ3. MUSSELS | \$14.95 | CJ6. KING CRABS | M/P |

COMBO SPECIALS

- | | | |
|------|---|----------------|
| CB1. | COMBO #1
1 LB CRAWFISH
1 LB SHRIMP | \$14.95 |
| CB2. | COMBO #2
1 LB SHRIMP
2 CLUSTER OF SNOWCRABS | \$14.95 |
| CB3. | COMBO #3
2 CLUSTERS OF SNOW CRABS
1/2 POUND OF CRAWFISH
1/2 POUND OF SHRIMP
1/2 POUND OF MUSSELS | \$14.95 |

SIDE ORDER:

- | | | |
|---------|-------------|-----------------|
| CORN | WHITE RICE | POTATO |
| SAUSAGE | BOILED EGGS | EXTRA SAUCE \$1 |



**Alaska Food Code
2019 Establishment Permit**
Division of Environmental Health
Food Safety & Sanitation Program

Packet Page 37 of 122

Permit Number: 9961
Issued to: **HAIENADANGLE LLC**
For: **Bowl of Pho**
For Operation of: **FF-1 Food Service**
Located at: **9121 Glacier HWY UNIT 107 Juneau, AK 99801**

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:
December 31, 2019

Program Manager:

A handwritten signature in black ink, appearing to read "Kimberly S. V.", is written over the printed name of the Program Manager.

**If you have questions or concerns regarding
safe food handling practices call toll free:**

1-87-SAFE-FOOD

(in Anchorage call 334-2560)





THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. 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

July 24, 2019

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	13279
License Type:	Retail Marijuana Store
Licensee:	The Mason Jar LLC
Doing Business As:	THE MASON JAR LLC
Physical Address:	2771 sherwood Lane Unit E Juneau, AK 99801
Designated Licensee:	Dennis Lavigne
Phone Number:	907-723-6508
Email Address:	denny@akmasonjar.com

☒ **License Renewal Application**

☐ **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 me 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,

Erika McConnell

Erika McConnell
Director



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. 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

July 31, 2019

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	10844
License Type:	Retail Marijuana Store
Licensee:	Green Elephant, LLC
Doing Business As:	GREEN ELEPHANT, LLC
Physical Address:	101 Mill St. Suite B Juneau, AK 99801
Designated Licensee:	Jennifer Canfield
Phone Number:	907-209-7663
Email Address:	greenelephantalaska@gmail.com

☒ **License Renewal Application**

☐ **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 me 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,

A handwritten signature in cursive script that reads "Erika McConnell".

Erika McConnell
Director



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GOVERNOR MICHAEL J. 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

July 31, 2019

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	10315
License Type:	Standard Marijuana Cultivation Facility
Licensee:	Green Elephant, LLC
Doing Business As:	GREEN ELEPHANT, LLC
Physical Address:	101 Mill St. Suite A Juneau, AK 99801
Designated Licensee:	Richard Dudas
Phone Number:	907-321-5886
Email Address:	greenelephantalaska@gmail.com

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THE STATE
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GOVERNOR MICHAEL J. 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

August 13, 2019

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	11605
License Type:	Standard Marijuana Cultivation Facility
Licensee:	Always Redeye LLC
Doing Business As:	STONED SALMON FARMS
Physical Address:	2005 Anka Street Juneau, AK 99801
Designated Licensee:	Casey Wilkins
Phone Number:	907-957-3877
Email Address:	alwaysredeyellc@gmail.com

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Sincerely,

A handwritten signature in cursive script that reads "Erika McConnell".

Erika McConnell
Director

Presented by: The Manager
Introduced: 9/16/2019
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-2024

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

From: CIP

H51-116	MP to Taku Upland Improve / Archipelago	\$200,000
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To: CIP

H51-122	Docks Security Stations	\$200,000
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The \$200,000 consists of:

Marine Passenger Fees	\$200,000
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Moved and Approved this _____ day of _____, 2019.

D. Rorie Watt, City Manager

Attest:

Elizabeth J. McEwen, Municipal Clerk

MEMORANDUM

DOCKS AND HARBORS CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

FAXED MEMORANDUM

TO: Bidders Date: September 10, 2019
 FROM: *Carl J Uchytel*
 Carl Uchytel
 Port Director
 SUBJ: POSTING NOTICE OF BIDS
 Cruise Ships Security Checkpoint
 Contract No. DH19-050

This memo is to post a notice of the results of the bid opening on September 10, 2019, for the subject project. The bidders and their total bids are as follows:

Bidders	Total bid
Southeast Earth Movers	\$596,600.00
Island Contractors, Inc	\$647,674.00
Alaska Commercial Contractors, Inc	\$779,395.00
<i>Engineer's Estimate</i>	\$550,000.00

The apparent low bidder is Southeast Earthmovers. The CBJ intends to award the Total Bid in the amount of \$596,600.00. Award will be forwarded to the September 11, 2019 Docks and Harbors Board meeting for approval. Recommendation to award the Total Bid in the amount of \$596,000.00 will be forwarded to the CBJ Assembly for approval at the Regular Assembly Meeting on September 16, 2019.

This notice begins the protest period per Purchasing Code 53.50.062. Protests will be executed in accordance with CBJ Ordinance 53.50.062 "Protests", and 53.50.080 "Administration of Protest." The CBJ Purchasing Code is available online at: <http://www.juneau.org/law> or from the CBJ Purchasing Division at (907) 586-5258.

The apparent low bidder has until **4:30 p.m. on September 16, 2019** to submit Section 00360 - Subcontractor Report to the Engineering Department Contracts Office. The Subcontractor Report must be submitted even if there are no subcontractors planned for the job.

c. Erich Schaal, Port Engineer



Presented by: The Manager
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-32

An Ordinance Authorizing the Sale of City and Borough Land Located at Pederson Hill and Establishing the Terms and Conditions Related to the Sale.

WHEREAS, this property has been included for disposal in the 2016 Land Management Plan, adopted May 23, 2016; and

WHEREAS, this property has been included in the Implementation Strategy for the 2016 Land Management Plan; and

WHEREAS, the Lands Committee at the March 18, 2019 meeting, passed a unanimous motion of support for a blended disposal strategy which includes the sealed competitive bid sale of five individual lots, sealed competitive bid on a block of six lots, and a lottery for six lots; and

WHEREAS, the Planning Commission approved the final plat on July 9, 2019, with the condition that prior to the plat recording all public improvements must be accepted for maintenance by the City and Borough; and

WHEREAS, the disposal of these lots will assist the Assembly in meeting its goal of providing land for the creation of additional housing units for individual residents of Juneau; and

WHEREAS, terms and conditions of this land sale are set forth below.

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

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

Section 2. Authorization. The Manager is authorized to dispose of seventeen (17) lots in the Pederson Hill Subdivision II, Phase 1A as depicted in Exhibit A.

Section 3. Title 53 and Land Management Plan. The sale of these lots are deemed to comply with the intent of and meet the standards set forth in CBJ Title 53, which prescribes the process for classifying, planning, and disposing of City and Borough land, and CBJ Ordinance No. 2016-18, which adopted the City and Borough's Land Management Plan.

Section 4. Method of Sale. As described below, eleven lots shall be sold by sealed competitive bid to the highest qualified bidder, six of which will be offered as a block to encourage developer involvement and six lots by fixed price fair market value lottery. The winning participants of the lottery will have the opportunity to purchase the property at appraised value.

Lottery: Lots 1, 14, 15, 16, 17, and 18;

Sealed competitive bid as a block of six lots: Lots 2, 3, 4, 5, 6, and 7;

Sealed competitive bid as individual lots: 8, 10, 11, 12, and 13.

Section 5. Sealed Competitive Bid.

(a) Minimum Bid. Minimum bid shall be determined by a licensed real-estate appraiser.

(b) Competitive Bid Procedures. The qualified bidder having the highest bid amount will be named the apparent high bidder. The winning amount will be announced the following business day.

(c) Award.

(1) Apparent high bidders will be sent an "Award Notification" letter by certified mail. The letter shall provide the successful bidders 30 days to submit the following:

(A) Completed Declaration of Intent;

(B) A non-refundable \$150.00 document-handling fee;

(C) Notwithstanding CBJ Title 53, a down payment equal to ten percent of the bid amount. The \$500 earnest money submitted with the bid shall be applied toward the down payment;

(D) If a business or business entity, proof of current business license in the State of Alaska must be provided, and signatory authority of the person submitting the bid; and

(E) Any other documents or items requested in the Award Notification letter.

(2) If a successful bidder fails to comply with the requirements in the award notification letter, the bidder shall forfeit the \$500 earnest money and all rights to the parcel, and the second highest bidder will then be awarded the opportunity to purchase the parcel.

- (3) A bidder may purchase more than one parcel. Only the highest bid amount for each parcel will be made public. All other bids will remain confidential until after closing. Earnest money shall be returned to unsuccessful bidders.

Section 6. Lottery.

(a) Sale Price. Fair market value shall be determined by a licensed real-estate appraiser selected by the Manager.

(b) Award. Lottery winners will be provided an "Award Notification" letter at the lottery event. The letter shall provide the successful bidders 30 days to submit the following:

- (1) Notwithstanding CBJ Title 53, a down payment equal to ten percent of the bid amount;
- (2) A non-refundable \$150.00 document-handling fee;
- (3) If a business or business entity, proof of current business license in the State of Alaska, and signatory authority of the person submitting the bid;
- (4) Any other documents or items requested in the Award Notification letter; and
- (5) A bidder may not purchase more than one parcel. A bidder drawn for more than one parcel must choose, at the time of drawing, which parcel to relinquish.

Section 7. Payment and Financing. Purchasers may elect to use City and Borough financing, paying the balance owed over a period of ten years, in annual, quarterly, or monthly payments at an interest rate of ten percent. No bidder or purchaser may sell or assign his or her interest in a parcel until the City and Borough has been paid in full.

Section 8. Reoffering. The Manager may sell any unsold parcels as sealed competitive bid or over the counter sales. The sale price, should the lots become available through over the counter sale, shall be fair market value as determined by appraisal, or set at the minimum bid from the preceding sealed competitive bid sale.

Section 9. Other Terms and Conditions. The Manager may include such other terms and conditions as may be in the public interest.

Section 10. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2019.

