

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

August 19, 2019 7:00 PM

Assembly Chambers
Regular Meeting 2019-29

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

IV. APPROVAL OF MINUTES

- A. **April 22, 2019 Draft Regular Assembly Meeting #2019-20 Minutes**
- B. **April 24, 2019 Draft Special Assembly Meeting #2019-21 Minutes**
- C. **May 13, 2019 Draft Regular Assembly Meeting #2019-22 Minutes**
- D. **July 17, 2019 Draft Special Assembly Meeting #2019-26 Minutes**
- E. **July 22, 2019 Draft Regular Assembly Meeting #2019-27 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 2019-32 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 introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

b. 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 introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

c. Ordinance 2019-06(c) 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.

At its meeting on July 25, 2019, the Committee directed that version (c) of this ordinance be reintroduced to clarify the amount, conditions of the grant, and fund source.

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

- d. **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 this ordinance be introduced and set for public hearing at the next regular meeting.

2. Resolutions

- a. **Resolution 2862 A Resolution Reestablishing the Assembly Rules of Procedure, and Repealing Resolution No. 2781.**

This resolution would make two changes to the Assembly Rules of Procedure. First, it would amend Rule 4 regarding presentation of legislation to be consistent with Charter 5.3, which allows an Assemblymember to have an ordinance presented. Second, it would amend Rule 5 to no longer require the full Human Resources Committee to interview and recommend appointments to the Aquatics Board. A more detailed memo from the City Attorney was provided to the Human Resources Committee for its meeting on July 22, 2019, and is included in the packet. The Assembly Committee of the Whole recommended these changes at its meeting on July 29, 2019.

The City Manager recommends the Assembly adopt this resolution.

- b. **Resolution 2863 A Resolution Amending the City and Borough Personnel Rules Regarding Step Placement on Promotion and Providing for a One**

Time Step Placement Adjustment for Lieutenants at the Juneau Police Department.

This resolution would approve a change to the Personnel Rules, which along with the various collective bargaining agreements, govern the rights and responsibilities of CBJ employees, supervisors, and managers.

Recent changes to pay scales as a result of collective bargaining required the review of 10 PR 040 Placement on Promotion. The rule change corrects difficulties in coordinating step placement when an employee promotes between positions on different salary schedules or when an employee in a longevity step promotes within the same salary schedule. The language change also provides flexibility to address other promotional issues such as wage compression and assures greater oversight of promotional pay increases.

In addition, this resolution authorizes the Manager to provide an additional step to the employees who are currently employed as Police Lieutenants, the first non-represented level outside of the Public Safety Employees Association bargaining unit. The step placement is necessary to address wage compression issues created by the recent ratification of the PSEA collective bargaining agreement.

The City Manager recommends this resolution be adopted.

3. Liquor License

a. **Liquor License Renewal for License: 3409**

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

Renewal of Liquor License

License Type: Recreational Site-Seasonal, License #3409

Alaska Travel Adventures, Inc., d/b/a Gold Creek Salmon Bake

Location: 1061 Salmon Creek Lane, 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 above-listed liquor license renewal.

4. Other Items for consent

a. **Marijuana License Renewals for the following licenses: #10270, #10271, #10266, #10800**

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

Standard Marijuana Cultivation Facility, License #10270, Top Hat, LLC, d/b/a TOP HAT, LLC located at: 2315 Industrial Blvd Suite A, Juneau
(60-day comment period for local governing body action expires Saturday, August 31, 2019)

Marijuana Product Manufacturing Facility, License #10271, Top Hat Concentrates, LLC, d/b/a TOP HAT CONCENTRATES, LLC located at: 2315 Industrial Blvd Suite B, Juneau
(60-day comment period for local governing body action expires Saturday, August 31, 2019)

Standard Marijuana Cultivation Facility, License #10266, The Fireweed Factory LLC, d/b/a THE FIREWEED FACTORY LLC located at: 8415 Airport Blvd Space B, Juneau
(60-day comment period for local governing body action expires Saturday, August 31, 2019)

Retail Marijuana Store, License #10800, The Fireweed Factory LLC, d/b/a THE FIREWEED FACTORY LLC located at: 237 Front Street, Juneau
(60-day comment period for local governing body action expires Saturday, August 31, 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 #10270, License #10271, License #10266 and License #10800.

5. Transfers

- a. **Transfer T-1021 A Transfer of \$200,221 from Existing Capital Improvement Projects, Including, from SREB 1A CIP, and from Gate 2 Passenger Boarding Bridge CIP; to Construction Sand/Chemical/Fuel Facility CIP.**

This request is to transfer \$200,221 in previously appropriated sales tax funds from the Gate 2 Passenger Boarding Bridge project, and the Snow Removal

Equipment Building & Sand/Chemical Building Design Project (SREB & Sand/Chem Design), to the Sand/Chem Construction project. The transfer will fund non-grant-funded expenditures for fueling station modifications, including a dispensing station for Diesel Exhaust Fluid (DEF), which cleans diesel exhaust to meet emissions requirements.

From: CIP

A50-086	SREB 1A	\$140,000
A50-095	Gate 2 Passenger Boarding Bridge	\$60,221

To: CIP

A50-097	Constr Sand/Chem/Fuel Facility	\$200,221
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At its August 13, 2019 meeting, the Airport Board approved this transfer.

The City Manager recommends approval of this transfer.

VIIIPUBLIC HEARING

A. **Ordinance 2019-31 An Ordinance Increasing the Rates for Water and Wastewater Utility Services.**

The last utility rate increase approved by the Assembly became effective on July 1, 2018. In March 2019, the Utility Advisory Board recommended that water and wastewater utility rates increase by 4% in each of the next five years. In April 2019, the City Manager recommended an alternative: that water and wastewater utility rates increase by 2% in each of the next five years. The increased revenue from these new rates will be used for anticipated operating cost growth and allow increased investment in needed capital improvements.

This ordinance provides a balance between these two recommendations with a 4% rate increase for both water and wastewater utilities beginning in January 2020 and 2% rate increases for the 2021-2024 period effective each July 1. The first rate increase will be 18 months after the last increase in 2018 and the second rate increase will again be 18 months from the January 2020 rate increase. These rate increases provide for prudent investment in water and wastewater systems while acknowledging a desire to mitigate the impacts to the rising cost of living in Juneau.

This rate change was discussed with the Assembly Finance Committee on February 6, April 17, and June 12, 2019.

The City Manager recommends the Assembly adopt this ordinance.

B. **Ordinance 2019-36 An Ordinance Temporarily Increasing the Hotel-Motel Room Tax by Two Percent, from Seven Percent to Nine Percent, for a Fifteen Year Period, and Providing for a Ballot Question Ratifying the Increase.**

This ordinance would place the question of temporarily increasing the hotel-motel room rental tax from seven to nine percent on the ballot at the next regular municipal

election. In accordance with the Assembly Committee of the Whole direction at its meeting on July 15, 2019, the increase would be for fifteen years from January 1, 2020, until December 31, 2035. The hotel-motel room rental tax would automatically return to seven percent on January 1, 2036.

The hotel-motel room rental tax was last increased in 1988. The increased rate authorized by this ordinance would initially generate an estimated \$440,000 per year in additional revenue. It is the intent of the Assembly to use this increase in the hotel-motel room rental tax to provide funding for the construction of capital improvements for Centennial Hall. Proceeds could also be used to help pay for general obligation debt service relating to Centennial Hall. If this ordinance is adopted by the Assembly, it would also need to be approved by the voters in the October election.

The City Manager recommends the Assembly adopt this ordinance.

C. Ordinance 2019-35(c) An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed Seven Million Dollars to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 1, 2019.

This ordinance authorizes the issuance of not to exceed \$7 million of general obligation bonds. The purpose of the bonds is to fund renovations to Centennial Hall. Initial project scope is provided in section 6 of the ordinance. The funding sources to repay the bonds are:

- 2% increase in the hotel tax (if approved by the voters) paying 65% of the debt service payments.
- .04 mills (~0.4% total increase in tax) increase in the property tax mill rate paying 35% of the debt service payments.

The ordinance provides for the issuance of 15 year bonds. If this ordinance is approved the question of whether to sell the bonds would be placed before the voters on October 1, 2019. The need for bond/debt financing was discussed and approved at the July 15 and July 29 Assembly Committee of the Whole meetings. Version (c) of the ordinance added the word "possible" to sections 3 and 6 as directed by the Committee of the Whole.

The City Manager recommends the Assembly adopt this ordinance.

D. Ordinance 2019-34(c) An Ordinance Calling for an Advisory Ballot Proposition on Grant Funding for the New Juneau Arts and Culture Center.

The existing City-owned arts and culture facility needs replacement. The City and Borough has been asked to provide a grant for the New JACC to help attract substantial additional private funds. At the Committee of the Whole meeting on July 15, the Committee directed that an ordinance be presented asking the voters whether the CBJ should provide a grant for the New JACC. At the Committee of the Whole meeting on July 29, the Committee directed that the amount of the proposed grant be \$4.5 million. If a grant is made in the current fiscal year for \$4.5 million, the money would be appropriated from the sales tax fund balance. The Assembly discussed that it intends to replenish the draw on fund balance by reallocating the \$4.5 million of 1% sales tax funds

over the next three years that was originally programmed for Centennial Hall improvements, which the voters approved in 2017.

The Assembly also discussed that it intends to replenish the 1% sales tax funds originally programmed for the Centennial Hall improvements by issuing general obligation bonds. The general obligation bonds are intended to be paid back by raising the hotel-motel room rental tax by two percent and increasing the property tax by 0.04 mills (~0.4% overall rate increase).

If the voters support the City and Borough providing a grant for the New JACC, the Assembly intends to impose five additional grant conditions that are described on page 3 of the ordinance.

The City Manager recommends the Assembly adopt this ordinance.

IX. UNFINISHED BUSINESS

A. Harris Homes LLC v CDD; Assembly Appeal

This is an appeal from Harris Homes LLC of a Planning Commission decision to dismiss an appeal of a Community Development Department director decision. The Planning Commission's written decision is dated February 26, 2019. The Assembly accepted the appeal, and it was assigned to a hearing officer. After considering the briefing by both parties, the hearing officer issued a proposed decision. The proposed decision was served on the parties and no objections were filed within the allowed 5 day window. Tonight, the Assembly needs to decide whether to accept the hearing officer's proposed decision.

No testimony or evidence of any nature other than that contained in a timely filed objection may be received by the Assembly at this meeting.

The City Attorney recommends the Assembly adopt the proposed decision as the final decision for this appeal.