Attest:

Beth A. Weldon, Mayor

Elizabeth J. McEwen, Municipal Clerk

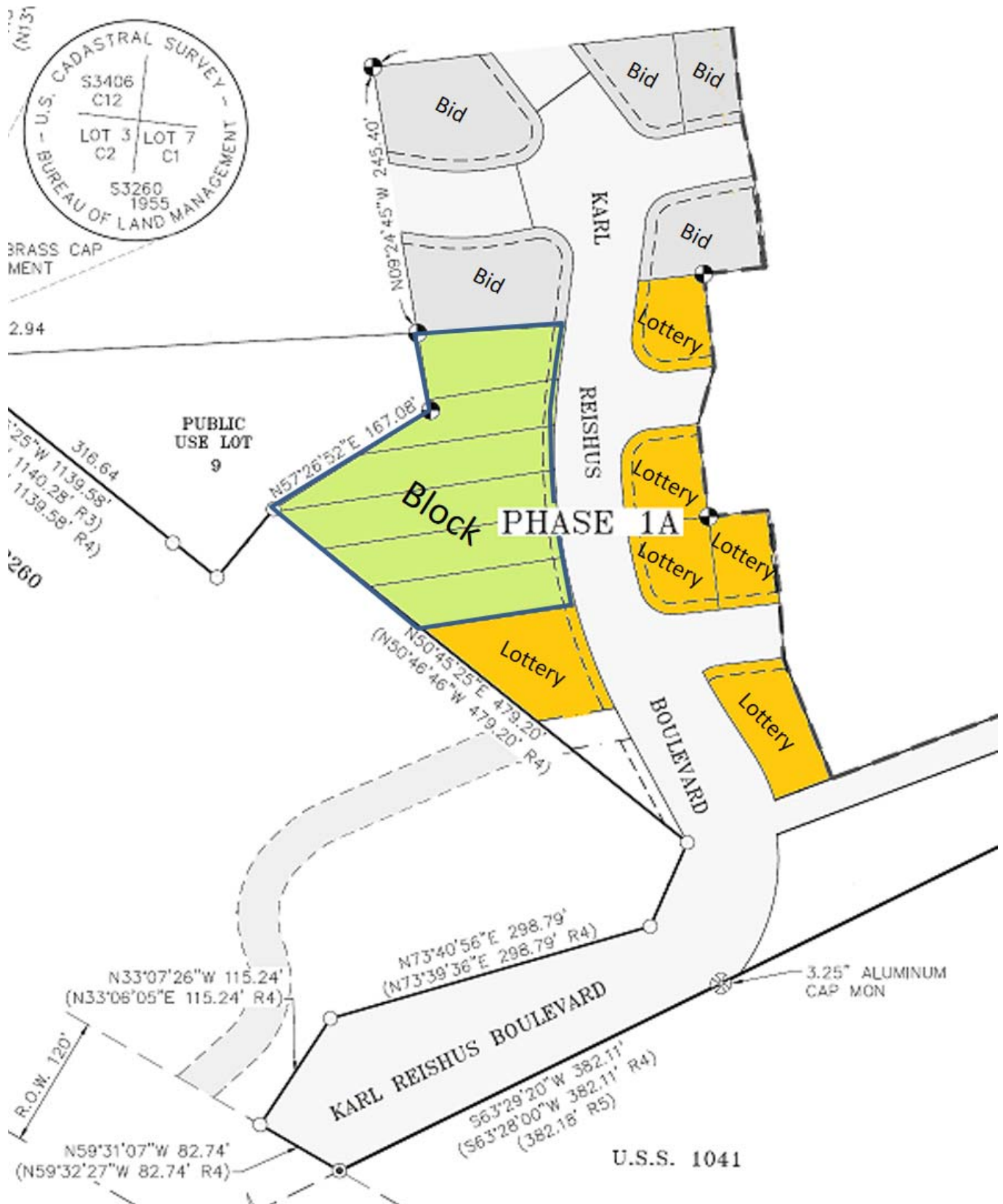


Figure 1. Proposed distribution of lot sale methods within the Pederson Hill IA Subdivision.

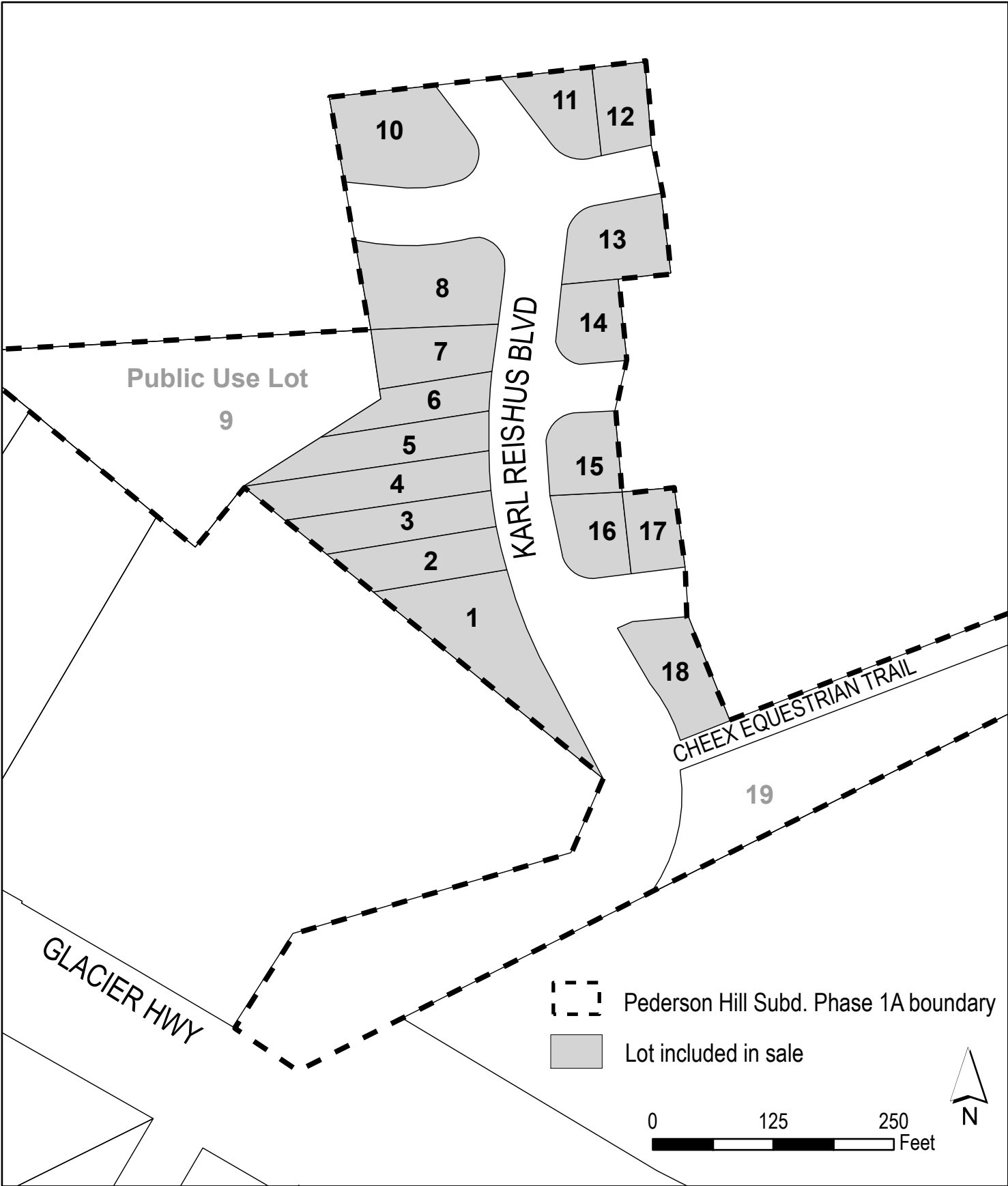


EXHIBIT A
Ord. 2019-32

Sale of Pederson Hill Subdivision Phase 1A
Lots 1 - 8 and 10 - 18

Presented by: COW
Introduced: 08/19/2019
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-33

**An Ordinance Amending the City and Borough Code Relating to
Criminal Offenses and Penalties.**

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. CBJ 01.40 General penalty, is amended to
read:

01.40.010 Violations penalty.

(a) *Definition of violation.* Engaging in any act or practice in contravention of the
provisions of this Code or failing, refusing, or neglecting to comply with the requirements
of this Code, or an order or regulation issuing from it, constitutes a violation punishable
as provided by the section of the Code violated or as stipulated by another section of the
Code.

(b) *Penalty classifications.*

- (1) Except as otherwise provided, a defendant convicted of a Class A
misdemeanor may be sentenced to pay a fine of not more than \$25,000.00, a
definite term of imprisonment, or both. The term of imprisonment imposed
may not be more than one year;

~~(A) — One year, if the:~~

(i) ~~Conviction is for a crime with a mandatory minimum term of 30 days or more of active imprisonment;~~

(ii) ~~Trier of fact finds the aggravating factor, established in accordance with AS 12.55.135(p), that the conduct constituting the offense was among the most serious conduct included in the definition of the offense;~~

(iii) ~~Defendant has one or more past criminal convictions for conduct violative of criminal laws, punishable as felonies or misdemeanors, similar in nature to the offense for which the defendant is being sentenced, where the aggravating factor is established in accordance with AS 12.55.135(p);~~

(iv) ~~Conviction is for an assault under CBJ 42.10.010;~~

(v) ~~Conviction is for a violation of harassment under CBJ 42.20.110(b)(2).~~

(B) ~~Thirty days.~~

(2) Except as otherwise provided, a defendant convicted of a Class B misdemeanor may be sentenced to pay a fine of not more than \$2,000.00, to a definite term of imprisonment, or both. The term of imprisonment imposed may not be more than 90 days;

(A) ~~Ten days unless otherwise specified in the provision of law defining the offense or in this section;~~

(B) ~~Ninety days if the conviction is for a violation of CBJ 42.20.120(a)(4) for an offense comparable to AS 11.61.120(a)(6) and the person is 21 years of age or older.~~

(3) A defendant convicted of an infraction may be sentenced to pay a fine of not more than \$500.00.

(4) A misdemeanor not identified as to type or class shall be punishable as a Class B misdemeanor.

(c) *Assaults.*

(1) A defendant convicted of assault involving domestic violence committed in violation of the provisions of an order issued or filed under AS 12.30.027 or AS 18.66.100—18.66.180 shall be sentenced in accordance with provisions of AS 12.55.135(c) and AS 12.55.135(g).

(2) A defendant convicted of assault who knowingly directed the conduct constituting the offense at uniformed or otherwise clearly identified peace officer, firefighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the assault shall be sentenced in accordance with AS 12.55.135(d).

(3) The execution, imposition, or suspension of a sentence under subsections (c)(1) or (2) of this section shall be in accordance with AS 12.55.080 et seq. Consideration of probation under subsections (c)(1) or (2) of this section, shall be in accordance with AS 12.55.90 et seq.

...

01.40.060 Responsibility for costs of incarceration.

(a) The cost of imprisonment, including the costs associated with electronic monitoring, resulting from a sentence imposed pursuant to this Code shall be paid to the City and Borough by the person being sentenced provided, however, that the cost of imprisonment required to be paid may not exceed \$1,000.00, unless otherwise provided. Upon the

person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the City and Borough shall seek reimbursement from the person's permanent fund dividend as authorized by state statute.

(b) The cost of imprisonment required to be paid under subsection (a) of this section by a convicted person shall be as specified by statute or court rule or, in cases where no statute or rule applies, the average current cost per day for incarceration paid the City and Borough, calculated periodically by the chief of police and reported to the court, multiplied by the number of days to be served by the defendant after reduction for good time credits.

...

Section 3. Amendment of Section. CBJ 03.30.050 Citation; failure to appear, is amended to read:

03.30.050 ~~Citation;~~ Failure failure to appear.

(a) A person commits the crime offense of failure to appear if the person:

- (1) Is released under the provisions of AS 12.30;
- (2) Knows that the person is required to appear before a court or judicial officer at the time and place of a scheduled hearing; and
- (3) With criminal negligence does not appear before the court or judicial officer at the time and place of the scheduled hearing.

(b) In a prosecution for failure to appear under (a) of this section, it is an affirmative defense that unforeseeable circumstances, outside the person's control, prevented the person from appearing before the court or judicial officer at the time and place of the scheduled hearing, and the person contacted the court orally and in writing immediately upon being able to make the contact.

(c) A person who commits failure to appear incurs a forfeiture of any security for any appearance of the person that was given or pledged to the court for the person's release.

(d) Failure to appear is a class A misdemeanor if the person was released in connection with a

(1) charge of a misdemeanor, while awaiting sentence or appeal after conviction of a misdemeanor; or

(2) requirement to appear as a material witness in a criminal proceeding.

~~(1) — A class A misdemeanor if the person was released in connection with a charge of a misdemeanor, while awaiting sentence or appeal after conviction of a misdemeanor, or in connection with a requirement to appear as a material witness in a criminal proceeding, and the person:~~

~~(A) — Does not make contact with the court or a judicial officer within 30 days after the person does not appear at the time and place of a scheduled hearing; or~~

~~(B) — Does not appear at the time and place of a scheduled hearing to avoid prosecution; or~~

~~(2) — A violation punishable by a fine of up to \$1,000.00.~~

(e) In a prosecution for failure to appear under (a) of this section, it is not a defense that the defendant did not receive a reminder notification from a court or judicial officer under Rule 38(e), Alaska Rules of Criminal Procedure.

State Law reference – Failure to Appear, AS 11.56.730

Section 4. Amendment of Chapter. CBJ 42.05 General Provisions, is amended to read:

TITLE 42 - PENAL CODE

Chapter 42.05 - GENERAL PROVISIONS

...

42.05.100 ~~Attempt. Reserved.~~

(a) A person is guilty of an attempt to commit a crime if, with intent to commit a crime, the person engages in conduct which constitutes a substantial step toward the commission of that crime.

(b) In a prosecution under this section, it is not a defense that it was factually or legally impossible to commit the crime which was the object of the attempt if the conduct engaged in by the defendant would be a crime had the circumstances been as the defendant believed them to be.

(c) In a prosecution under this section, it is an affirmative defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of the defendant's criminal intent, prevented the commission of the attempted crime.

(d) An attempt is a class B misdemeanor if the crime attempted is a class A or class B misdemeanor.

State Law reference— Attempt, AS.31.100.

42.05.110 Violation of condition of release.

(a) A person commits the crime of violation of condition of release if the person:

- (1) Has been charged with a crime or convicted of a crime;
- (2) Has been released under AS 12.30; and

(3) Violates a condition of release imposed by a judicial officer under AS 12.30, other than the requirement to appear as ordered by a judicial officer.

(b) Violation of condition of release is a class A misdemeanor if the person is released from a charge or conviction of a felony; class B misdemeanor if the person is released from a charge or conviction of a misdemeanor. and is punishable by a term of imprisonment of not more than five days and a fine of not more than \$2,000.00.

State Law reference— Violation of Condition of Release, AS 11.56.757.

...

42.05.130 Definitions.

(a) Definitions. Except as otherwise provided in this title or unless the context clearly indicates otherwise, the definitions of the words and phrases in AS 11.81.900, or the definitions applicable to the Alaska Statutes provisions corresponding to the offense described in sections of this title, shall be the definitions of those same words and phrases used in this title. The definitions of words and terms below shall apply for purposes of this title unless otherwise provided:

(1) Child refers to any person under 16 years of age.

(2) Family member means a:

(A) Spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew or niece of the victim, whether related by blood, marriage or adoption;

(B) Person who lives, or has previously lived, in a spousal relationship with the victim;

(C) Person who lives in the same household as the victim; or

(D) Person who is a former spouse of the victim or is or has been in a dating, courtship, or engagement relationship with the victim.

(3) Domestic violence and crime involving domestic violence mean one or more of the following offenses or an offense under a law of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

(A) A crime against the person under CBJ Title 42.10;

(B) Criminal trespass under CBJ Title 42.15.015;

(C) Criminal mischief under CBJ Title 42.15.110;

(D) Violating a protective order under CBJ Title 42.30.060;

(E) Unlawful contact under CBJ Title 42.30.080;

(F) Harassment under CBJ Title 42.10.110.

(4) Household member for purposes of this section has the definition assigned to that term by AS 18.66.990(5).

State Law reference— Definitions, AS 11.81.900, AS 11.66.990.

Section 5. Amendment of Chapter. CBJ 42.10 Offenses Against Persons, is amended to read:

Chapter 42.10 - OFFENSES AGAINST PERSONS

...

42.10.020 Recklessly endangering another person.

(a) It is unlawful for a person to recklessly engage in conduct which creates a substantial risk of serious bodily injury to another person. ~~places or may place another person in danger of death or serious bodily injury.~~

(b) Reckless endangerment is a Class A misdemeanor.

State Law reference— Reckless endangerment, AS 11.41.250.

42.10.030 Stalking.

1 (a) It is unlawful for any person to commit the offense of stalking.

2 (b) A person commits the crime of stalking if the person knowingly engages in a course
 3 of conduct that recklessly places another person in fear of death or physical injury, or in
 4 fear of the death or physical injury of a family member.

5 (c) In this section, the following terms shall have the meaning given in this subsection:

6 (1) *Course of conduct* means repeated acts of non-consensual contact involving
 7 the victim or a family member.

8 (2) *Device* includes software.

9 (3) *Family member* has the meaning set forth in section 42.05.100.

10 (4) *Non-consensual contact* means any contact with another person that is
 11 initiated or continued without that person's consent, that is beyond the scope
 12 of the consent provided by that person, or that is in disregard of that person's
 13 expressed desire that the contact be avoided or discontinued. The term "non-
 14 consensual contact" includes, but is not limited to:

15 (A) Following or appearing within the sight of that person;

16 (B) Approaching or confronting that person in a public place or on private
 17 property;

18 (C) Appearing at the workplace or residence of that person;

19 (D) Entering onto or remaining on property owned, leased or occupied by
 20 that person;

21 (E) Contacting that person by telephone;

22 (F) Sending mail or electronic communications to that person;

23 (G) Placing an object on, or delivering an object to, property owned, leased
 24 or occupied by that person;

(H) Following or monitoring that person with a global positioning device or similar technological means; or

(I) Using, installing, or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal electronic device or equipment used by that person.

(5) Victim means a person who is the target of a course of conduct.

(d) Violation of this section is a class A misdemeanor.

State Law reference— Stalking in the Second Degree, AS 11.41.270.

Section 6. Amendment of Chapter. CBJ 42.15 Offenses Against Property, is amended to read:

Chapter 42.15 - OFFENSES AGAINST PROPERTY

...

42.15.020 Larceny of money or property.

(a) With the intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another. It is unlawful for a person to steal money, goods or chattels, or a government note, a bank note, promissory note, bill of exchange, bond or other thing in action, or a book of accounts, order or certificate concerning money or goods due or to become due or to be delivered, or a deed or writing containing a conveyance of land or interest in land, or a bill of sale, or writing containing a conveyance of goods or chattels or interest in them, or any other valuable contract in force, or a receipt, release or defeasance, or a writ, process or public record, which is the property of another.

(b) ~~Larceny of money or property is a:~~

(1) Class A misdemeanor if:

(A) The value of the money or property, ~~adjusted for inflation as provided in AS 11.46.982,~~ is \$250.00 or more but less than \$750.00; or

(B) The value of the money or property, ~~adjusted for inflation as provided in AS 11.46.982,~~ is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on ~~two~~ three or more separate occasions of theft or concealment of merchandise, in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the money or property is less than \$250.00, ~~adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:~~

(A) ~~Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;~~

(B) ~~Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or~~

(C) ~~A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

State Law reference— Theft in the Third Degree, AS 11.46.140; Theft in the Fourth Degree, AS 11.46.150; Theft Defined, AS 11.46.100; Definitions, AS 11.46.990.

42.15.025 Theft by failure to make required disposition of funds received or held.

(a) A person commits theft by failure to make required disposition of funds received or held if the person:

- (1) Obtains property from anyone or personal services from an employee upon an agreement or subject to a known legal obligation to make specified payment or other disposition to a third person, whether from that property or its proceeds or from the person's own property to be reserved in equivalent amount; and
- (2) Exercises control over the property or services as the person's own and fails to make the required payment or disposition.

(b) It is not a defense to a prosecution based on theft by failure to make required disposition of funds received or held that it may be impossible to identify particular property as belonging to the victim at the time of the defendant's failure to make the required payment or disposition.

(c) Theft by failure to make required disposition of funds received or held is a:

- (1) Class A misdemeanor if:
 - (A) The value of the funds received or held, ~~adjusted for inflation as provided in AS 11.46.982,~~ is \$250.00 or more but less than \$750.00; or
 - (B) The value of the funds received or held, ~~adjusted for inflation as provided in AS 11.46.982,~~ is less than \$250.00 and, within the preceding five years, the

person has been convicted and sentenced on ~~two~~ three or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the funds received or held is less than \$250.00,⁵ ~~adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:~~

(A) ~~Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;~~

(B) ~~Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or~~

(C) ~~A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

State Law reference— Similar provisions, AS 11.46.210.

42.15.030 ~~Buying, receiving, concealing, or disposing of stolen property~~ Theft by receiving.

(a) It is unlawful for a person to buy, receive, retain, conceal, or dispose of stolen property ~~money, goods, bank notes or other things which may be the subject of larceny and which has been taken, embezzled, or stolen from another person~~, with reckless disregard that the property was ~~taken, embezzled, or stolen~~.

(b) Reckless disregard that the property was stolen is presumed in the case of a dealer who:

- (1) Is found in possession or control of property stolen from two or more persons on separate occasions;
- (2) Has received stolen property in another transaction within the year preceding the transaction; or
- (3) Being a dealer in property of the sort received, acquires it for a consideration which the dealer knows is far below its reasonable value.

(c) As used in this section:

- (1) "Dealer" means a person in the business of buying or selling goods.
- (2) "Receive" includes acquiring the possession, control, or title, or lending on the security of the property.

(d) Buying, receiving, retaining, concealing, or disposing of stolen property is a:

- (1) Class A misdemeanor if:
 - (A) The value of the property, ~~adjusted for inflation as provided in AS 11.46.982,~~ is \$250.00 or more but less than \$750.00; or

(B) The value of the money or property, ~~adjusted for inflation as provided in AS 11.46.982,~~ is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on ~~two~~ three or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the property is less than \$250.00, ~~adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:~~

~~(A) —Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;~~

~~(B) —Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or~~

~~(C) —A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS~~

~~11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

State Law reference— Theft by receiving, AS 11.46.190.

42.15.040 Concealment of merchandise.

(a) A person commits the crime of concealment of merchandise if without authority the person knowingly conceals on or about the person the merchandise of a commercial establishment, not purchased by the person, while still upon the premises of the commercial establishment, with intent to deprive the owner of the merchandise or with intent to appropriate the merchandise.

(b) Merchandise found concealed upon or about the person which has not been purchased by the person is prima facie evidence of a knowing concealment.

(c) Concealment of merchandise is a:

(1) Class A misdemeanor if:

~~(A) The merchandise is a firearm;~~

~~(AB) The value of the merchandise, adjusted for inflation as provided in AS 11.46.982, is \$250.00 or more but less than \$750.00; or~~

~~(BC) The value of the merchandise, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on ~~two~~ three or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.~~

(2) Class B misdemeanor if the value of the merchandise, ~~adjusted for inflation as provided in AS 11.46.982,~~ is less than \$250.00. ~~A court may not impose a sentence under this subsection of more than:~~

(A) ~~Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;~~

(B) ~~Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or~~

(C) ~~A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

State Law reference— Similar provisions, AS 11.46.220.

42.15.050 Theft ~~Retention~~ of lost or mislaid property.

(a) A person commits theft of lost or mislaid property if the person obtains property of another knowing that the property was lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient and the person fails to take reasonable

measures to restore the property to the owner with ~~purpose~~ intent to deprive the owner of the property.

(b) As used in this section "reasonable measures" includes notifying the identified owner or a peace officer.

(c) Retention of lost property is a:

(1) Class A misdemeanor if:

(A) The value of the property, ~~adjusted for inflation as provided in AS 11.46.982,~~ is \$250.00 or more but less than \$750.00; or

(B) The value of the property, ~~adjusted for inflation as provided in AS 11.46.982,~~ is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on ~~two~~ three or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the property, ~~adjusted for inflation as provided in AS 11.46.982,~~ is less than \$250.00. ~~A court may not impose a sentence under this subsection of more than:~~

(A) ~~Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;~~

(B) ~~Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020 42.15.085 or 42.15.120, AS 11.46.360 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or~~

(C) ~~A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020 42.15.085 or 42.15.120, AS 11.46.360 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

State Law reference— Theft of lost or mislaid property, AS 11.46.160.