X. NEW BUSINESS

A. Disabled Veteran and Senior Citizen Late File Property Tax Exemptions

The following property owners are requesting the Assembly authorize the Assessor to consider a late-filed appeal of their property assessment:

2019 Disabled Veteran Exemption

- 1) Applicant: Norman L. Custard Parcel ID: 8B3501000061
Physical Address: 17670 Point Lena Loop Road
Legal Description: USS 3264 LT B1

2019 Senior Citizen Exemption

- 1) Applicant: Sarahann Jackson Parcel ID: 5B1201210200
Physical Address: 1825 Mark Alan Street
Legal Description: Pinewood Park 2BL 1LT IB

The action required by the Assembly is to determine whether or not the late-filed tax assessment appeals will be heard. Evidence on the assessments themselves or the merit

of the appeals is not relevant. The Assembly should consider each request separately and determine whether or not the property owner was unable to comply with the 30-day filing requirement.

The burden of proof is upon the property owner to show the inability to file a timely appeal. In this context, the word “unable” does not include situations in which a property owner forgot about, or overlooked, the assessment notice, was out of town during the period for filing an appeal, or similar situations. Rather, it covers situations that are beyond the property owner’s control and would prevent a property owner from recognizing what is at stake and dealing with it. Examples of this would include physical or mental disability serious enough to prevent a person from dealing rationally with their private affairs. Disagreeing with the amount of the assessment does not constitute inability to submit a timely appeal, nor does a notice of assessment being sent to a wrong address. The property owner is responsible for keeping a current, correct address on file with the assessor’s office.

If the Assembly decides to accept one or more late-filed appeals, those assessment appeals will be referred to the Assessor for review and action.

The City Manager recommends the Assembly act on each of these applications individually.

XI. STAFF REPORTS

- A. **Manager’s Update on the State Budget and Vetos**

XII. ASSEMBLY REPORTS

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

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV. EXECUTIVE SESSION

- A. **Bid on Subport Lot**
- B. **Litigation Strategy**

XV. ADJOURNMENT

XVI. SUPPLEMENTAL 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

DRAFT

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - April 22, 2019

MEETING NO. 2019-20: The Regular Meeting of the City and Borough of Juneau Assembly held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Beth Weldon.

I. FLAG SALUTE

II. ROLL CALL

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

Assembly Absent: None.

Staff Present: City Manager Rorie Watt, City Attorney Robert Palmer, Deputy City Manager Mila Cosgrove, Municipal Clerk Beth McEwen, Finance Director Bob Bartholomew, Incoming Finance Director Jeff Rogers, Housing/Homelessness Coordinator Irene Gallion, Engineering/Public Works Director Mike Vigue, Community Development Director Jill Maclean, Parks and Recreation Director George Schaaf, Port Director Carl Uchytel, Deputy Lands Manager Dan Bleidorn, Airport Manager Patty Wahto, CDD Planner II Tim Felstead

III. SPECIAL ORDER OF BUSINESS

Mayor Weldon delivered two proclamations:

Proclaiming April 30, 2019 Children's Day at the request of Montessori kindergartner Gracie Blair.

Proclaiming May 5-11, 2019 Public Service Recognition Week and highlighting the 50th Anniversary of Municipal Clerk's Week.

A. Children's Day proclamation

B. Public Service Recognition Week proclamation

IV. APPROVAL OF MINUTES

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. William Quayle requested the Assembly have staff issue permits to allow for commercial use in parks including an allowance for pedicabs to go past the apron in

Overstreet Park. He noted that due to ambulatory issues for many of his customers, once they get in his pedicab, they don't want to get out.

Mr. James Houck of Juneau Pedicab company, the green pedicab said he and Susan York have been part of the Juneau business community since 2015 and employ up to nine people per summer running four pedicabs a day. He said they are thankful for doing business in Juneau and want to continue to do so. He said that Juneau Pedicab supports the Juneau Energy plan by providing renewable and sustainable pedicab services.

VII. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION by Ms. Gladziszewski to adopt the Consent Agenda and asked for unanimous consent. *Hearing no objection, the Consent Agenda was adopted.*

1. Ordinances for Introduction

- a. Ordinance 2018-11(Q) An Ordinance Appropriating to the Manager the sum of \$23,992 as Funding for Various Capital Improvement Projects and Bond Debt; Funding Provided by General Obligation Bond Interest Income.

This ordinance would appropriate \$23,992.23 in bond interest income that was earned on general obligation bond proceeds allocated to the projects listed below. Per CBJ Charter and direction of Bond Counsel, the interest income is available to: 1) cover original projects expenditures, 2) pay bond debt service & IRS arbitrage fees or 3) other eligible Capital Improvement Projects. The proposed expenditures are in compliance with the guidance.

Gastineau Elementary Reno CIP	\$ 1,332.83	To Bond Debt
Eaglecrest Learning Center CIP	\$ 203.50	To Bond Debt
Centennial Hall Reno CIP	\$ 191.32	To Bond Debt
Dimond Loop Field Repair CIP	\$ 3,033.40	To Bond Debt
Waterfront Seawalk II CIP	\$13,430.24	To Bond Debt
Bond Debt Subtotal	\$18,191.29	
Restrooms, Paving & Concessions CIP	\$ 1,233.30	IN CIP

New Terminal Reno CIP	\$ 4,567.64 IN CIP
TOTAL	\$23,992.23

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

- b. Ordinance 2018-11(AH) An Ordinance Appropriating to the Manager the Sum of \$1,150,367 as Funding for Various Capital Improvement Projects at the Juneau International Airport; Funding Provided by Passenger Facility Charge Fees.

This ordinance would appropriate \$1,150,367 to the Capital Improvement Projects (CIPs) listed below.

Rehabilitate Runway:	\$713,745
Terminal Reconstruction:	\$214,634
Taxiway A, E, D-1:	\$200,000
Sand/Chemical/Fuel Facility Construction:	\$21,988

Funding is provided by Passenger Facility Charge (PFC) collections. It will be used to provide new construction funds, and reimburse forward-funded amounts in these CIPs.

At their April 8, 2019 meeting, the Public Works and Facilities Committee approved this action.

At their April 9, 2019 meeting, the Airport Board approved this action.

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

- c. Ordinance 2018-11(AI) An Ordinance Appropriating to the Manager the Sum of \$190,643 as Funding for a 3D Scanner and Thermal Imager; Funding Provided by the State of Alaska, Department of Public Safety.

The State of Alaska, Department of Public Safety was allotted funds for crime prevention and response and equipment. Through this program, they have approved reimbursing the Juneau Police Department for \$190,643. This includes \$183,643 for a 3D scanner, supporting equipment, software and training. In addition, the remaining \$7,000 funding will be used to purchase a new thermal imager.

A 3D scanner is a tool used to accurately map complex crime scenes and locations. Use of a 3D scanner significantly reduces the time spent at an

investigation, and increases the accuracy of the forensic data collected, improving the efficiency and accuracy of an investigation.

Thermal imagers are used at night or in dark locations to locate suspects, or people who are unable to verbally respond. JPD has a thermal imager; however, it is near the end of its life cycle.

There is no match requirement for this reimbursement agreement.

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

- d. Ordinance 2018-11(AJ) An Ordinance Appropriating to the Manager the Sum of up to \$35,000 as Funding for Visitor Information Kiosk Replacement Capital Improvement Project; Funding Provided by the Dock Fund's Fund Balance.

The CBJ Docks and Harbors Board requests approval of an appropriation ordinance to transfer \$35,000 from the Docks Fund's Fund Balance for construction of a new visitor information kiosk. The kiosk project is currently under construction. During the course of excavation for the foundation and drainage system unknown underground utilities including phone, data, and electrical vaults and cabling were discovered. The management of these systems within the design required additional work to prepare the site for the completion of the project. The Docks Fund's Fund Balance is currently \$2M.

The Docks and Harbors Board will consider this item at its regular meeting on April 24, 2019.

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

- e. Ordinance 2018-11(AK) An Ordinance Appropriating to the Manager the Sum of \$175,000 as Supplemental Funding for Waste Management's Fiscal Year 2019 Operating Budget; Funding Provided by Waste Management's Fund Balance.

Increased public use of the Waste Management Program has resulted in higher operational costs that require supplemental funding of \$175,000 in FY19. The CBJ Junk Vehicle Disposal Program, operated by Channel Construction, saw an 84% increase in vehicles surrendered to date for FY19, and we expect to see similarly higher usage April through June. \$100,000 is requested to keep this program working for the remainder of FY19. The recycling program contract with Capitol Disposal Inc. has experienced increased shipping costs, and as a result of global market pressures, revenue from the sale of the recyclable material is down

\$75,000 from the prior year. Both of these programs are important to keeping Juneau clean and extending the remaining life of the landfill.

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

2. Resolutions

- a. Resolution 2853 A Resolution Authorizing the City Manager to enter into a Memorandum of Agreement with the Alaska Department of Transportation & Public Facilities for the Conveyance of the Brotherhood Park Parking Area.

This resolution would authorize the Manger to accept the conveyance of the Brotherhood Bridge parking lot from ADOT&PF. ADOT&PF received federal funds to replace the bridge and relocate the parking lot area, which substantially improved traffic safety, access, and the parking lot for CBJ residents. The parking lot is the main access point for Brotherhood Park and the Kaxdigoowu Heen Dei Trail. The access road from Wildmeadow Lane is already owned by CBJ. CBJ ownership of the parking lot will simplify the realignment of the trail and relocation of the trailhead to the northwest end of the parking lot due to erosion at the Mendenhall River bank. Ownership of the parking lot will also help the Parks and Recreation Department manage use in the area.

The federal fund investment requires that the project be maintained for 20 years. After 20 years, the CBJ would own the property free and clear of the federal maintenance obligation. This resolution would allow the CBJ to become the owner of the parking lot in exchange for maintaining the parking lot for 20 years. The CBJ's maintenance obligations would still be subject to appropriations by the Assembly.

The City Manager recommends this resolution be adopted.

3. Liquor License

- a. Liquor License Renewals for Licenses: 447, 816

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

Renewal of Liquor Licenses

License Type: Beverage Dispensary, License #447

David McGivney, no d/b/a

Location: No Premises

License Type: Restaurant or Eating Place, License #816
 El Sombrero Inc., d/b/a El Sombrero Mexican & American Food
 Location: 157 S. Franklin St., Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development departments have reviewed the above licenses and recommend the Assembly waive its right to protest these applications. Copies of the documents associated with each 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 above-listed liquor license renewal applications.

4. Transfers

- a. Transfer T-1012 A Transfer of \$281,001 from the 'PRISM Core Financial Conversion II' CIP D12-017 to the 'Accounting Systems Upgrade' CIP M15-004.

This request is to transfer \$281,001 of funds remaining in a completed financial systems conversion project to a project to upgrade the Land Management & Revenue Enterprise Software system (MS Govern). The intent is to sign an agreement with Govern by the end of April 2019. Signing the agreement commits both CBJ and the vendor to start the project in January 2020.

These CIP proceeds in conjunction with the Key Bank lease proceeds, approved with Appropriating Ordinance 2018-11(AG), provide sufficient funds to sign an agreement with Govern.

The City Manager recommends this transfer be approved.

- b. Transfer T-1013 A Transfer of \$35,000 from the Parks Deferred Building Maintenance CIP to the Centennial Hall Renovation Phase 2 CIP.

This transfer of \$35,000 of Temporary Sales Tax from P44-088, Deferred Building Maintenance CIP, to P47-073, Centennial Hall Renovation Phase 2 CIP, will provide funding to assess the long range facility needs to maintain current Centennial Hall uses and improve its marketability for larger group use, develop a conceptual plan for the desired improvements, and develop a cost estimate for a capital improvement project.

The Public Works and Facilities Committee recommended this transfer at its meeting on April 8, 2019.

The City Manager recommends this transfer be approved.

- c. Transfer T-1016 A Transfer of \$300,000 from the 'Deferred Building Maintenance' CIP P44-088 to the 'JSD Deferred Building Maintenance & Minor Improvements' CIP S02-102.

This transfer will provide temporary funding to enable the Juneau School District to award summer 2019 work projects, in particular the Marie Drake School Fan Replacement & HVAC Control Upgrades project. The transfer is to be repaid to P44-088 when the Juneau School District receives their FY2020 maintenance funding allocation.

The Public Works and Facilities Committee recommended this transfer at its meeting on April 8, 2019. The Juneau School Board recommended this transfer at its meeting on April 8, 2019.

The City Manager recommends this transfer be approved.

- d. Transfer T-1017 A Transfer of \$675,000 from the the Airport Revolving Capital Improvement Projects including, 'Airport CIP Project Design' CIP A50-001 & from the 'Airport Construction Cont. Reserve' CIP A50-031 & from the 'Airport Revolving Capital Reserve' CIP A50-033 to the 'Terminal Construction' CIP A50-102.

This Ordinance transfers \$675,000 from the Airport CIP Revolving Funds to the Airport Terminal Design & Construction CIPs. It provides temporary funding for design and construction activities, in advance of the sale of approved bonds for the Terminal project; the temporary funding will be returned at that time.

At its April 8, 2019 meeting, the Public Works & Facilities Committee approved this transfer.

At its April 9, 2019 meeting, the Airport Board approved this transfer.

The City Manager recommends this transfer be approved.

- e. Transfer T-1018 A transfer of \$83,754 from the 'Under Thunder Trail' CIP P46-091 to the 'Trail Improvements' CIP P46-102 CIP.

This transfer of sales tax funds, will provide funding for upgrades and improvements to Juneau trails.

This funding was planned to extend the Under Thunder Trail to Glacier Highway. This phase of the project was contingent on securing access through private property, which was not possible. Transferring these funds to the Trail Maintenance CIP is consistent with the voters' intent for temporary 1% sales tax funds, and will simplify the administration of

these CIP projects.

The Parks and Recreation Advisory Committee recommended approving the transfer at its April 2, 2019, meeting.

The Public Works and Advisory Committee recommended approving the transfer at its April 8, 2019, meeting.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

- A. Ordinance 2019-08 An Ordinance Amending the Land Use Code Related to Street Standards.

This ordinance would amend the Land Use Code regarding standards for temporary cul-de-sacs and stub streets. A temporary cul-de-sac and stub street are used when the street design of a new subdivision ends at an adjoining property that could be developed. Currently, the land use code requires a developer of a subdivision designed with a stub street to construct it or provide a financial guarantee for five years to cover construction of it. This ordinance would remove that five-year financial guarantee requirement and clarify the procedures and standards for when a temporary cul-de-sac and a stub street are required.

The Planning Commission recommended the Assembly adopt this ordinance at its meeting on December 11, 2018. Public Works and Facilities discussed this on February 25, 2019.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Mr. Bryson to adopt Ordinance 2019-08 amending the Land Use Code and asked for unanimous consent. *Hearing no objection, the motion carried.*

- B. Ordinance 2019-12 An Ordinance Prohibiting Commercial Rental or Provision of Dockless Vehicles and Imposing a Permit Moratorium and Sunset Date.

Dockless transportation devices (scooters and e-bikes) have become a growing management and policy concern in communities in the lower 48. The dockless nature of these devices can clutter sidewalks. Additionally, while the scooters can be operated in a more nimble fashion than bikes, they are not well designed for uneven surfaces which can result in riders being thrown from the devices. There are positives to dockless transportation devices as well. For example, they can extend the comfortable range of pedestrian commutes.

This proposed ordinance would institute a temporary moratorium for commercial use of dockless vehicles to give the community an opportunity to develop

reasonable regulations.

The Committee of the Whole discussed this topic at its meeting on February 25, 2019. The Planning Commission reviewed this ordinance on April 9, 2019.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Hale to adopt Ordinance 2019-12 and asked for unanimous consent. *Hearing no objection, the motion carried.*

- C. Ordinance 2019-16 An Ordinance Authorizing the Manager to Convey Approximately 600 Square Feet of Property Located at Lot 1, USS 3559 to the Owners of the Adjacent Property Located at 9223 North Douglas Highway.

Thomas Daugherty requested to purchase a small fraction of City owned property in order to have enough area to subdivide his existing lot into two residential lots. Mr. Daugherty's lot is approximately 512 square feet below the minimum size needed to subdivide and requests buying 600 square feet of City property. The Land Management Plan allows for this type of disposal. The Lands Committee provided a motion of support at the November 19, 2018 meeting. The Planning Commission recommended that the Assembly approve the sale at the January 22, 2019 meeting. The value of this property has been determined by the Manager and Assessor to be \$2,400. The applicant will pay market value and all surveying, subdivision, recording and closing costs.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2019-16 and asked for unanimous consent. *Hearing no objection, the motion carried.*

- D. Ordinance 2019-17 An Ordinance Authorizing the Sale of Four City and Borough Parcels Located at Lena Point Near 16550 Ocean View Drive and 16550 Pt. Lena Loop Road and Establishing the Terms and Conditions Related to the Sale.

The South Lena Subdivision was recorded in 2006 and set aside a large lot to protect an eagle nest. The plat included a note describing that if the eagle nest was abandoned, the lot may be subdivided and developed. In 2017, the United States Fish and Wildlife Service determined the eagle's nest had been abandoned. The lot was then subdivided into four lots. The four lots were appraised and determined to have fair market values between \$90,000 and \$101,000.

This ordinance would authorize the sale of the four lots by sealed bid. Sealed bids

for the lots are tentatively scheduled to be accepted until July 12. Details are available at CBJ's Lands and Resources web page or by calling 586-5252. If any lot remains unsold after the sealed competitive bid sale, an over-the-counter sale of the remaining lots would be authorized.

The Lands Committee passed a unanimous motion of support to sell these lots at its meeting on January 14, 2019.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Triem to adopt Ordinance 2019-17 and asked for unanimous consent. *Hearing no objection, the motion carried.*

- E. Ordinance 2019-18 An Ordinance Amending Ordinance 2006-32 and Authorizing the Port Director to Execute a Lease Amendment with William Heumann for Outdoor Food Service Near 432 South Franklin Street.

In 2006, the Assembly enacted Ordinance 2006-32, which authorized a 35 year lease of approximately 500 square feet of CBJ property for construction of the building known as People's Wharf. Ordinance 2019-18 would amend Ordinance 2006-32 by authorizing the Port Director to increase the leased area by 305 square feet to provide space for outdoor food service. The applicant has used the area for the last two years for crab cookers, propane tanks, and customer waiting space associated with Tracy's King Crab Shack with an annual permit. The proposed additional leased area was appraised to have a fair market value of \$6,405 per year. If the Assembly adopts this ordinance, the Port Director intends to issue an early entry authorization, pursuant to CBJC 53.09.310, so the leased area can be used when the first large cruise ship arrives on April 28.

The applicant has also received a license for the last two years to use 400 square feet of right of way adjacent to the lease area for outdoor seating, but that right of way space is not subject to this lease amendment and is governed by a different process. (CBJC 53.09.350).

The Docks and Harbors Board reviewed this lease amendment on March 28, 2019, and recommended approval. The Planning Commission reviewed this matter on April 9, 2019.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Mr. Edwardson to adopt Ordinance 2019-18 and asked for unanimous consent.

Ms. Becker objected for purposes of asking questions. Ms. Becker asked about the length of the lease as she felt that 35 years was too long of a lease period.

Discussion took place regarding the terms of the lease and the frequency of review. It was clarified that the ordinance is amending an existing lease and it will be up for review every five years. Mr. Uchytel explained that the 35 year lease is the greatest length of time for a lease. He explained that Mr. Heumann owns all the uplands with the exception of the additional footage covered by this lease and they review the value of the ownership of that section under lease every five years. Additional discussion took place regarding the map and the new portion vs. the previous portion that was leased. Ms. Becker stated that she maintained her objection.

ROLL CALL VOTE

AYES: Mayor Beth Weldon, Maria Gladziszewski, Loren Jones, Rob Edwardson, Wade Bryson, Carole Triem, Michelle Hale and Alicia Hughes-Skandijs

NAYS: Mary Becker

Motion carried 8:1

- F. Ordinance 2018-11(AG) An Ordinance Appropriating to the Manager the Sum of \$800,000 as Partial Funding for the Upgrade of the City and Borough of Juneau's Land Management and Revenue Enterprise System; Funding Provided by Lease Proceeds.

This ordinance provides up to \$800,000 in funding for the project to upgrade the core Land Management & Revenue Enterprise Software system (MS Govern). The funding for this increase will be provided through our master lease arrangement with Key Bank. We are planning on entering into a 4-year lease. A 4-year lease would result in annual lease payments of approximately \$200,000 plus interest. The actual interest cost and total lease amount will be determined at the time of leasing.

The total projected project cost is between \$900,000 and \$1.08 million. There is \$280,000 of funding remaining in a technology upgrade CIP, which will be transferred to this project.

The lease payments are proposed to be funded from the voter approved (2017 election) 1% sales tax program. The voters approved \$2 million to be allocated to CBJ technology infrastructure upgrades.