42.15.060 Bad checks.

(a) A person commits the crime of issuing a bad check if the person issues a check knowing that it will not be honored by the drawee.

(b) In a prosecution under this section, it is prima facie evidence that the drawer knew the check would not be honored by the drawee if:

- (1) Payment of the check was refused by the drawee for lack of funds upon presentation within 30 days after issue, and the drawer failed to make full satisfaction of the amount due within 15 days after notice of dishonor was deposited as first class mail, addressed to the drawer at the address appearing on the dishonored check or the drawer's last known address; or
- (2) The drawer had no account with the drawee at the time the check was issued.

(c) The following phrases used in this section have the meanings given as follows:

- (1) *Amount due* means the face amount of the dishonored check plus all costs and protest fees assessed by the drawee;
- (2) *Check* means a draft, check, or similar sight order for the payment of money, but does not include a postdated check or a promissory note;
- (3) *Issues*. A person issues a check when as a drawer the person delivers it or causes it to be delivered to a person who thereby acquires a right against the drawer with respect to the check; a person who draws a check with the intent that it be so delivered is considered to have issued it if the delivery occurs.

(d) Issuing a bad check is a:

(1) Class A misdemeanor if:

- (A) The face amount of the check, ~~adjusted for inflation as provided in AS 11.46.982,~~ is \$250.00 or more but less than \$750.00; ~~or~~
- (B) ~~The face amount of the check, adjusted for inflation as provided in AS 11.46.982, is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.~~

(2) Class B misdemeanor if the face amount of the check, ~~adjusted for inflation as provided in AS 11.46.982,~~ is less than \$250.00. ~~A court may not impose a sentence under this subsection of more than:~~

- (A) ~~Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020 42.15.085 or 42.15.120, AS 11.46.360 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;~~
- (B) ~~Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once, of an offense under CBJ 42.15.020 42.15.085 or 42.15.120, AS 11.46.360 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or~~
- (C) ~~A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020 42.15.085 or 42.15.120, AS 11.46.360 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

State Law reference— Issuing a bad check, AS 11.46.280.

42.15.070 Theft of services.

(a) It is unlawful for a person to obtain services which that person knows are available only for compensation, by deception or threat, or by false token or other means to avoid payment for the services. "Services" includes labor, professional service, telephone or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions, use of vehicles or other movable property. Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, refusal to pay or

absconding without payment, or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.

(b) A person commits theft if, having control over the disposition of services of others, to which he or she is not entitled, he or she diverts such services to his or her own benefit or to the benefit of another not entitled thereto.

(c) Theft of service is a:

(1) Class A misdemeanor if:

(A) The value of the service, ~~adjusted for inflation as provided in AS 11.46.982,~~ is \$250.00 or more but less than \$750.00; or

(B) The value of the service, ~~adjusted for inflation as provided in AS 11.46.982,~~ is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the money or property is less than \$250.00, ~~adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:~~

~~(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;~~

(B) ~~Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020 42.15.085 or 42.15.120, AS 11.46.360 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or~~

(C) ~~A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020 42.15.085 or 42.15.120, AS 11.46.360 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

42.15.080 Theft by deception.

(a) It is unlawful for a person to obtain property of another by deception. A person deceives if that person ~~purposely~~ knowingly:

- (1) Creates or reinforces a false impression, including false impressions as to law, value, intention or other state of mind; but deception as to a person's intention to perform a promise shall not be inferred from the fact alone that the person did not subsequently perform the promise;
- (2) Prevents another from acquiring information which would affect that person's judgment of a transaction;
- (3) Fails to correct a false impression which the deceiver previously created or reinforced; or

(4) Fails to correct a false impression which the deceiver knows to be influencing another to whom the deceiver stands in a fiduciary or confidential relationship.

(b) The term "deceive" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed.

(c) Theft by deception is a:

(1) Class A misdemeanor if:

(A) The value of the property, ~~adjusted for inflation as provided in AS 11.46.982,~~ is \$250.00 or more but less than \$750.00; or—

(B) The value of the property, ~~adjusted for inflation as provided in AS 11.46.982,~~ is less than \$250.00 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, or an offense under another law or ordinance with similar elements.

(2) Class B misdemeanor if the value of the property is less than \$250.00, ~~adjusted for inflation as provided in AS 11.46.982. A court may not impose a sentence under this subsection of more than:~~

~~(A) Fifteen days of active imprisonment and a term of probation of more than six months if the person has been convicted two times of an offense under CBJ 42.15.020—42.15.085 or 42.15.120, AS 11.46.360—11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;~~

(B) ~~Ten days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under CBJ 42.15.020 42.15.085 or 42.15.120, AS 11.46.360 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or~~

(C) ~~A sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not previously been convicted of an offense under CBJ 42.15.020 42.15.085 or 42.15.120, AS 11.46.360 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.~~

42.15.085 Fraudulent use of an access device or identification document.

(a) A person commits the crime of fraudulent use of an access device or identification document if, with intent to defraud, the person uses an access device or identification document to obtain property or services with knowledge that:

- (1) The access device or identification document is stolen or forged;
- (2) The access device or identification document is expired or has been revoked or cancelled; or
- (3) For any other reason, that person's use of the access device or identification document is unauthorized by either the issuer or the person to whom the access device or identification document is issued.

(b) Fraudulent use of an access device or identification document is a class A misdemeanor if the value of the property or services obtained, ~~adjusted for inflation as provided in AS 11.46.982,~~ is less than ~~\$750.00~~ 75.00.

State Law reference— Fraudulent Use of an Access Device or Identification Document, AS 11.46.285

...

42.15.110 Criminal mischief.

(a) It is unlawful for a person having no right to do so or any reasonable ground to believe the person has such a right to:

- (1) Damages ~~tangible~~ property of another, ~~purposely~~ knowingly or recklessly, or do so by negligence in the employment of fire, explosives, or other dangerous means listed in subsection 42.15.100(a);
- (2) Intentionally or recklessly tamper or deal with ~~tangible~~ property of another so as to endanger or injure person or property;
- (3) Intentionally or recklessly cause another to suffer pecuniary loss by deception or threat;
- (4) Negligently injure or deface any public property whether owned by the government in its proprietary or governmental capacity;
- (5) Tamper with a fire protection device in a building that is a public place;
- (6) Knowingly access a computer, computer system, computer program, computer network, or part of a computer system or network; or
- (7) Use a device to descramble an electronic signal that has been scrambled to prevent unauthorized receipt or viewing of the signal unless the device is used only to

descramble signals received directly from a satellite or unless the person owned the device before September 18, 1984.

(b) Criminal mischief is a:

- (1) Class A misdemeanor if the value of the property or pecuniary loss, ~~adjusted for inflation as provided in AS 11.46.982,~~ is \$250.00 or more but less than \$750.00;
- (2) Class B misdemeanor if the value of the property or pecuniary loss, ~~adjusted for inflation as provided in AS 11.46.982,~~ is less than \$250.00.

(c) For purposes of this section, "property of another" means property in which another person has an interest which the defendant is not privileged to infringe, whether or not the defendant also has an interest in the property, and which includes the commonly held property of a married couple or domestic partners.

(d) A person convicted under section 42.15.110 of an offense involving damage to public or private property shall be required to perform at least 25 hours of community work under CBJ 01.40.080 and AS 12.55.055.

State Law reference— Criminal mischief in the ~~third~~ fourth and fifth degrees, AS 11.46.484, AS 11.46.486; Community Work upon Conviction, AS 11.46.489.

42.15.115 Possession of motor vehicle theft tools.

(a) A person commits the crime of possession of motor vehicle theft tools if the person possesses a motor vehicle theft tool with intent to use or permit use of the tool in the commission of theft of a vehicle or contents of a vehicle.

(b) In this section,

(1) Altered or shaved key means a key altered by cutting, filing, or other means to fit multiple vehicles or vehicles other than vehicles for which the key was originally manufactured;

(2) Motor vehicle theft tool includes a slim jim, master key, altered or shaved key, trial or jiggle key, lock puller, electronic unlocking device, or similar device adapted or designed for use in committing vehicle theft;

(3) Trial or jiggle key means a key designed or altered to manipulate a vehicle locking mechanism other than the lock for which the key was originally manufactured.

(c) Possession of motor vehicle theft tools is a class A misdemeanor.

State Law Reference – Possession of motor vehicle theft tools; AS 11.46.370.

...

42.15.150 Prior convictions.

For purposes of considering prior convictions in prosecuting a crime of theft under 42.15, or in prosecuting the crime of concealment of merchandise under 42.15.040(c)(1),

(a) A conviction for an offense under another law with similar elements is a conviction of an offense having elements similar to those of an offense defined as such under this Code at the time the offense was committed;

(b) A conviction for an offense under this Code where the value of the property or services for the offense was lower than the value of property or services for the offense under the current Code is a prior conviction for that offense; and

(c) The court shall consider the date of a prior conviction as occurring on the date that sentence is imposed for the prior offense.

State Law reference – Prior Convictions, AS 11.46.295

42.15.160 Determination of value, aggregation of amounts.

In this this title, whenever it is necessary to determine the value of property, determination of value is governed by AS 11.46.980.

State Law Reference - Determination of value, aggregation of amounts; AS 11.46.980.

Section 7. Amendment of Chapter. CBJ 42.20 Offenses Against Public Order, is amended to read:

Chapter 42.20 - OFFENSES AGAINST PUBLIC ORDER

...

42.20.080 Destructive devices.

...

(f) *Presumption of intent to injure.* ~~Purposeful, k~~Knowing or reckless unlawful possession of a destructive device by any person, or ~~purposeful,~~ knowing or reckless, unlawful possession of an explosive by a person not excepted by this Code or by state or federal laws or regulations shall constitute a rebuttable presumption of intent to injure with a destructive device.

...

State Law reference— Criminal possession of explosives, AS 11.61.240; unlawful furnishing of explosives, AS 11.61.250; definition of "explosives," AS 11.81.900(244).

42.20.085 Weapons on school grounds.

(a) It is unlawful for any person except an authorized person to:

- (1) Possess a deadly weapon, or a defensive weapon while in or upon school grounds; or
- (2) Place a deadly weapon or a defensive weapon in any locker, desk, or other place in or upon school grounds.

(b) As used in this section:

(1) *Authorized person* means:

(A) A peace officer;

(B) A police reserve officer;

(C) A member of the National Guard or the armed forces of the United States in the line of duty;

(D) A person proceeding to, engaging in, or returning from target practice or other authorized activity at a place and time sanctioned by the superintendent of schools.

(2) *Deadly weapon* means any firearm, or anything designed for and capable of causing death or serious physical injury, including metal knuckles, sharp-edged or pointed throwing devices, or any knife equipped with a blade over three inches in length.

(3) *Defensive weapon* means an electric stun gun, or a device to dispense mace or a similar chemical agent, that is not designed to cause death or serious physical injury.

(4) *Metal knuckles* means a device that consists of finger rings or guards made of a hard substance and designed, made, or adapted for inflicting serious physical injury or death by striking a person.

(5) *School grounds* means any City and Borough school building, school administration building or associated playground, parking lot, or any athletic field, while such athletic field is being used for an activity sponsored and supervised by the City and Borough school district.

(c) Violation of this section is a Class ~~B~~A misdemeanor.

State Law reference— Misconduct involving weapons in the second degree, AS 11.61.195; Misconduct Involving Weapons in the Fourth Degree, AS 11.61.210; misconduct involving weapons in the fifth degree, AS 11.61.220.