Staff is currently negotiating with the vendor, MS Govern. Negotiations are anticipated to be complete by the end of April. In order to sign the contract full funding needs to be secured. The lease provides an immediate source of project cash and the repayment can be spread out over 4 years, while the sales tax is being

collected.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

Ms. Triem asked for information on how the funding pieces work with respect to lease proceeds vs. the 1% Sales Tax funding.

Mr. Bartholomew explained that what the lease is doing is to provide the authority to immediately be able to commit \$800,000. Under CBJ rules, before we can sign a contract, we have to secure all the funding. The Sales Tax will be coming in over the next four to five years and it is not necessarily 100% available today. To get that authority to sign the contract, staff is doing a master lease agreement. If they needed to make payments immediately, they would do that and borrow against the lease line of credit, and when those sales tax funds came in, they would pay back the draw on the lease. It is a cash flow mechanism that will ultimately be paid by sales tax and that is the source of the project upgrade with temporary financing. Mr. Bartholomew clarified that they are using it for lease financing and technically they are leasing the software until they pay off the vendor. He explained that this software is primarily used to manage our revenue systems, some of which are leases, but it is primarily property tax, sales taxes, utility billing.

Mr. Bryson said this strikes him as the most expensive way to finance this project. He asked if they looked at purchasing the software outright rather than utilizing a lease payment system.

Mr. Bartholomew explained the process they have gone through with this project and an alternative option would have been to use fund balance or savings and redirect that next four years of sales tax to pay back the general fund. There are three phases of the project, and they need to sign a contract by May to secure a slot in the queue for the software. He provided additional explanation on the timing of the project as well as the borrowing timelines.

MOTION by Mr. Jones to adopt Ordinance 2018-11(AG) and asked for unanimous consent. *Hearing no objection, the motion carried.*

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

A. Proposed Regulation Amendment of 20 CBJAC 40 Related to Class C Permits

(Pedicabs).

Currently, the Commercial Passenger Vehicle Regulations only allow for annual certificates. Class C certificates only apply to human powered vehicles, like pedicabs. This regulation proposal would reduce the length of operation for Class C certificates from an annual certificate to a six month summer certificate. This change would also reduce the certificate fee for Class C businesses from \$1500 to \$750 and set Class C renewal dates consistent with the six month certificate.

If this regulation amendment is adopted, two items may be of interest. First, the Manager will refund \$750 for any Class C business that paid the \$1500 fee for the 2019 season prior to this regulation taking effect. Second, consistent with CBJC (CBJ Code of Ordinances) 01.60.330, this regulation would take effect in seven days, which could be April 30. The only authority for a regulation to take effect sooner than seven days is for an emergency regulation “necessary for the immediate preservation of the public peace, health, safety, or general welfare,” CBJC 01.60.420, and such emergency regulations are only effective for 120 days. CBJC 01.60.430. This regulation amendment does not qualify as an emergency regulation. Thus, the earliest this regulation can be effective is April 30.

In reviewing proposed regulations, CBJC 01.60.260 provides that the Assembly may:

1. Allow the regulation to take effect. (The Assembly’s historical practice is to move ‘orders of the day,’ requiring the body to consider the next item on its agenda without active consideration of the regulation.)
2. Take affirmative action to approve the regulation.
3. Take affirmative action to disapprove the regulation. (The Assembly may state its reasons for disapproval, but it may not specify explicit conditions for subsequent approval or direct the requesting department to adopt any particular amendments to the regulation.)
4. Direct that an ordinance or resolution in lieu of the regulation be prepared for its consideration.

The City Manager recommends that this regulation proposal be approved.

MOTION by Mr. Jones to move orders of the day. *Hearing no objection, the motion carried.*

Mayor Weldon began to move forward with the next item on the agenda. She then asked Mr. Palmer if they needed to take public testimony on the regulation topic. Mr. Palmer said that technically it is up to the Assembly to decide if they wished to take any public comment on the CPV Regulations. Mayor Weldon asked if any of the Assembly wished

to hear public testimony on this item. Ms. Gladziszewski asked that the Mayor request if any member of the public wished to speak to these regulations.

Mr. James P. Houck with Juneau Pedicabs thanked the Assembly for passing these regulations.

Mr. William Quayle said that with respect to the CPV Regulation, there is a public safety issue that would constitute an emergency with respect to the adoption date, since they are beginning tourist season before these regulations become effective. He said that every time a pedicab is required to leave the seawalk, it is creating a public safety risk and he requested the Assembly waive the seven-day effective date and make it effective as of April 23 instead.

Mayor Weldon said this matter has already been acted upon. No members indicated a willingness to change the previous motion so Mr. Jones motion for orders of the day stood as previously passed.

B. Liquor License Protest - Sandbar Inc., d/b/a The Sandbar License #2844

The following 2019-2020 liquor license renewal application is being recommended for protest by the Finance Department/Collections Division.

License Type: Beverage Dispensary, License #2844

Sandbar Inc., d/b/a The Sandbar

Location: 2525 Industrial Blvd, Juneau

The Finance Department/Collections Division is recommending the Assembly protest this license renewal due to 2018 Real Property Tax and Utility Billing having outstanding balances.

The 60-day comment period for local governing body action ends as of April 28, 2019. The licensee has reached out to CBJ and will contact AMCO as well. The licensee stated that the balance due will be paid in full but is unable to pay before the CBJ protest period ends.

The next meeting of the AMCO Board is April 29-30, 2019. The board agenda has not yet been posted to show whether liquor license #2844 is on the AMCO April agenda.

The Assembly Human Resources Committee also considered this matter at its meeting immediately preceding this Assembly meeting and will provide a recommendation to the Assembly for action. Packet items for this action are contained in the Assembly Human Resources Committee packet and include copies of the notice sent to the licensee as well as the CBJ Code sections and Alaska Statutes pertaining to this matter.

The City Manager recommends the Assembly follow the Assembly Human Resources Committee recommendation.

Mr. Watt deferred to HRC Chair Edwardson to report on the action taken at the HRC meeting just prior to the Assembly meeting.

Members had a discussion regarding the amount owing vs. the amount remaining due. Mr. Jeff Rogers was invited to provide information about the amounts still owing. Mr. Rogers confirmed Mr. Edwardson's report that the initial amount owing was approximately \$10,500 and they received a \$5,000 check so the balance of that remains due.

Members asked what the protest process is. Ms. McEwen explained that the practice in the past has been to protest when an outstanding balance is due, the Assembly protests the renewal of the license and the Clerk's office sends notice to the ABC Board of the protest and the basis for the protest. The cure for that action is to pay the outstanding amount in full and then the Clerk sends notice that the protest is removed since the basis for the protest no longer exists. Ms. McEwen said that there have been some past instances in which the Assembly via the HRC has asked Finance staff to work with the licensee to come up with a payment plan, confession of judgement, and provided the payment plan was adhered to, the Assembly waived its right to protest the renewal.

Additional discussion occurred regarding the process as well as the timing of both the ABC Board action and the Assembly window of time in which to protest a license. Mr. Watt explained that historically, staff has taken the position that people should be current in their property, sales tax, and utility billing and that it has only been the Assembly who has chosen to relax that standard in a few cases due to extenuating circumstance. Staff has not found any criteria under which a payment plan would be appropriate in some circumstances and not in others. This exact question was the subject of debate earlier during the HRC meeting. He said he would defer to the Chair of the HRC to report on the committee's discussion and recommendation on this.

Mr. Jones said in his seven years on the Assembly, he has never seen a payment plan on delinquent property taxes. He has seen payment plans on sales tax. He said he has seen the finance department protest a license as a formality, even when there has been a payment plan, because that is the way the rules read and it is up to the Assembly to waive that. He noted that Louie's Douglas Inn was not only property tax but also federal income tax and may have had some other tax and the Assembly did protest that renewal. That business did end up shutting down and it was two years before they had a buyer reopen and it was cured by a sale and the taxes were all paid. He said in this instance, the Assembly is being asked to not protest if they set up a payment plan on property taxes and he said he isn't aware that the Assembly has ever set up a payment plan for property taxes because they are due every year.

Mr. Edwardson said he will expand on the HRC meeting but they did have dissenting views and those should be heard as well. He said that the discussion was mainly about the letter they received from Ms. Niemi. There were two parts of the letter: 1) talking about the process of the waiver, and 2) complaint about the process for notification and the opportunities to correct the situation. He said they heard from the city finance director who said the same thing that Mr. Jones just said. He also mentioned the payment plan and some possibilities about how to do it. Mr. Edwardson said the underlying issue itself is that this would be something new and we would be treating this applicant differently than they have treated applicants in the past and perhaps how they might treat applicants in the future. In the letter, there was what Mr. Edwardson would call a 'hint' towards extenuating circumstances but there was no linking construct between the illness and the lateness of paying the taxes due. He said that where his vote was concerned, he looked at the fact that we have a process and that they need to follow the process unless there is compelling evidence to say that they should do something different and he didn't see compelling evidence that they should do something different in this case. He noted that Mr. Bryson had a different viewpoint and he could speak to that.

Mayor Weldon asked if they could first have a motion to put this before the body and then hear from Mr. Bryson.

MOTION by Ms. Gladziszewski to ask the business to get a confession of judgement or make a payment plan for these taxes. She noted that the letter, to her, has extenuating circumstances and the letter states that they will make sure that the rest of it is paid as soon as they can. She thinks the business has every intention of doing that and the amount remaining is roughly \$5,000 and it seems like they could pay it according to the letter.

Mayor Weldon asked Ms. Gladziszewski to clarify her motion. Ms. Gladziszewski asked Mr. Palmer if there needed to be a date specified by which the confession of judgement needed to be made. Mr. Palmer said this is the first time we've handled a property tax matter in this manner and he would be cautious due to the state statutes relating to foreclosure laws.

Mr. Jones asked Mr. Palmer about foreclosure laws.

Mayor Weldon adjourned for a 5 minute recess to give the attorney time to look at the foreclosure laws.

Mayor Weldon brought the meeting back to order at 8:15 p.m. She also noted that the Clerk determined that the ABC Board Meeting will begin at 1p.m. on Monday, April 29.

Ms. Gladziszewski withdrew her previous motion so she could offer a replacement motion.

MOTION by Ms. Gladziszewski to protest the renewal of The Sandbar Liquor License #2844 unless payment is paid in full Noon (12p.m.) as of Monday, April 29, 2019. Mayor Weldon asked if there were any objection to the motion.

Ms. Hale objected to the motion. In speaking to her objection, Ms. Hale noted that in the letter from the licensee, it noted that during the last renewal, The Sandbar was delinquent and CBJ did not protest the renewal at that time. Ms. Hale said she would like to know if that is the case. Mr. Bartholomew said his understanding is that they were delinquent and it was not something the collections department picked up on; they discovered that oversight during this review. Collections inquired from the Law Department the appropriate process to protest because of property taxes due as opposed to sales taxes due. The direction from the Law Department was that the Collections division did have the authority to do that so this was different from the previous renewal period.

Ms. Hale said that for the members of our community who have to comply with an amazing number of laws and requirements, for us to have not protested this when they were delinquent during the last renewal period, to protest unless it is paid in full by Noon on April 29 is inconsistent and it doesn't provide a fair playing field for members of our regulated community.

Mayor Weldon said in the letter from the owners, it states that she can pay by April 29. She said that with respect to the non-protest of the previous renewal, that was an error on our part but two wrongs don't make a right in this case.

Ms. Hale asked to clarify if we would be sending a letter to the ABC Board stating that we will protest unless payment is received by Noon on April 29.

Ms. McEwen explained that staff would be sending a letter the next day specifying whatever action was taken by the Assembly using the language of whatever motion passes.

Ms. Gladziszewski said the motion is to protest the license unless the paid in full. Ms. Hale asked for further clarification on how that would be communicated to the ABC Board. Mr. Bartholomew confirmed that a letter would be sent to the ABC board the next day, (April 23) to alert the ABC Board that the Assembly has made a decision to protest unless payment is received by Noon on Monday, April 29. CBJ would then update the ABC Board as soon as we receive any additional information so they would be on record that it is protested unless payment is received. Mr. Bartholomew said we would then provide a final word to ABC on April 29.

Mayor Weldon asked Ms. Hale if she maintained her objection, Ms. Hale said she maintains her objection.

ROLL CALL VOTE on the Motion to protest the renewal of Liquor License 2844

The Sandbar unless paid in full by Noon on April 29.

Yeabs: Maria Gladziszewski, Mary Becker, Wade Bryson, Rob Edwardson, Alicia Hughes-Skandijs, Loren Jones, Carole Triem, Mayor Beth Weldon

Nay: Michelle Hale

Motion carried: 8:1

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon reported on the following various activities and events she has been involved with:

- Ribbon Cutting of the new Electric Vehicle Chargers at Fred Meyer in honor of Earth Day
- Picking up garbage at Duck Creek for Litter Free Day
- Welcomed 84th Tribal Assembly for Central Council Tlingit & Haida, she and her husband attended the awards dinner
- Welcomed the Alaska League of Women Voter's Convention
- Welcomed the Emergency Search & Rescue Exercise which was a Joint Emergency Preparedness exercise of search and rescue teams including the National Guard, Fire Department, SEADogs and some members from Haines and possibly other communities. She gave a shout out to Tom Mattice for organizing that and doing a great job
- She spoke at the Gastineau Rotary Club as a Guest Speaker
- She spoke at the final D.A.R.E. Graduation at Glacier Valley School - she thanked Ms. Gladziszewski for attending one of the D.A.R.E. Graduation ceremonies that she had to miss
- She attended the Downtown Business Association Board of Director's meeting for a Q&A Session
- She attended the Pillars of America Speaker Series and she wanted to highlight Jesse LeBeau since he comes from Ketchikan
- She attended the Sustainability Session that involved the Cruise Ships/Tourism put on by the Juneau Commission on Sustainability
- She visited the Adair-Kennedy site and the anniversary of Ofc. Adair and Ofc. Kennedy's deaths in the line of duty on April 17, 1979
- In happier news, she attended the JPD promotion of Matt DeBois to Sgt. and they also celebrated National Telecommunicators Week and she gave a shout out to our Dispatchers

Other events of note coming up in the future:

- JEDC Visitor Cluster & TBMP are going to talk about tourism growth in general

- on Tuesday, April 23 at 5pm at the Elizabeth Peratrovich Hall
- Sunday, April 28 will be the first large cruise ship of the season and a celebration will be held as it docks at the Franklin Dock at 9:00am. Ms. Gladziszewski will be representing CBJ there as Mayor Weldon will be in Skagway attending Mayor Monica Carlson's funeral
- May 4 is the Blessing of Fleet and the reading of the names at the Fisherman's Memorial at 10 a.m.

At the end of the meeting, Mayor Weldon thanked everyone for reminding her of all the things she'd left out of her report earlier. She also attended the Juneau Parks Foundation newest non-profit organization. She also attended the Willoughby District meeting, the Folk Festival, the Juneau Travel Fair, and the Clink wine tasting in support of the JACC.

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

Mr. Bryson reported on the recent meetings of the Parks and Recreation Advisory Committee (PRAC), the Juneau Economic Development Council (JEDC), the Planning Commission, and a meeting he had with Mr. Watt regarding the amount of resources CBJ provides to programs involving our less fortunate citizens. He said he learned that \$950,000 goes to agencies through the Juneau Community Foundation and \$1.5 Million to Bartlett Regional Hospital (BRH). He also attended Sgt. Dubois' JPD promotion. He was the guest on Action Line on April 16 and he went to the Juneau Park Foundation Grand Opening. On April 20, he attended the Travel Juneau event at the JACC to see all the local tour options. He also attended the electric vehicle charging station ribbon cutting at Fred Meyers with Mayor Weldon. On Saturday, he celebrated 15 years as the owner of his company.

Ms. Hale reported she was on Action Line on April 12. She attended an open house dinner at Haven House which is a transitional living situation for women who have left the half way house or perhaps left AWARE. She was invited by one of the residents many times and ran into her on a bus ride. She said it was very moving listening to their struggles and the successful transitions they have made in becoming productive members of society. Last week, she attended the Hospital Governance Conference in Scottsdale, AZ. She attended with several board members and she said it was very productive and she was grateful to have a better understanding of all the changes in the hospital world.

Ms. Hale reported the Juneau Commission on Sustainability (JCOS) continues to be active on many fronts. She reported that the Assembly Public Works and Facilities Committee (PWFC) has been having special meetings on the new JACC possibility. They have one set for April 30 but that may be rescheduled to a later date after she discusses it further with Mr. Vigue.

Ms. Hughes-Skandijs reported the Juneau Commission on Aging (JCOA) met and its subcommittee has been meeting about the senior survey. The Assembly Finance

Committee (AFC) will likely see a funding request pertaining to the survey soon. JCOA is looking to do some work with the census to make sure seniors are counted accurately. Ms. Hughes-Skandijis said she attended the Downtown Business Association (DBA) meeting and got to learn about what they do. She suggested members mark their calendars for May 5 at 1:00 p.m. as DBA will be doing its annual Color Run fundraiser. She missed the Sister Cities Committee (SCC) meeting due to illness so she looks forward to meeting with them at the next opportunity. She noted that there was a Willoughby District/Auke Village District stakeholders update hosted by JEDC. She attended the informal decommissioning of the M/V Fairweather. She attended the first Friday, Nathan Jackson retrospective opening at Walter Soboleff Center. She also got to see Ms. Hale perform at 45th Annual Alaska Folk Fest and it was great to see. Lastly, she attended the Parks Foundation kick off and the Travel Fair.

Ms. Triem reported that Travel Juneau has a lot of exciting things happening and all Assemblymembers are invited to welcome the passengers of the first large cruise ship arriving on April 28 at 9a.m. Tourism Best Management Practices (TBMP) community meeting is being held on April 23 at 5p.m. at Elizabeth Peratrovich Hall to continue the discussion about sustainability. She also attended the Travel Fair and over 1300 people attended the travel fair.

Ms. Triem said they are continuing to recruit for Aquatics Board applicants. Dates of note for pool users: The Dimond Park Aquatic Center annual closure will be April 29 through May 5 and the Augustus Brown annual closure will be June 3 through June 9. She said that she was traveling for work to Anchorage a lot and she was able to attend some Anchorage local government action. Anchorage had its election earlier in the month and Ms. Triem went to their election central. She said that while they may have more balloons than we do, ours has a better vibe and she thanked the Clerk staff for their work on elections. She said that she met with two Anchorage Assemblymembers with whom she compared notes on On-site Marijuana Consumption. She also attended an Anchorage Assembly Finance Committee meeting.

Mr. Edwardson forwarded the following recommendations from the Assembly Human Resources Committee (HRC) for appointments to boards and commissions and asked for unanimous consent:

Appointment of Dorene Lorenz to the Historic Resources Advisory Committee for a term beginning immediately and ending June 30, 2021.

Appointment of Annie Bartholomew to Sister Cities Committee to a term beginning immediately and ending January 1, 2021.

Hearing no objections, the appointments were confirmed.

Mr. Edwardson reported that he attended the JCOS cruise ship panel presentation. He

also attended the opening of the Parks Foundation. As the Mayor reported, he attended the Tlingit Haida Tribal Assembly President's Awards Banquet. He said the banquet was to benefit the three indigenous languages that Tlingit Haida helps fund all over Southeast. He said he thinks it isn't limited to just S.E. but that it is also in Seattle and San Francisco and maybe in Anchorage. Mr. Edwardson said Robert David Boxely was the auctioneer and of the things he talked about was how hard it is to be a language advocate and saving languages that have been wiped out for a long time. He echoed President Peterson's saying that "healthy tribes lead to healthy communities" and they do and language is a big part of that.

Mr. Edwardson said he did not attend the Eaglecrest Board meeting as he attended Native Elder Nathan Jackson's reception instead, a famous carver from Ketchikan. He noted that the LEPC was cancelled due to the ICS training. He reported that the Juneau Human Rights Commission is suggesting and the Assembly HRC recommends the Assembly recognize the achievements of Rosalee T. Walker. She was a former Assemblymember, longtime Juneau resident and State of Alaska employee. There was a letter from the commission included in the HRC packet, and four of the members of the Juneau Human Rights Commission attended the HRC meeting to request the Assembly create a significant memorial. Mayor Weldon suggested that Mr. Edwardson work with Ms. Phillips or Ms. McEwen to draft up a proclamation honoring Ms. Walker. Mr. Edwardson said he will coordinate with the JHRC on the appropriate timing for a proclamation.