42.20.090 Disorderly conduct.

(a) It is unlawful for a person to:

- (1) In a public or private place, challenge another to fight or engage in fighting other than in self-defense or in the defense of a third person under circumstances which would be justified under AS 11.81.340;
- (2) At the scene of a fire or accident or in a public place where a crime has occurred, fail to comply with the lawful order of a peace or fire officer to leave the scene or place;
- (3) Sit or lie on any public street in such a manner as to interfere with the free passage of pedestrian or vehicle traffic;
- (4) In that part of the street which is designated or set aside for vehicle use, including a pedestrian crosswalk stand in such a manner as to interfere with the free and unimpeded use of the street by vehicles;
- (5) On a sidewalk, path or other way intended for pedestrian use, stand or walk in such a manner that another person may not easily pass without leaving the sidewalk or way after being requested to move in order to create room for another person to pass or having been informed that they are blocking the sidewalk or way;
- (6) While on grounds adjacent to a building in which school is in session, ~~purposely~~ knowingly create any noise or diversion which materially disrupts class work or otherwise substantially interferes with the peace and good order of the school after

being informed by a school employee or a peace officer that their conduct is having such an effect;

(7) Act in a manner, including throwing an object, under circumstances or in a manner whereby the person or property of another is placed in danger of injury, damage, or destruction;

(8) ~~Purposely~~ Knowingly provoke or encourage or attempt to provoke one or more persons present to hostile or violent reactions under circumstances where a clear and present danger of unjustified violence exists;

(9) No person shall urinate or defecate in or upon any street, sidewalk, alley, plaza, park, public building, public property, private parking lot, or in any place open to the public or exposed to the public view. This section shall not apply to urination or defecation utilizing appropriate fixtures in any restroom or other facility designed for the sanitary disposal of human waste.

(b) In this section the following words and phrases have the following meanings:

(1) *Lawful order*. An order shall be a lawful order if it is one which is given where the person's presence, conduct or speech significantly impedes an officer in the performance of official duties in effecting an arrest, investigating a crime or possible crime, in investigating or assisting at an accident, in ensuring or securing public safety and similar acts where the presence, conduct or speech of the person is not constitutionally protected.

(2) *Public place* means a place where the public is permitted to assemble, enter or pass through, whether publicly or privately maintained, including streets, sidewalks,

1
2 parks, places of accommodation, transportation, business and entertainment, or any
3 other places or premises which by their physical nature, function, custom, usage,
4 notice, or lack thereof would cause a reasonable person to believe that no
5 permission to enter or remain is required.

6 (c) Violating 42.20.090(a)(1)—(a)(8) is a class B misdemeanor. A court may not impose a
7 sentence of imprisonment for a definite term (i) of more than 24 72 hours for a person convicted
8 of disorderly conduct under 42.20.090(a)(1)—(a)(8), if the offense is a first convictions and (ii)
9 not more than 10 days if the offense is a second or subsequent conviction. Disorderly conduct
10 under 42.20.090(a)(9) is an infraction punishable by a fine of \$150.
11

12 ...

13 **42.20.100 Reserved. Riot.**

14 ~~(a) It is unlawful for a person to participate with five or more others in a course of disorderly~~
15 ~~conduct:~~

- 16 ~~(1) With purpose to commit or facilitate the commission of a felony or misdemeanor;~~
17 ~~(2) With the purpose to prevent or coerce official action; or~~
18 ~~(3) When the person or any other participant to the knowledge of the person uses or~~
19 ~~plans to use a firearm or other deadly weapon.~~
20

21 ~~(b) Riot is a Class A misdemeanor.~~

22 ~~(CBJ Code 1970, § 42.20.050; Serial No. 71-67, § 4, 1971; Serial No. 85-56, § 46, 1985; Serial No.~~
23 ~~2002-08, § 5, 3-18-2002)~~

24 ~~State Law reference~~ Riot, AS 11.61.100.

25 **42.20.110 Harassment.**

(a) A person commits the crime of harassment, a class B misdemeanor, if, with intent to harass or annoy another person, that person:

- (1) Insults, taunts, or challenges another person in a manner likely to provoke an immediate violent response;
- (2) Telephones another or fails to terminate the connection with intent to impair the ability of that person to place or receive telephone calls;
- (3) Makes repeated telephone calls at extremely inconvenient hours;
- (4) Makes an anonymous or obscene telephone call, an obscene electronic communication, or a telephone call or electronic communication that threatens physical injury or sexual contact;
- (5) Subjects another person to an offensive physical contact;
- (6) Except as provided in AS 11.61.116, publishes or distributes electronic or printed photographs, pictures, or films that show the genitals, anus, or female breast of the other person or show that person engaged in a sexual act;
- (7) Repeatedly sends or publishes an electronic communication that insults, taunts, challenges, or intimidates a person under 18 years of age in a manner that places the person in reasonable fear of physical injury; or
- (8) Under circumstances not proscribed under AS 11.41.455, AS 11.61.125, or AS 11.61.128, repeatedly send to another person, published or distributed electronic or printed photographs, pictures, or films that show the genitals of any person.

(b) A person commits the crime of harassment, a class A misdemeanor, if, under circumstances not proscribed under AS.41.434-11.41.440 ~~with intent to harass or annoy another person, that person~~ the person violates 42.20.110(a)(5) and the offensive physical contact is:

- (1) ~~Subjects another person to an offensive physical contact and the contact is~~ Contact with human or animal blood, mucus, saliva, semen, urine, vomitus, or feces; or
- (2) ~~Under circumstances not proscribed under Alaska statute concerning sexual abuse of a minor, the person subjects another person to offensive physical contact and the offensive physical contact is~~ eContact by the person touching through clothing another person's genitals, buttocks, or female breast.

State Law reference - AS 11.61.118 and AS 11.61.120.

42.20.120 Obstructing highways and other public passages.

(a) It is unlawful for a person having no legal privilege to do so, to ~~purposely~~ knowingly or recklessly obstruct any highway or other public passage, whether alone or with others, and to persist in so doing after warning by a law officer. "Obstruct" means render impassable without unreasonable inconvenience or hazard. No person shall be deemed guilty of recklessly obstructing in violation of this subsection solely because of a gathering of persons to hear him or her speak or otherwise communicate, or solely because of being a member of such a gathering.

(b) It is unlawful for a person in a gathering to refuse to obey a reasonable official request or order to move:

- (1) To prevent obstruction of a highway or other public passage; or
- (2) To maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.

(c) An order to move, addressed to a person whose speech or other lawful behavior attracts an obstructing audience, shall not be deemed reasonable if the obstruction can be readily remedied by police control of the size or location of the gathering.

(d) Obstructing highways and other public passages is a violation punishable by a fine of up to \$1,000.

State Law reference - Obstruction of highways, AS 11.61.150.

...

Section 8. Amendment of Chapter. CBJ 42.25 Offenses Against Public Decency, is amended to read:

Chapter 42.25 - OFFENSES AGAINST PUBLIC DECENCY

...

42.25.015 Indecent Exposure

(a) An offender commits the crime of indecent exposure if the offender knowingly exposes the offender's genitals in the presence of another person with reckless disregard for the offensive, insulting, or frightening effect the act may have.

(b) Indecent exposure before a person under 16 years of age is a class A misdemeanor.

Indecent exposure before a person 16 years of age or older is a class B misdemeanor.

State Law reference— Indecent exposure in the second degree, AS 11.41.460.

42.25.020 Reserved. Prostitution and related offenses.

~~(a) *Prostitution.* It is unlawful for any person to:~~

~~(1) — Be an inmate of a house of prostitution or otherwise engage in sexual activity as a business; or~~

~~(2) — Loiter in or within view of any public place for the purpose of being hired to engage in sexual activity.~~

~~(b) — Definitions. "Sexual activity" includes homosexual and other deviate sexual relations. A "house of prostitution" is any place where prostitution or promotion of prostitution is regularly carried on by one person under the control, management or supervision of another. An "inmate" is a person who engages in prostitution in or through the agency of a house of prostitution. "Public place" means any place to which the public or any substantial group thereof has access.~~

~~(c) — Promoting prostitution. It is unlawful for a person to knowingly promote prostitution of another. The following acts shall constitute promoting prostitution:~~

~~(1) — Owning, controlling, managing, supervising or otherwise keeping, alone or in association with others, a house of prostitution or a prostitution business;~~

~~(2) — Procuring an inmate for a house of prostitution or a place in a house of prostitution for one who would be an inmate;~~

~~(3) — Encouraging, inducing, or otherwise purposely causing another to become or remain a prostitute;~~

~~(4) — Soliciting a person to patronize a prostitute;~~

~~(5) — Procuring a prostitute for a patron;~~

~~(6) — Transporting a person into or within the City and Borough with purpose to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose;~~

~~(7) — Leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution or the promotion of prostitution, or failure to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities, or other legally available means; or~~

~~(8) — Soliciting, receiving, or agreeing to receive any benefit for doing or agreeing to do anything forbidden by this subsection.~~

~~(d) — *Presumption from living off prostitutes.* A person, other than the prostitute or the prostitute's minor child or other legal dependent incapable of self support, who is supported in whole or substantial part by the proceeds of prostitution is presumed to be knowingly promoting prostitution in violation of subsection (c) of this section.~~

~~(e) — *Patronizing prostitutes.* It is unlawful for a person to hire a prostitute to engage in sexual activity with him or her, or enter or remain in a house of prostitution for the purpose of engaging in sexual activity.~~

~~(f) — *Evidence.* On the issue whether a place is a house of prostitution the following shall be admissible evidence: its general repute; the repute of the persons who reside in or frequent the place; the frequency, timing and duration of visits by nonresidents.~~

~~(g) — *Penalty.* Any violation of this section shall be punished as a Class B misdemeanor.~~

~~(CBJ Code 1970, § 42.25.015; Serial No. 71-67, § 4, 1971; Serial No. 85-56, § 52, 1985)~~

~~**State Law reference** — Prostitution, AS 11.66.100 et seq.; abatement of places used for certain acts, AS 09.50.170.~~

Section 9. Amendment of Chapter. CBJ 42.30 Offenses Against Public Administration, is amended to read:

Chapter 42.30 - OFFENSES AGAINST PUBLIC ADMINISTRATION

...

42.30.015 Escape.

(a) One commits the crime of escape if, without lawful authority, (i) one removes oneself from official detention for a misdemeanor, or (ii) having been placed under actual restraint by a peace officer before arrest, removes oneself from the restraint.

(b) Escape is a class A misdemeanor.

State Law reference— Escape in the fourth degree, AS 11.56.330.

~~42.30.020 Reserved. Terroristic threatening.~~

~~(a) A person commits the crime of terroristic threatening if the person knowingly makes a false report that a circumstance dangerous to human life exists or is about to exist and:~~

~~(1) Places a person in fear of physical injury to any person;~~

~~(2) Causes evacuation of a building; or~~

~~(3) Causes serious public inconvenience.~~

~~(b) Terroristic threatening is a Class A misdemeanor.~~

~~(CBJ Code 1970, §§ 42.10.030, 42.30.015; Serial No. 71-67, § 4, 1971; Serial No. 85-56, § 54, 1985; Serial No. 2002-08, § 6, 3-18-2002)~~

~~State Law reference~~— ~~Terroristic threatening, AS 11.56.810.~~

...