Mr. Jones reported that the next Assembly Finance Committee (AFC) meeting will be held on Wednesday, April 24. There will also be a Special Assembly meeting that evening which will be the public hearing on the appropriation/budget ordinances. That Special Meeting will be followed by AFC meeting. The big topics on the AFC meeting are the school district budget and funding above the cap. He reported that the Child Care Committee held its last meeting on April 19. They approved the report and that report has been transmitted to the Mayor so that task force is done. He said that some of that will be coming back to the AFC. He reported that the Juneau School District (JSD) met April 9 with its normal meeting. He said they had quite a bit of discussion re: Marie Drake. The meeting was held on a Tuesday and the Friday prior to that, Marie Drake had a pipe burst and the basement flooded. He said that the Superintendent discussed their disaster response, training, etc. and since their central IT system was in basement of Marie Drake, the school system lost their computers, emails, and their phone system. He said that while they worked around all that, in some discussion with Mr. Vigue, they asked a number of questions about disaster recovery and what would have happened if the servers got wet. He said the Superintendent replied that the computer system and some other things would have been OK but they were most concerned about loss of their phone system. As it was, they were relying heavily on cell phones to reach each other. The next JSD meeting is May 14.

Mr. Jones reported that he attended the DBA meeting which was his last meeting as the

Assembly liaison to the DBA and he appreciates Ms. Hughes-Skandijs willing to take that over. He reported that the Alaska Municipal League has been doing a lot of work up on the hill with budget and he appreciated the City Manager not willing to take any prisoners on the governor's budget. He said that AML usually has their board meeting in May in Anchorage but they have changed that to be held May 8 - 9 here in Juneau since session is likely to still be going on. He said he attended many of the same meetings other mentioned. He said that the Mayor mentioned the Blessing of the Fleet on May 4 at 10 a.m. and following that at 11 a.m. is the Maritime Festival and they have had over 5,000 attend over the past couple of years. He encouraged people to make a day of it in downtown starting with the Blessing of Fleet and ending with the Maritime Festival.

Ms. Becker reported that the Lands Committee said they are negotiating a land trade with Aurora Arms to get access to the upper part of the land behind their building so there could be room for residential space if it was decided to be used in that way. She said they received an update on the senior housing project. There has been a request for an appraisal so they know what that land is worth now. She said she was told by someone that the river has moved and it is not hitting the land by where the seniors wish to build and she asked if anyone else had heard that.

Mr. Watt said the land that has long be envisioned for the senior housing project is more beneficially situated because of the cut through the oxbow. He said it is not that there is no river hazard potential but rather there is less hazard potential. He said that other engineers who have looked at the property for the consideration of the development of senior housing have felt there were engineering solutions to bank protection for a facility there.

Ms. Becker said that the senior housing development is also requesting funds from the Assembly. Ms. Becker then reported that Docks and Harbors (D&H) approved giving \$35,000 for the new visitor information kiosk downtown. They met with the Territorial Sportsmen about Amalga Harbor and they will continue to meet to try to resolve some of the issues. She said that with respect to the M/V Lumberman, Docks and Harbors is looking for someone to haul it away as it is not a solution to sink it. She said the next D&H Board meeting is April 25.

Ms. Becker then reported that the Joint Assembly/JSD Facilities Committee had an excellent meeting. The Superintendent discussed school space and said there is really no school spaces left for new rooms for pre-school use. She said there may be room to expand and add more students to the spaces they already have in use. She reminded them that there are already 13 spaces currently being used for pre-K spaces, three of which are for the Kinder Ready program, two are being used for Head Start, seven are integrated special ed and peer program and one is the Montessori pre-K. They discussed legal implications for private operators in school buildings and the City Attorney was there to provide additional information. The next meeting of the joint group is scheduled for April 30.

Ms. Gladziszewski reported that the Committee of the Whole (COW) met on April 8 and heard an update on TBMP. They also discussed the sleep off center and heard about a moderate drought happening in Southeast. They briefly discussed onsite marijuana consumption and they will continue to consider that issue. The next meeting of the COW is Monday, April 29. Ms. Gladziszewski said the Parks and Recreation Master Plan with revisions will be a discussion at the next COW. She noted that she attended many of the same meetings that others had reported on. She spoke at the D.A.R.E. graduation at Gastineau Elementary School and she said the program is still going on and the kids love it. She thanked all those who volunteer and put on the Folk Festival including a board member that sits on the Assembly for all their work.

Ms. Gladziszewski said that Ms. Becker mentioned the D&H Board and the Amalga issue and she asked the City Manager if he had any information on what the next steps might be on that topic.

Mr. Watt said he does not think they have brought that issue to conclusion. They are still working to try to develop a project and from what he hears, the neighbors are not interested in a project at all. Mr. Watt said there is some tension around that issue and he doesn't think it will come to a resolution soon. When they are done with it, it should be coming back to the Assembly.

Mr. Jones said he had attended the public meeting with the neighborhood and it was scheduled for an hour and half and it lasted 2.5 hours. He said that his impression was that approximately 10:1 of the neighbors were opposed to project as it was designed. He said it would likely be 5:1 in favor of removing the fish cleaning station that is there now. He said that the D&H at that public meeting stated they would be working to consolidate the public comments that they received at that meeting plus any other public comments that they received and it would likely try to take it up for a decision sometime in May. He said that he was surprised that Ms. Becker said D&H would be meeting with Territorial Sportsman on a solution since the neighborhood has said they are pretty opposed to any project. He asked Mr. Watt to pass on to Mr. Uchtyl that if he is going to be holding meetings with Territorial Sportsman that hopefully it is in a public forum that the neighborhood can attend.

Ms. Gladziszewski said her understanding was that Territorial Sports feels similar to the neighborhood.

Ms. Triem reported that she attended the Ice Show put on by the Juneau Skating Club.

Ms. Hale also reported that she spoke at the M/V Fairweather decommissioning.

C. Presiding Officer Reports

Ms. Gladziszewski noted that they are holding a pre-hearing conference on two matters:

the Mountainside Estates Neighborhood Association on Tuesday and a pre-hearing conference on on the Volunteers of America on Thursday. Both meetings are to lay out the schedule for briefings.

XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV.EXECUTIVE SESSION

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 8:57 p.m.

Signed: _____
Elizabeth J. McEwen
Municipal Clerk

Signed: _____
Beth A. Weldon
Mayor

**SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes - April 24, 2019

MEETING NO. 2019-21: The Special Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 5:30 p.m. by Mayor Beth Weldon.

I. CALL TO ORDER / ROLL CALL

Assemblymembers Present: Mayor Beth Weldon, Loren Jones, Wade Bryson, Carole Triem, Maria Gladziszewski, Rob Edwardson, Alicia Hughes-Skandjis, Mary Becker, and Michelle Hale

Assemblymembers Absent: None.

Staff Present: City Manager Rorie Watt, Deputy Manager Mila Cosgrove, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Finance Director Bob Bartholomew, Incoming Finance Director Jeff Rogers, Controller Sam Muse, Budget Analyst Elisabeth Jensen, Parks & Recreation Director George Schaaf, Library Director Robert Barr, Parks and Recreation Administrative Officer Lindsey Foster, Parks & Recreation Program Supervisor David Pusich, Bartlett Hospital Administrator Chuck Bill, JSD Superintendent Bridget Weiss, and JSD Administrative Services Director Sarah Jahn

Special Order of Business

Mayor Weldon said that since all the members of the ad hoc Child Care Committee were present and had just finished their work, she wanted to take this opportunity to recognize the committee. Committee members included Chair Loren Jones, Vice-Chair Bridget Weiss, Blue Schibler, Erik Eriksen, Rod Edwardson, Michelle Hale, and Wade Bryson. Mayor Weldon noted that the committee submitted its report to her and it will be forwarded to the Assembly Committee of the Whole for consideration. Chair Jones reported that the committee worked well together, members listened to each other and each of their voices could be heard in the recommendations that are contained in their report. Mr. Jones said the next steps will be to look at the committee's recommendations and the COW and AFC will work on determining on how best to move forward with funding.

II. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt requested deletion of the bid award as found on the Consent Agenda as the bid award came in under \$1,000,000 and therefore does not need Assembly approval. *Hearing no objection, the bid award and subsequently, the consent agenda was removed.*

III. APPROVAL OF AGENDA

The agenda was approved as amended.

IV. AGENDA TOPICS-PUBLIC HEARING

- A. Ordinance 2019-05 An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2019 Based Upon the Proposed Budget for Fiscal Year 2020.

This ordinance establishes the mill rates for property taxes for 2019, which funds a significant portion of the City and Borough of Juneau's FY20 operating budget. The Charter requires the assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the Manager's FY20 Revised Budget that will be reviewed by the Assembly Finance Committee. As part of the budget review process, the Assembly Finance Committee will review and recommend, to the Assembly, the final mill levies. The final mill levies must be adopted on or before June 15.

For FY20 the operating mill rate remains unchanged there is a change in Service Areas from FY19, and the proposed debt service mill rate is set to decrease by 0.10 mills. This ordinance proposes a total mill levy of 10.56; the components of which are:

<u>Operation Mill Rate by Service Area</u>	<u>Millage</u>	<u>Change from FY19 Adopted</u>
Roaded Service Area	2.45	0.15
Fire Service Area	0.31	(0.05)
Areawide	6.60	(0.10)
Operating Total	9.36	-
Debt Service	1.20	(0.10)
Total	10.56	(0.10)

The City Manager recommends holding the charter required public hearing for this ordinance, followed by referral back to the Assembly Finance Committee for further review.

Public Comment

None.

Assembly Action

MOTION by Ms. Gladziszewski to refer Ordinance 2019-05 to the Assembly Finance Committee for further review and asked for unanimous consent. *Hearing no objection, the motion carried.*

- B. Ordinance 2019-06 An Ordinance Appropriating Funds from the Treasury for FY20 City and Borough Operations.

This ordinance appropriates \$377,166,800 in expenditure authority for the City and Borough of Juneau's FY20 operating budget, excluding the School District. It is necessary to appropriate all transfers between funds that support operations, debt service and capital projects as well as the associated expenditures within the funds themselves. These transfers account for \$99,826,300 of the FY20 operating budget. The total appropriated expenditure authorization, net of inter-fund transfers, is \$277,340,500 million.

This ordinance also recognizes \$371,832,600 of projected revenue and transfers-in and decreases fund balances, across all funds, by \$5,334,200. The revenue and fund balance draw are sufficient to fund the budgeted expenditures. During the weekly Finance Committee meetings in April and May we will walk through the components of the budget and the explain changes from the prior year.

The Charter requires that a public hearing be held on the FY20 operating budget by May 1, 2019, and adoption by June 15, 2019.

The City Manager recommends holding the charter required public hearing for this ordinance, followed by referral back to the Assembly Finance Committee for further review.

Public Comment

None.