42.30.040 False reports to law enforcement authorities.

(a) A person commits the crime of false information or report if the person knowingly

(1) gives false information to a peace officer

(A) with the intent of implicating another in an offense; or

(B) concerning the person's identity while the person is

- (i) under arrest, detention, or investigation for a crime; or
 - (ii) being served with an arrest warrant or being issued a citation.
 - (2) makes a false report to a peace officer that a crime has occurred or is about to occur;
or
 - (3) makes a false report or gives a false alarm, under circumstances not amounting to
terroristic threatening in the second degree under AS 11.56.810, that a fire or other
incident dangerous to life or property calling for an emergency response has
occurred or is about to occur.
- (b) False information or report is a class A misdemeanor.
- ~~(a) It is unlawful for a person knowingly to give false information to any law enforcement~~
~~officer:~~
 - ~~(1) With the purpose of implicating another person; or~~
 - ~~(2) Concerning the person's identity while the person is:~~
 - ~~(i) Under arrest, detention, or investigation for a crime; or~~
 - ~~(ii) Being served with an arrest warrant or being issued a citation.~~
- ~~(b) It is unlawful for a person to:~~
 - ~~(1) Report to law enforcement authorities an offense or other incident within their~~
~~concern knowing that it did not occur; or~~
 - ~~(2) Pretend to furnish such authorities with information relating to an offense or~~
~~incident when that person knows he or she has no information relating to such~~
~~offense or incident.~~
- ~~(c) Violation of this section shall be punished as a Class A misdemeanor.~~

...

42.30.080 Unlawful contact.

(a) A person commits the crime of unlawful contact in the first degree if the person:

(1) Has been ordered by a court not to contact a victim or witness of the offense as:

(A) Part of a sentence; or

(B) A condition of:

(i) Release before trial;

(ii) Incarceration before or after trial; or

(iii) Probation after conviction of a crime involving domestic violence; and

(2) Either directly or indirectly, knowingly contacts or attempts to contact the victim or witness in violation of the order.

(b) A person commits the crime of unlawful contact in the second degree if:

(1) The person is arrested for a crime against a person under chapter 42.10 or a crime involving domestic violence; and

(2) Before the person's initial appearance before a judge or magistrate or before dismissal of the charge for which the person was arrested, whichever occurs first, the person initiates communication or attempts to initiate communication with the alleged victim of the crime that was the basis for the person's arrest.

(c) Unlawful contact in the first degree is a Class A misdemeanor. Unlawful contact in the second degree is a Class B misdemeanor if the person was arrested for an offense that is a class A misdemeanor or a felony offense. Unlawful contact in the second degree is a violation if the

person was arrested for an offense that is a class B misdemeanor. In this section, the term "domestic violence" has the meaning given by subsection 42.30.070(b).

42.30.085 Tampering with a witness.

(a) A person commits the crime of tampering with a witness if the person knowingly induces or attempts to induce a witness to be absent from an official proceeding, other than a judicial proceeding, to which the witness has been summoned.

(b) Tampering with a witness is a class A misdemeanor.

State Law reference— Tampering with a Witness in the Second Degree, AS 11.56.545.

42.30.090 Failure to maintain custody.

A person who has accepted responsibility as a third-party custodian appointed by a court to supervise another person's compliance with court-ordered conditions of release pending trial for a violation of this Code shall not ~~purposely~~ knowingly or recklessly fail to discharge that responsibility in accordance with the terms of the appointment. Violation of this section is a Class A misdemeanor if the released person is charged with a felony. Violation of this section is a Class B misdemeanor if the released person is charged with a misdemeanor.

State Law reference— Release before trial, AS 12.30.020(1)(b)(3)9B) et seq; Contempt: Violation of Custodian's Duty, AS 09.50 .010; AS 11.56.758.

...

Section 10. Amendment of Chapter. CBJ 72.04 Vehicle Inspection, Lighting, Brakes and Other Equipment, is amended to read:

Chapter 72.04 - VEHICLE INSPECTION, LIGHTING, BRAKES AND OTHER EQUIPMENT

ARTICLE III. - LIGHTING

72.04.010 When required.

(a) Every vehicle traveling on a highway or other vehicular way or area within the state must illuminate lights as follows:

(1) Between one-half hour after sunset and one-half hour before sunrise; or

(2) At any other time when, because of insufficient light or other atmospheric conditions, persons or vehicles on the highway are not clearly discernible at a distance of 1,000 feet; or

(3) On a road that is a designated traffic safety corridor under AS 19.10.075.

(b) Stop lights, turn signals, and other signaling devices must be illuminated as required by this chapter.

(c) Every vehicle traveling on a highway or vehicular way or area must illuminate lights when traveling on any roadway that is posted with signs requiring the use of headlights.

(d) For the purposes of subsection (c) of this section, lights include low intensity headlights and daytime running lamp devices that meet the standards in 49 CFR 571.108 (revised as of October 1, 1999), if the headlights are not otherwise required under subsection (a)(1) or (a)(2) of this section.

State Law reference— AS 28.35.191; 13 AAC 04.010.

...

Section 11. Amendment of Chapter. CBJ 72.10 Duties and Responsibilities of Drivers and Others, is amended to read:

Chapter 72.10 - DUTIES AND RESPONSIBILITIES OF DRIVERS AND OTHERS

ARTICLE I. - DRIVING WHILE INTOXICATED

72.10.010 Driving while under the influence.

...

(b) Driving while under the influence of an alcoholic beverage, inhalant, or controlled substance is a Class A misdemeanor. Upon conviction:

(1) The court shall impose a minimum sentence of imprisonment and a minimum fine of:

(A) Not less than 72 consecutive hours, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of six months during the period of probation, and a fine of not less than \$1,500.00 if the person has not been previously convicted;

(B) Not less than 20 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 12 months during the period of probation, and a fine of not less than \$3,000.00 if the person has been previously convicted once;

(C) Not less than 60 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 18 months during the period of probation, and a fine of not less than \$4,000.00 if the person has been previously convicted twice;

- (D) Not less than 120 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle throughout the period of probation, and a fine of not less than \$5,000.00 if the person has been previously convicted three times;
- (E) Not less than 240 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle throughout the period of probation, and a fine of not less than \$6,000.00 if the person has been previously convicted four times;
- (F) Not less than 360 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle throughout the period of probation, and a fine of not less than \$7,000.00 if the person has been previously convicted more than four times;

...

(k) Imprisonment required under (b)(1)(A) of this section shall be served at a community residential center or by electronic monitoring at a private residence under AS 33.30.065. If a community residential center or electronic monitoring at a private residence is not available, imprisonment required under (b)(1)(A) of this section ~~shall~~ may be served at another appropriate place ~~a private residence by other means~~ determined by the commissioner of corrections. ~~A person who is serving a sentence of imprisonment required under (b)(1)(A) of this section by electronic monitoring at a private residence may not be subject to a search of the person's dwelling by a peace officer or a person required to administer the electronic monitoring~~

1
2 ~~under AS 33.30.065(a) except upon probable cause.~~ Imprisonment required under (b)(1)(B)—(F)
3 of this section may be served at a community residential center or at a private residence if
4 approved by the commissioner of corrections. Imprisonment served at a private residence must
5 include electronic monitoring under AS 33.30.065 ~~or, if electronic monitoring is not available, by~~
6 ~~other means as determined by the commissioner of corrections.~~ The cost of imprisonment,
7 including electronic monitoring, resulting from the sentence imposed under (b)(1) of this section
8 shall be paid to the City and Borough by the person being sentenced. The cost of imprisonment
9 required to be paid under this subsection may not exceed \$2,000.00. Upon the person's
10 conviction, the court shall include the costs of imprisonment as a part of the judgment of
11 conviction. Except for reimbursement from a permanent fund dividend as provided in this
12 subsection, payment of the cost of imprisonment is not required if the court determines the
13 person is indigent. For costs of imprisonment that are not paid by the person as required by this
14 subsection, the City and Borough shall seek reimbursement from the person's permanent fund
15 dividend as provided under state statute. A person sentenced under (b)(1)(B)—(F) of this section
16 shall perform at least 160 hours of community service work, as required by the director of the
17 community residential center or other appropriate place, or as required by the commissioner of
18 corrections if the sentence is being served at a private residence. In this subsection,
19 "appropriate place" means a facility with 24-hour on-site staff supervision that is specifically
20 adapted to provide a residence, and includes a correctional center, residential treatment
21 facility, hospital, halfway house, group home, work farm, work camp, or other place that
22 provides varying levels of restriction.
23
24
25 ...

(o) For purposes of this section:

Inhalant means:

- (1) A material or substance that is readily vaporizable at room temperature and whose vapors or gases, when inhaled,
 - (A) Pose an immediate threat to the life or health of the person; or
 - (B) Are likely to have adverse delayed effects on the health of the person;
- (2) Includes,
 - (A) Gasoline;
 - (B) Materials and substances containing petroleum distillates; and
 - (C) Common household materials and substances whose containers has ~~been~~ a notice warning that inhalation of vapors or gases may cause physical harm.

Operate an aircraft means to navigate, pilot, or taxi an aircraft in the airspace over the City and Borough, or upon the land or water inside the City and Borough.

Operate a watercraft means to navigate a vessel used or capable of being used as a means of transportation on water for recreational or commercial purposes on all fresh or salt waters within the City and Borough.

Previously convicted means having been convicted in this or another jurisdiction within the 15 years preceding the date of the present offense of any of the following offenses; however, convictions for any of these offenses, if arising out of a single transaction and a single arrest, are considered one previous conviction:

- (1) Operating a motor vehicle, aircraft, or watercraft while intoxicated, in violation of this section or in violation of another law or ordinance with similar elements, except

that the other law or ordinance may provide for a lower level of alcohol in the person's blood or breath than imposed under (a)(2) of this section;

- (2) Refusal to submit to a chemical test in violation of CBJ 72.10.012 or in violation of another law or ordinance with similar elements; or
- (3) Operating a commercial motor vehicle while intoxicated in violation of AS 28.33.030 or in violation of another law or ordinance with similar elements, except that the other law or ordinance may provide for a lower level of alcohol in the person's blood or breath than imposed under AS 28.33.030(a)(2).

...

72.10.012 Refusal to submit to chemical test.

...

(g) Upon conviction under this section:

- (1) The court shall impose a minimum sentence of imprisonment and a minimum fine of:
 - (A) Not less than 72 consecutive hours, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of six months during the period of probation, and a fine of not less than \$1,500.00 if the person has not been previously convicted;
 - (B) Not less than 20 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 12 months during the period of probation, and a fine of not less than \$3,000.00 if the person has been previously convicted once;

- (C) Not less than 60 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 18 months during the period of probation, and a fine of not less than \$4,000.00 if the person has been previously convicted twice;
- (D) Not less than 120 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle throughout the period of probation, and a fine of not less than \$5,000.00 if the person has been previously convicted three times;
- (E) Not less than 240 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle throughout the period of probation, and a fine of not less than \$6,000.00 if the person has been previously convicted four times;
- (F) Not less than 360 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle throughout the period of probation, and a fine of not less than \$7,000.00 if the person has been previously convicted more than four times;

...

(o) Imprisonment required under (g)(1)(A) of this section shall be served by electronic monitoring at a community residential center or by electronic monitoring at a private residence under AS 33.30.065. If a community residential center or electronic monitoring at a private residence is not available, imprisonment required under (g)(1)(A) of this section may ~~shall~~ be served at another appropriate place ~~a private residence by other means~~ determined by the

1
2 commissioner of corrections. ~~A person who is serving a sentence of imprisonment required~~
3 ~~under (g)(1)(A) of this section by electronic monitoring at a private residence may not be subject~~
4 ~~to a search of the person's dwelling by a peace officer or a person required to administer the~~
5 ~~electronic monitoring under AS 33.30.065(a) except upon probable cause. Imprisonment~~
6 required under (g)(1)(B)—(F) of this section may be served at a community residential center or
7 at a private residence if approved by the commissioner of corrections. Imprisonment served at a
8 private residence must include electronic monitoring under AS 33.30.065 ~~or, if electronic~~
9 ~~monitoring is not available, by other means as determined by the commissioner of corrections.~~
10 The cost of imprisonment, including electronic monitoring, resulting from the sentence imposed
11 under (b)(1) of this section shall be paid to the City and Borough by the person being sentenced.
12 The cost of imprisonment required to be paid under this subsection may not exceed \$2,000.00.
13 Upon the person's conviction, the court shall include the costs of imprisonment as a part of the
14 judgment of conviction. Except for reimbursement from a permanent fund dividend as provided
15 in this subsection, payment of the cost of imprisonment is not required if the court determines
16 the person is indigent. For costs of imprisonment that are not paid by the person as required by
17 this subsection, the City and Borough shall seek reimbursement from the person's permanent
18 fund dividend as provided under state statute. A person sentenced under (g)(1)(B)—(F) of this
19 section shall perform at least 160 hours of community service work, as required by the director
20 of the community residential center or other appropriate place, or as required by the
21 commissioner of corrections if the sentence is being served at a private residence. In this
22 subsection, "appropriate place" means a facility with 24-hour on-site staff supervision that is
23 specifically adapted to provide a residence, and includes a correctional center, residential
24
25

treatment facility, hospital, halfway house, group home, work farm, work camp, or other place that provides varying levels of restriction.

(p) Reserved.

(q) “Previously convicted” has the meaning given in CBJ Code 72.10.010(o).

...

Section 12. Amendment of Chapter. CBJ 72.10 Operation of Vehicle, is amended to read:

ARTICLE II. - OPERATION OF VEHICLE

...

72.10.028 Driving while license canceled, suspended, revoked, or in violation of a limitation.

(a) A person commits the crime of driving while license canceled, suspended, revoked, or in violation of a limitation if that person drives:

- (1) A motor vehicle on a highway or vehicular way or area at a time when that person's driver's license, privilege to drive, or privilege to obtain a license has been canceled, suspended, or revoked due to convictions under circumstances described in AS 28.15.181 or 28.15.182 ~~28.15.181(e)~~ or a similar law in another jurisdiction;
- (2) A motor vehicle on a highway or vehicular way or area at a time when that person's driver's license, privilege to drive, or privilege to obtain a license has been canceled, suspended, or revoked under circumstances other than those described in (1) of this subsection; or

(3) In violation of a limitation placed on that person's license or privilege to drive in this or another jurisdiction.

(b) Driving while license canceled, suspended, revoked, or in violation of a limitation is:

(1) A class A misdemeanor if the person

(A) Violates (a)(1) of this section; upon conviction the court shall impose a minimum sentence of imprisonment of not less than ten days:

~~(A)~~(i) With ten days' suspended if the person has not been previously convicted under (a)(1) of this section or a similar law of another jurisdiction; or

~~(B)~~(ii) If the person has been previously convicted under (a)(1) of this section or a similar law in another jurisdiction;

(B) Violates (a)(2) or (3) of this section and the person has previously been convicted under (a) of this section.

(2) An infraction if the person violates (a)(2) or (3) of this section.

(c) It is an affirmative defense to a prosecution under (a) of this section that the person's license was suspended under AS 28.22.041 and the person provides proof of liability insurance meeting the requirements of AS 28.22 and proof that the insurance was in effect at the time of the accident that led to the suspension.

(d) In this section, "previously convicted" means having been convicted in this or another jurisdiction, within ten years preceding the date of the present offense, of a violation of this section, AS 28.15.291, AS 28.33.150, or another law or ordinance with substantially similar elements.

State Law reference— Similar Provisions, AS 28.15.291; Penalties, AS 28.90.010.

...

Section 13. Amendment of Chapter. CBJ 72.23 Impoundment or Forfeiture of Motor Vehicles Involved in Driving Offenses, is amended to read:

Chapter 72.23 - IMPOUNDMENT OR FORFEITURE OF MOTOR VEHICLES INVOLVED IN DRIVING OFFENSES

72.23.100 Vehicle impoundment; public nuisance.

A motor vehicle that is operated, driven, or in actual physical control of an individual arrested for or charged with an impoundment driving offense may ~~shall~~ be impounded by the City and Borough for 72 hours in accordance with this chapter. The purpose of the impoundment is to preserve any evidence that may be necessary for trial, to protect the public by removing public nuisances from the roads and deterring drivers from drinking and from operating vehicles in violation of license restrictions. A vehicle operated in the course of the commission of an impoundment driving offense is declared to be a public nuisance for which the registered owners shall be legally responsible subject only to defenses set forth by law.

72.23.101 Presumptions; vehicle impoundment.

(a) It shall be presumed that a vehicle operated by or driven by or in the actual physical control of an individual arrested for or charged with an impoundment driving offense has been so operated by the registered owners thereof or has been operated by another person with the knowledge and consent of the registered owners.

(b) A vehicle used in the alleged impoundment driving offense may ~~shall~~ be impounded through a seizure of the vehicle incident to an arrest or citation subject to subsection (d).

(c) A police officer shall not stop a vehicle for the sole purpose of determining whether the driver is properly licensed.

(d) Confirmation and mitigation.

(1) If a driver is unable to produce a valid driver's license on the demand of a police officer, the vehicle ~~may~~ shall be impounded regardless of ownership, unless the police officer is reasonably able, by other means, to verify that the driver is properly licensed. Prior to impounding a vehicle, a police officer shall attempt to verify the license status of a driver who claims to be properly licensed but is unable to produce the license on demand of the police officer.

(2) A police officer shall not impound a vehicle based on expiration of the driver's license if the license expired within the preceding 90 days and the driver would otherwise have been properly licensed.

(3) A police officer may waive impoundment of the vehicle if the driver is an employee driving a vehicle registered to the employer in the course of employment. A police officer may also waive impoundment if the driver is the employee of a bona fide business establishment or is a person otherwise controlled by such an establishment and it reasonably appears that an owner of the vehicle, or an agent of the owner, relinquished possession of the vehicle to the business establishment solely for servicing or parking of the vehicle or other reasonably similar situations, and where the vehicle was not to be driven except as directly necessary to accomplish that business purpose. In this event, if the vehicle can be returned to or

be retrieved by the business establishment or registered owner, the police officer may release and not impound the vehicle.

- (4) A police officer may waive impoundment in other circumstances clearly establishing that the owner of the vehicle had no cause to believe or reasonable opportunity to inquire whether the driver would commit an impoundment driving offense. Impoundment may not be waived under this subsection (4) if the owner and the driver are married, members of the same household, or both in the vehicle at the time of the stop.

...

72.23.104 Definitions.

...

Previously convicted or previous conviction means having been convicted in this or another jurisdiction within ~~ten~~ fifteen years preceding the date of the present offense, of a drunk driving offense or another statute or ordinance with substantially similar elements.

...

Section 14. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



LAW DEPARTMENT

DATE: August 13, 2019
 TO: Beth Weldon, Mayor
 FROM: Robert Palmer, City Attorney
 SUBJECT: Ord. 2019-33: Criminal Justice Reform

The following summarizes the changes in Ordinance 2019-33:

Code Section	Change	Reason
01.40.010: Violations Penalty	Updated penalties	HB49 changes the penalties for a class A misdemeanor and class B Misdemeanor to the pre-SB91 penalties. All Class A's are now a maximum of 1 year, with no exceptions. Class B's have increased to 90 days. *Note: the penalties for a disorderly conduct are now 72 hours and 10 days (if there are priors), you will find this in the DC code itself.
01.40.060: Costs	Updated language.	This new language fixes a conflict in code that was potentially limiting our ability to collect cost of incarceration over \$1000. So, for example, in DUI cases we are able to collect up to \$2000 (see title 72), by changing the language in 01.40.060 it ensures there is no conflict.
03.30.050: Failure to Appear (FTA)	Updated language	HB49 changes Failure to Appear (FTA) back to a class A misdemeanor if the person is awaiting trial for a misdemeanor, all qualifying/limiting language put in by SB91 has been removed.
42.05.100: Attempt	New code section.	This is a new section recommended by Law. By adding this in, prosecutors will have more options in charging and plea-bargaining. Language matches state statute.

42.05.110: Violation of Conditions of Release (VCOR)	Penalties updated	HB49 changes Violation of Conditions of Release (VCOR) back to the pre-SB91 language. This removes the five day limit on incarceration time and makes it an A misdemeanor if you violate while on felony conditions of release.
42.05.130: Definitions	New code section.	Adds in clear definitions for DV and stalking cases, and clarifies that AS 11.81.900 is a source of definitions too. Language matches state statute.
42.10.020: Reckless Endangerment	Language is modified to match state statute	This change is for consistency with the state and will assist JPD, as they can charge under either state statute or city code. This language is slightly broader than current code.
42.10.030: Stalking	New code section	This is a new section recommended by Law. Currently CBJ can prosecute stalking protection order violations, but we have no stalking provisions. This will allow the CBJ to help the community by being able to prosecute the underlying behavior to minimize the need for people being afraid enough to seek a stalking protective order. JPD will have more flexibility to send a case to either the state or CBJ.
Theft Crimes 42.15.020: Larceny 42.15.025: Theft by Failure to Make Disposition of Funds 42.15.030: Theft by Receiving 42.15.040: Concealment 42.15.050: Theft of Lost Property 42.15.060: Bad Checks 42.15.070: Theft of Services 42.15.080: Theft by Deception 42.15.085: Fraudulent Use	Language updated to match state language and updated per HB49: Penalties, priors, and inflation updated.	HB49 updated all theft related crimes. HB49 made major updates as to inflation and penalty. The penalties are now back to the pre-SB91 levels; further, we no longer have to take into account inflation when calculating the value. *Larceny: Existing CBJ language is cumbersome. For example, there is no definition of "steal" which is problematic for jury instructions and trial. This update matches state language.

		*Theft by deception: Has an update to the mens rea of “purposefully,” which does not exist and there is no definition. The mens rea is modified to “knowingly” which matches state statute and reflects current practice.
42.15.110: Criminal Mischief	Updates mens rea to “knowingly” and inflation updated.	Updated the language to match the state and to remove the mens rea of “purposefully.” The mens rea is modified to “knowingly” which matches state statute and reflects current practice. HB49 removes the need to adjust for inflation.
42.15.115: Possession of Motor Vehicle Theft Tools	New code section.	This is a new law under HB49. We anticipate that this will more often be used by the state, but it allows JPD to charge city code if needed.
42.15.150: Prior Convictions	New code section.	This is a new provision under HB49 that defines prior convictions for theft and concealment of merchandise cases.
42.15.160: Determination of Value	New code section.	This is a new section as part of HB49’s removal of the inflation calculation requirements. This clarifies how we determine the value of an item by cross-referencing the state statute. HB 49 allows JPD and prosecutors to combine the value of services or property taken by a defendant over a 180 day period when determining value for the charge.
42.20.080: Destructive Devices	Updates mens rea to “knowingly.”	Updates the mens rea of “purposefully,” which does not exist and there is no definition, to “knowingly” which matches state statute and reflects current practice.
42.20.085: Weapons on School	Correct to Class A misdemeanor	This is a correction to the class of misdemeanor; it should be a class A per state statute.

42.20.090: Disorderly Conduct	Update mens rea and make penalty changes.	Updates the mens rea of “purposefully,” which does not exist and there is no definition, to “knowingly” which matches state statute and reflects current practice. HB49 updates the penalties for DC: 72 hours for first offense, and 10 days if you have priors.
42.20.100: Riot	Deleted	Deleted – this will be handled at the State level as it is now a class C felony. This is most often used for jail riots.
42.20.110: Harassment	Updated language.	HB14 added a provision prohibiting sending, publishing, or distributing pictures of genitalia. For example, posting pictures on Facebook, social media, etc.
42.20.120: Obstructing Highways	Update mens rea.	Updates the mens rea of “purposefully,” which does not exist and there is no definition, to “knowingly” which matches state statute and reflects current practice.
42.25.015: Indecent Exposure	New code section.	The CBJ currently has an “open lewdness” provision, which is a class B misdemeanor. This new section adds a class A option which matches state language. This will give JPD additional options and will ensure that our charges can be used as priors for aggravated indecent exposure charges (felony level for repeat offenders).
42.25.020: Prostitution	Deleted	Deleted – this will be best handled at the state level. There has been major changes in state statute in regards to how law enforcement combats sex trafficking, prostitution, and the promotion of prostitution. The state has more flexibility and resources to handle these cases – which often cross municipal boundaries.