Assembly Action

MOTION by Ms. Becker to refer Ordinance 2019-06 to the Assembly Finance Committee for further review and asked for unanimous consent. *Hearing no objection, the motion carried.*

C. Ordinance 2019-07 An Ordinance Appropriating Funds from the Treasury for FY20 School District Operations.

This ordinance will appropriate to the School District an FY20 operating budget of \$87,471,500. This is an overall increase in the budget of \$229,700 from the FY19 Amended Budget. The School District's operating budget is.

• General Operations	\$71,122,800
• Special Revenue (pupil transportation, food service, etc.)	7,363,500
• Education Restricted Grants	5,728,700
• Student Activities/Other	<u>3,256,500</u>
Total Budget	\$87,471,500

The FY20 school budget is supported with a combination of funding sources including CBJ local funding of \$28,174,300. The local funding consists of: \$26,497,800 for general operations, and \$1,676,500 for programs and activities outside of the state funding cap. These programs and activities include:

\$1,181,500 million for student activities, \$50,000 for pupil transportation, \$50,000 for food service, \$95,000 for Community Schools and \$300,000 for Kinder Ready. The general operations support is a decrease of \$37,500 over FY19 Amended. The other program and activities funding is an increase of \$120,000 over FY19 Amended, for a net funding increase of \$82,500.

State Statute requires the Assembly to determine the total amount of local educational funding support to be provided and provide notification of the support to the School Board within 30 days of the School District's budget submission. The district's budget was submitted March 29, 2019. To meet this timing provision, it is necessary for the Assembly to determine the amount of funding and provide notice in the month of April. This amount cannot subsequently be reduced, unless the amount exceeds the State funding CAP, but it can be increased. If the Assembly does not set the amount and furnish the School Board with notice within 30 days, the amount requested by the School District is automatically approved. By Charter, the Assembly is required to appropriate the School District's budget no later than May 31, 2019. On April 24, 2019, a meeting is scheduled for the Assembly to state, by motion, the amount of local funding to be provided to the School District.

The City Manager recommends holding the charter required public hearing for this ordinance, followed by a motion to set the amount of local funding to be provided to the school district, and then referral of the ordinance back to the Assembly Finance Committee for additional review.

Public Comment

None.

Assembly Action

MOTION by Mr. Jones that the Assembly set the amount of local funding to the Juneau School District in the amount of \$26,497,800.

Mr. Jones asked to speak to his motion. He pointed out to Assemblymembers that amount can be found on page 23 of the Assembly Finance Committee packet. He said that is a calculation of the required cap and the voluntary cap. It does not include funding above the cap which will be a topic for discussion at the Assembly Finance Committee meeting.

Hearing no objections, the motion carried.

MOTION by Mr. Jones to refer Ordinance 2019-06 to the Assembly Finance Committee for further review and asked for unanimous consent. *Hearing no objection, the motion carried.*

D. Resolution 2845(b) A Resolution Adopting the City and Borough Capital

Improvement Program for Fiscal Years 2020 Through 2025, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2020.

This resolution would adopt the Capital Improvement Program (CIP) for Fiscal Years 2020 through 2025, as required by Charter Section 9.4, and lists the capital projects that will be initially appropriated by ordinance in FY20.

The Public Works and Facilities Committee (PWFC) reviewed the preliminary CIP Resolution at its meeting on March 18, 2019, and forwarded the plan to the Assembly.

The City Manager recommends holding the charter required public hearing for this resolution, followed by referral back to the Assembly Finance Committee for further review.

Public Comment

None.

Assembly Action

MOTION by Mr. Edwardson to refer Resolution 2845(b) to the Assembly Finance Committee for further review and asked for unanimous consent. *Hearing no objection, the motion carried.*

V. CONSENT AGENDA

1. Bid Awards

- a. PLACEHOLDER: Bid award for project BE19-243 Marie Drake School Fan Replacement and HVAC Controls Upgrades Rebid. This project includes mechanical system and HVAC control upgrades to the Marie Drake School.**

Due to agenda packet preparation schedules, this item appears on the agenda. Bids were due at 2:00 p.m. on Tuesday, April 23. The protest period ended at 4:30 p.m. on Wednesday, April 24. If the lowest accepted bid is under \$1 million, the Assembly need take no action. If, however, the lowest accepted bid is over \$1 million, the bid will need Assembly approval. Additional materials will be provided to the Assembly via red folder at the April 24, 2019 special Assembly meeting.

UPDATE: Bids came in below \$1 million, so Assembly approval of the bid is not required.

If Assembly action is required, the City Manager will offer his recommendation at the April 24, 2019 special Assembly meeting.

Removed from the agenda during Manager's request for agenda changes.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

VII. ADJOURNMENT

There being no further business to come before the Assembly, the Special Assembly meeting was adjourned at 5:47 p.m.

Signed: _____

Elizabeth J. McEwen
Municipal Clerk

Signed: _____

Beth A. Weldon
Mayor

DRAFT**THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes - May 13, 2019

MEETING NO. 2019-22: The Regular Meeting of the City and Borough of Juneau Assembly held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Beth Weldon.

I. FLAG SALUTE**II. ROLL CALL**

Assembly Members Present: Mayor Beth Weldon, Maria Gladziszewski, Mary Becker, Loren Jones, Rob Edwardson, Wade Bryson, Carole Triem (telephonic), Michelle Hale and Alicia Hughes-Skandijs.

Assembly Absent: None.

Staff Present: City Manager Rorie Watt, City Attorney Robert Palmer, Deputy City Manager Mila Cosgrove, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Incoming Finance Director Jeff Rogers, Port Director Carl Uchtyl, Housing/Homelessness Coordinator Irene Gallion, Community Development Director Jill Maclean, Parks and Recreation Director George Schaaf, CDD Building Codes Official Charlie Ford, CDD Building Inspector III Jeff Hedges.

III. SPECIAL ORDER OF BUSINESS

Mayor Weldon requested that everyone lift up the people of Ketchikan as they just experienced a float plane collision with fatalities earlier in the day.

A. Proclamation - Building Safety Month

Mayor Weldon asked the builders in the audience to come forward. She read a proclamation recognizing May 2019 as Building Safety Month. She also recognized Community Development Department Building Inspector III Jeff Hedges and the Juneau-Douglas High School Home Build Team for their work. The JDHS Home Build Team just completed a year long program and will be receiving their certificates as Building Code Specialists in the Residential Code on Tuesday, May 14. In March 2019, they spent a week with Habitat for Humanity building three homes.

B. Proclamation - Infrastructure Week May 13-20, 2019

Mayor Weldon presented Port Director Carl Uchtyl and staff with a proclamation recognizing May 13-20 as Infrastructure Week.

Mr. Uchtyl noted that Infrastructure Week is a national event and today they received a briefing on the infrastructure report card for the State of Alaska. Alaska is an aviation state and Alaska Airlines flies into 20 communities, only 3 of which are on the road system. He said that one of those three is Deadhorse. In addition to being an aviation state, Alaska is a maritime state and we have unique infrastructure needs. Alaska has fewer paved highways than the state of Rhode Island.

Mr. Uchtyl highlighted small ribbon cutting, mostly for maintenance projects. It has been shown that if you can maintain the infrastructure you have in place, it provides six times the cost savings over having to replace it completely.

IV. APPROVAL OF MINUTES

MOTION by Ms. Becker to approve the minutes with some minor grammatical corrections that she has already provided to the clerk. *Hearing no objection, the minutes were approved as corrected.*

A. January 17, 2019 Draft Special Assembly Meeting #2019-03

B. January 28, 2019 Draft Regular Assembly Meeting #2019-06

C. April 3, 2019 Draft Special Assembly Meeting #2019-20

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Ms. Kim Metcalfe said that she is a third generation Basin Road home owner. Her family has owned their home for the past 90 years. She has concerns regarding the increase of traffic on Basin Road due to tourism; the road is a favorite of locals. During what she referred to as the the tourism wars of the 1990s, traffic was a large concern and the neighbors convinced the Gold Creek Salmon Bake to move their operation over to Salmon Creek. During that period, school buses were making 60 trips a day across the road which is virtually a one lane, no passing wood trestle. The Basin Road residents were able to get the city to install a gate near the Mt. Roberts trail head and while they didn't close it year round, they did close it from November 1 through April 15. Her goal is for the Assembly to close the gate year round to address the traffic problems. She recently put her concerns out on the Facebook page "Juneau Community Concerns" and got a tremendous amount of comments on the post. Some of the questions asked how they could consider closing down a city road. She said that the road is not stable as there has been significant erosion on the Gold Creek side of the road between the first trestle bridge and second bridge and recently there had been a car that went off the road earlier in the year. This is not the first accident that has occurred there. When it is wet, the dirt on the road turns into a clay-like substance that becomes very slippery and years ago her daughter was in an accident on that road and was very lucky not to have been killed in the accident.

Ms. Metcalfe said that Unplugged Adventures Jeep rentals has Jeeps that they rent out with this route listed as a destination for gold panning and provides gold panning equipment in their vehicles with the route loaded into the cars' GPS systems.

Assemblymembers asked Ms. Metcalfe some questions about the road conditions.

Mr. John Stuart Covington said he is a priest and has been speaking to Jesus about this issue for years. He said there has to be a better solution than just closing the road off. He is in favor of opening that area up to gold mining and being allowed to use shovels and picks and not just gold pans. He said he looked at the ordinance and there is nothing in the ordinance that says they cannot use shovels or picks but the signs up near Gold Creek say no shovels. He said the area should be open to locals and tourists alike.

VII. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION by Ms. Gladziszewski to adopt the consent agenda and asked for unanimous consent. *Hearing no objection, the motion passed.*

1. Ordinances for Introduction

- a. Ordinance 2018-11(AL) An Ordinance Appropriating to the Manager the Sum of \$1,535,300 as Partial Supplemental Funding for Various Departments' Fiscal Year 2019 Operating Budgets; Funding Provided by General Fund's Fund Balance, Airport Fund's Fund Balance, Docks Fund's Fund Balance, and Lands Fund's Fund Balance.

The attached ordinance would appropriate \$1,535,300 for increases in FY19 operations among several CBJ departments.

We are requesting a budget supplemental for five organizations. Of the total request, \$950,000 is for CCFR and paid with general government funds. The other four requests are funded from their own operational revenues or fund balances.

-
Airport

Airport anticipates exceeding its FY19 Assembly authorized spending authority by \$108,400. Airport staff discussed this at their budget presentation on April 10. Funding will be provided by the Airport Fund's Fund Balance.

-
Capital City Fire & Rescue

The Fire Department is anticipating a shortfall of \$950,000 in the FY19 operating budget. This is due to approximately \$250,000 in negotiated IAFF wage and benefits increases and ambulance billing shortfall of approximately \$700,000. The shortfall is a result of: 1) continued decline in billable call volume, 2) over aggressive revenue projections and 3) higher than anticipated bad-debt and contractual write-offs. The anticipated funding for this increase is from General Government Fund.