42.30.015: Escape	Updated language.	This update is to ensure we match state language for consistency. It also reflects current practice and case law.
42.30.020: Terroristic Threat	Deleted	Deleted – this will be best handled at the State level. Under HB 49 state statutory language is broader and is designated as a class C felony.
42.30.040: False Report	Updated language	This update is to ensure we match state language for consistency. It also reflects current practice and case law.
42.30.080: Unlawful Contact	Updated penalties	This update is to ensure we match state language for consistency. It also reflects current practice and case law.
42.30.085: Tampering	New code section.	This is a new code section which was added at the request of JPD. This language matches state statute, and will allow JPD to charge under either state law or CBJ code.
42.30.090: Failure to Maintain Custody	Updated language.	This update is to ensure we match state language for consistency. It also reflects current practice and case law. Updates the mens rea of “purposefully,” which does not exist and there is no definition, to “knowingly” which matches state statute and reflects current practice.
72.04.010 When Required	Updated language	Under HB49, the state added this to their statute and added part 3. The CBJ already had this as a code violation, but it has been updated to match the new state language.

72.10.010: DUI	Updated language to add CRCs and other places for EM. Updated the lookback period.	HB49 added in language that allows defendants to serve time at a Community Residential Center and clarifies when/where electronic monitoring is allowed. In addition, we have corrected the “lookback” period to match state statute and current practice.
72.10.012: Refusal	Updated language to add CRCs and other places for EM. Updated the lookback period.	HB49 added in language that allows defendants to serve time at a Community Residential Center and clarifies when/where electronic monitoring is allowed. In addition, we have corrected the “lookback” period to match state statute and current practice.
72.10.028: Driving with License Revoked or Suspended (DWLR/S)	Updated penalties	HB49 expanded the driving with license revoked/suspended language to add that a person may be charged at a higher level (class A misdemeanor) level if they have prior convictions for driving without a license (for any reason). Currently it can only be an A misdemeanor for a specific list of suspensions, for example, DUI and/or refusal convictions.
72.23.100: Impoundment	“Shall” to “May”	The language change allows JPD more flexibility to deal with impounded vehicles. This matches current practice and CBJ code 72.22 language.
72.23.101: Presumptions	“Shall” to “May”	The language change allows JPD more flexibility to deal with impounded vehicles. This matches current practice and CBJ code 72.22 language.
72.23.104: Definitions	Corrected the lookback period.	We have corrected the “lookback” period to match state statute and current practice.

Presented by: The Manager
Introduced: 8/19/2019
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(AS)

An Ordinance Appropriating to the Manager the Sum of \$35,000 as Funding for the Downtown Wayfinding Capital Improvement Project; Funding Provided by the Rasmuson Foundation and the Alaska Humanities Forum.

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 \$35,000 as Funding for the Downtown Wayfinding Capital Improvement Project.

Section 3. Source of Funds

Rasmuson Foundation	\$ 25,000
Alaska Humanities Forum Grant	\$ 10,000

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

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 9/16/2019
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-2025

It is hereby ordered by the Assembly of the City and Borough of Juneau,
Alaska, that \$15,000 be transferred:

From: CIP

R72-116	Downtown Streets	\$15,000
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To: CIP

D12-097	Downtown Wayfinding	\$15,000
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The \$15,000 consists of:

Areawide Sales Tax	\$15,000
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Moved and Approved this _____ day of _____, 2019.

D. Rorie Watt, City Manager

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: COW
Introduced: 09/05/2019
Drafted by: R. Palmer/Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-06(B)(d)

An Ordinance Appropriating to the Manager the Sum of \$4,500,000 in Grant Funding for the Juneau Arts and Culture Center; Funding Provided by the Sales Tax Fund Balance.

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. Appropriation. There is appropriated to the Manager the sum of \$4,500,000 as grant funding for the New JACC project.

Section 3. Grant Terms. This grant is subject to the following essential terms and conditions:

- (a) The voters recommend providing a \$4,500,000 grant at the election on October 1, 2019;
- ~~(b) The voters authorize the general obligation bond proposition for Centennial Hall at the election on October 1, 2019;~~
- ~~(b)(e)~~ The CBJ grant funds shall not be released until the New JACC project has received or has legal pledges for 90 percent of project funding;
- ~~(c)(d)~~ The grant expires on October 1, 2023, if the New JACC project has not received or does not have legal pledges for 90 percent of project funding;
- ~~(d)(e)~~ The Manager shall negotiate a contract to encumber the grant funding; and
- ~~(e)(f)~~ The Assembly may direct the Manager to add other terms and conditions that are in the public interest.

Section 4. Source of Funds.

Sales Tax Fund's Fund Balance	\$4,500,000
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Section 5. Sunset Provision. This ordinance is automatically repealed if the New JACC project has not received or does not have legal pledges for 90 percent of project funding by October 1, 2023 ~~condition (e) in Section 3 is not satisfied by October 1, 2023.~~

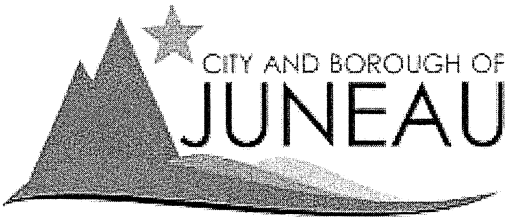
Section 6. Effective Date. This ordinance shall become effective upon certification of the election in which condition (a) in Section 3 is satisfied.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



OFFICE OF THE ASSESSOR

155 SOUTH SEWARD ST.
JUNEAU, ALASKA 99801

Assessor Summary

Late-Filed Real Property Tax Exemption Application 2019 Senior Citizen/Disabled Veteran

Applicant: ANDREW GAMBLE JR
Parcel ID: 5B1001020240
Physical Address: 4850 GLACIER HWY UNIT C8
Legal Description: TAMARACK TRAILS UNIT C8

Senior Citizen/Disabled Veteran (SC/DV) exemption deadline: March 31, 2019

Mr. Gamble applied late for the SC/DV exemption on *August 27, 2019*. City and Borough code places the authority for approving late file exemption claims with the Assembly:

Per 69.10.020

(C): *The assembly, for good cause shown, may waive the claimant's failure to make timely application for an exemption under subsection (A) or CBJ 69.10.021 and authorize the assessor to accept the application as if timely filed. "Good cause" shall mean:*

- (i)*** *extraordinary circumstances beyond the control of the claimant, including but not limited to a medical condition or disability, impaired mental capacity, illiteracy, family emergency, death in the family, or other similar serious condition or event, that substantially impaired the claimant's ability to file a timely application;*
- (ii)*** *extraordinary circumstances for a finding of good cause do not include late filing due to the claimant's inadvertence, oversight, or lack of knowledge regarding the filing requirements or deadline, financial hardship, or reliance on misinformation provided by a professional such as a real estate broker, banker, attorney, or accountant.*

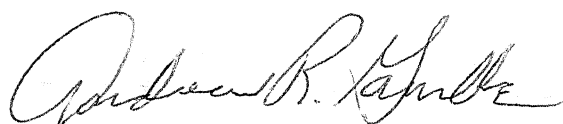
Mr. Gable attached a letter of explanation as to why his application was not submitted before the filing deadline and requests that the SC/DV property tax exemption for the 2019 tax year be granted.

RE: Timely Application
Andrew R. Gamble

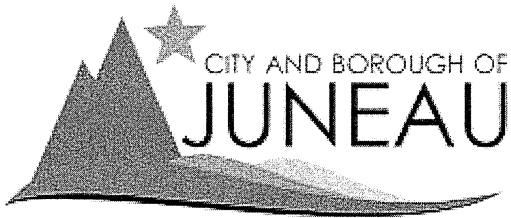
REASON: Andrew Gamble was diagnosed with cancer in March 2019. The reason for the late application is due to medical focus and hospitalization. The application due date was overlooked.

INQUIRY: This application is for tax year 2019. Andrew was not aware of tax exempt eligibility until recently. Is it possible past years 2018 and 2017 can be considered for tax exempt reimbursement?

Signature of applicant:



DOB 10-04-1946



OFFICE OF THE ASSESSOR

155 SOUTH SEWARD ST.
JUNEAU, ALASKA 99801

Assessor Summary Late-Filed Real Property Tax Exemption Application 2019 HARDSHIP

Applicant: DIANE MAYER
Parcel ID: 4B1801010040
Physical Address: 2270 FRITZ COVE RD
Legal Description: USS 1510 TR B1

Hardship exemption deadline: April 30, 2019

Ms. Mayer applied late for the Hardship exemption on *September 3, 2019*. City and Borough code places the authority for approving late file exemption claims with the Assembly:

Per 69.10.020

(C): *The assembly, for good cause shown, may waive the claimant's failure to make timely application for an exemption under subsection (A) or CBJ 69.10.021 and authorize the assessor to accept the application as if timely filed. "Good cause" shall mean:*

- (i)*** *extraordinary circumstances beyond the control of the claimant, including but not limited to a medical condition or disability, impaired mental capacity, illiteracy, family emergency, death in the family, or other similar serious condition or event, that substantially impaired the claimant's ability to file a timely application;*
- (ii)*** *extraordinary circumstances for a finding of good cause do not include late filing due to the claimant's inadvertence, oversight, or lack of knowledge regarding the filing requirements or deadline, financial hardship, or reliance on misinformation provided by a professional such as a real estate broker, banker, attorney, or accountant.*

Ms. Mayer attached a letter of explanation as to why her application was not submitted before the filing deadline and requests that the Hardship property tax exemption for the 2019 tax year be granted.

Diane Mayer
2270 Fritz Cove Road
Juneau, AK. 99801

CBJ-Assessor's Office

SEP 03 2019

August 30, 2019

City and Borough of Juneau Assembly
RE: Senior Hardship Exemption; Parcel Number: 4B1801010040

Dear Members of the Assembly,

I missed the deadline for timely filing of the 'senior citizen hardship exemption' for property tax and request that you authorize the assessor to accept and process our late application.

We are 40+ year residents of the City and Borough of Juneau, retired seniors, and living on a fixed income. We co-own this property, our full-time residence for nearly 30 years. In 2017, we learned of the State's grant of an exemption on property tax in excess of 2% of gross household income. We met the criteria, applied, and were granted this exemption for the 2016 and 2017 tax years.

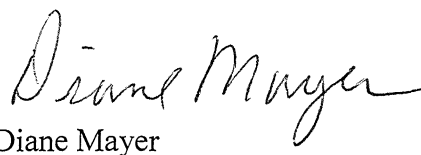
I was certain I had filed for 2018 when, on August 29th, I received the Treasurer's Office letter stating that we owed \$6,987.64 in property tax. Clearly, the hardship exemption was not in place.

My files show I did complete the paperwork, though I have no CBJ receipt showing it was delivered. Somehow I had total convinced myself that I had completed the process for the 2018 application. My "recall" must have included delivery of the 2017 forms. The mistake was mine; another "senior moment."

We are grateful that this exemption makes staying in our home affordable. I have delivered the required tax information and application to the Assessor's Office and respectfully request that you authorize them to proceed as if this application were timely delivered.

Thank you.

Sincerely,



Diane Mayer



Nancy Simpson
Co-Owner