Docks

The supplemental request would increase the Docks Enterprise spending authority in FY19 by \$35,000. Funding will be provided by FY19 revenues exceeding budget.

The Docks & Harbors Board approved the supplemental request at its March 20, 2019 regular board meeting. The Port Director staff discussed this at the budget presentation on April 10.

Lands Department

Lands' projected expenditures are anticipated to exceed their revenue collected by \$201,900 in the current fiscal year. This shortfall is due to a decrease in projected revenues from land sales. The timing of the South Lena Subdivision of Lot 1 Block B has pushed the sale of the resulting four lots into FY20. They were originally scheduled for disposal in FY19.

The anticipated funding for this increase is Lands Fund's Fund Balance.

-
Risk

The Risk Management Department anticipates exceeding its FY19 Assembly authorized spending authority by \$240,000. This increase is due to higher than budgeted claims experience for health insurance. Funding will be provided by Health Account fund balance.

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

- b. Ordinance 2018-11(AM) An Ordinance Appropriating to the Manager the Sum of \$620,700 as Funding for Fleet and Risk Funds; Funding Provided by General Fund's

Fund Balance.

This FY19 supplemental budget ordinance would allocate \$271,200 to add funds to various departments' equipment replacement fund accounts and allocate \$349,500 to the city's self-insured health care account.

Six organizations were requesting FY20 budget increments, totaling \$135,000, to increase contributions to their equipment accounts. The current balance in these accounts is less than the projected upcoming equipment replacement needs. The requested deposit postpones the need for these increments for two years. Also the projected FY19 draw-down on the self-insured health account is higher than original budget projections. We are requesting \$349,500 go into the health account to help offset the larger than expected draw.

The source of funding for these two requests is the projected \$620,700 reimbursement, from the state Department of Administration, of past PERS Tier IV employer contributions. The funds are being returned for employees who terminated prior to having enough years of service to vest in the employer contributions.

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

2. Bid Award

a. Bid No. 19-140 - Airport Plow Trucks

This bid is to acquire three heavy duty airport runway snow removal plow trucks. Bids were opened on April 26, 2019. The bid protest period expired on April 30, 2019. Results of the bid opening are as follows:

Responsive Bidders	Total Bid
Oshkosh Airport Products LLC	\$1,395,034.00
Construction Machinery Industrial, LLC	\$1,463,000.00
Estimate	\$1,950,000.00

The City Manager recommends award of this project to Oshkosh Airport Products, LLC for the total amount bid of \$1,395,034.00.

b. Rainforest Recovery Center Detox Addition, Contract No. BE19-173

Bids were opened on this project on April 30, 2019. The bid protest period expired at 4:30 p.m. on May 1, 2019. Results of the bid opening are as follows:

Responsive Bidders	Base Bid	Alt. No. 1	Alt. No. 2	Alt. No. 3	Total Bid
Alaska Commercial Contractors Inc.	\$2,114,000	\$115,600	\$61,900	\$53,400	\$2,344,900
Dawson Construction LLC	\$2,389,900	\$ 79,300	\$83,000	\$58,500	\$2,610,700
F&W Construction Co., Inc.	\$2,747,458	\$190,263	\$61,927	\$60,586	\$3,070,234
Architect's Estimate	\$2,283,000	\$115,000	\$76,000	\$44,000	\$2,518,000

The City Manager recommends award of this project, base bid and alternates 1, 2, and 3 to Alaska Commercial Contractors, Inc. for the total amount bid of \$2,344,900.

3. Liquor License

a. Liquor License Renewal for License: 4731

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

Renewal of Liquor License

License Type: Restaurant or Eating Place, License #4731

DJ LLC d/b/a Asiana Gardens

Location: 9116 Mendenhall Mall Rd., 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 hardcopy upon request to the Clerk's office.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewal application.

VIII.PUBLIC HEARING

- A. Ordinance 2018-11(AH) An Ordinance Appropriating to the Manager the Sum of \$1,150,367 as Funding for Various Capital Improvement Projects at the Juneau International Airport; Funding Provided by Passenger Facility Charge Fees.

This ordinance would appropriate \$1,150,367 to the capital improvement projects (CIPs) listed below.

Rehabilitate Runway:	\$713,745
Terminal Reconstruction:	\$214,634
Taxiway A, E, D-1:	\$200,000
Sand/Chemical/Fuel Facility Construction:	\$ 21,988

Funding is provided by Passenger Facility Charge (PFC) collections. It will be used to provide new construction funds, and reimburse forward-funded amounts in these CIPs.

The Public Works and Facilities Committee approved this action at its April 8, 2019 meeting.

The Airport Board approved this action at its April 9, 2019 meeting.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Mr. Bryson to adopt Ordinance 2018-11 (AH) and asked for unanimous consent.

Ms. Gladziszewski asked if someone could explain the forward funding process on this.

Mr. Bartholomew explained that the airport annually receives Passenger Facility Charge (PFC) fees from the FAA. What is before the Assembly is how the FY20 allocation should be spent. They are picking four projects that are eligible for PFC fees He explained that the airport has a fund that they are allowed to forward fund projects with when the PFC money is not available. When those monies are then funded from the PFCs, those monies are reimbursed into the revolving loan fund as well as the fund balance.

Ms. Gladziszewski removed her objection. *Hearing no further objection, the motion carried.*

- B. Transfer T-1014 A Transfer of \$610,759 from the 'Runway Rehabilitation' CIP A50-079 to the 'Terminal Construction' CIP A50-102 & 'Terminal Reconstr Design/Const' CIP A50-096.

In FY15, sales tax funds in the amount of \$610,759 were transferred from the terminal project to the runway project (via transfer T-955) to match a Federal Aviation Administration (FAA) construction grant, with the explicit intent to repay upon appropriation of replacement funding to the runway project. The current appropriation of Passenger Facility Charges (PFC) includes those replacement funds; the original funds can be returned to the terminal project.

The Public Works & Facilities Committee approved this transfer at its April 8, 2019 meeting,

The Airport Board approved this transfer at its April 9, 2019 meeting,

The City Manager recommends this transfer be approved.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Hale to approve Transfer T-1014 and asked for unanimous consent. *Hearing no objection, the motion carried.*

- C. Ordinance 2018-11(AI) An Ordinance Appropriating to the Manager the Sum of \$190,643 as Funding for a 3D Scanner and Thermal Imager; Funding Provided by the State of Alaska, Department of Public Safety.

The State of Alaska, Department of Public Safety was allotted funds for crime prevention and response and equipment. Through this program, they have approved reimbursing the Juneau Police Department \$190,643. This includes \$183,643 for a 3D scanner, supporting equipment, software and training. The remaining \$7,000 funding will be used to purchase a new thermal imager.

A 3D scanner is a tool used to accurately map complex crime scenes and locations. Use of a 3D scanner significantly reduces the time spent at an investigation, and increases the accuracy of the forensic data collected, improving the efficiency and accuracy of an investigation.

Thermal imagers are used at night or in dark locations to locate suspects, or people who are unable to verbally respond. JPD has a thermal imager; however, it is near the end of its life cycle.

There is no match requirement for this reimbursement agreement.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2018-11 (AI) and asked for unanimous consent.

Mr. Bryson asked if there was any chance the current equipment could be sold to a smaller community who may be able to re-use it. Ms. Cosgrove responded that it is the common practice of CBJ to pass along equipment to other communities if there is any usefulness still remaining. Mr. Bryson removed his objection.

Hearing no further objection, the motion carried.

- D. Ordinance 2018-11(AJ) An Ordinance Appropriating to the Manager the Sum of up to \$35,000 as Funding for Visitor Information Kiosk Replacement Capital Improvement Project; Funding Provided by the Dock Fund's Fund Balance.

The CBJ Docks and Harbors Board requests approval of an appropriation ordinance to transfer \$35,000 from the Docks Fund's Fund Balance for construction of a new visitor information kiosk. The kiosk project is currently under construction. During the course of excavation for the foundation and drainage system unknown underground utilities including phone, data, and electrical vaults and cabling were discovered. The management of these systems within the design required additional work to prepare the site for the completion of the project. The Docks Fund's Fund Balance is currently \$2M.

The Docks and Harbors Board considered this item at its regular meeting on April 24, 2019.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

Mr. Watt noted a typo correction was needed to Section 2 to read \$35,000 instead of \$30,000.

MOTION by Mr. Edwardson to amend Ordinance 2018-11(AJ) Section 2 to be corrected to \$35,000.

Hearing no objection, the motion carried.

MOTION by Mr. Edwardson to adopt Ordinance 2018-11(AJ) as amended and asked for unanimous consent.

Mr. Jones objected. He asked with all the construction projects that have gone into that area, how they have only now discovered a vault. When he consulted with the City Manager, the manager explained that often times construction companies do not complete the "As Builts" and they are often finding things on construction sites that they were aware of when a previous project had been done in a particular area. Mr. Jones asked about the contingency funds, if they had already been used and this is an additional \$35,000 on top of that.

Mr. Uchytel explained the background on this project and that until Judge Holland's decision came out in early December, they had been planning on using Marine Passenger Fees (MPF's) for this project. He said before they had completed the design portion of the project, they moved the funding from MPF's to dock fees. They went initially went in with a \$150,000 vision for the visitor's center. That was done as a stop-gap measure in light of Judge Holland's decision. They moved \$200,000 into the project as that was the best guess at that time. They put it out to bid and five local contractors bid on the project and the low bid came in at \$164,000. In the meantime, they had additional costs due to unknown site conditions plus there

were additional costs from the Jensen-Yorba-Wall architects for contract administration and finalization of the drawings associated with the project. He said there were also costs billed out from his staff that brought the total project cost over the initial amount plus the contingency funds. Mr. Jones asked and Mr. Uchytel confirmed the final project costs totaled \$235,000.

Mr Jones maintained his objection.

Ms. Hughes-Skandijs said that if Docks and Harbors is asking for money from their own fund balance and that fails, what would happen if they did not pass the ordinance since the work is already under way. Mr. Uchytel said if the Assembly didn't approve it, they would have to stop work and would likely get sued. Mr. Watt said that what would likely happen is that work would end at the point that the funding ran out and they would likely have an unfinished building as they cannot spend funds without appropriation.

Roll Call Vote

Ayes: Edwardson, Bryson, Becker, Gladziszewski, Hale, Hughes-Skandijs, Triem, Weldon

Nays: Jones

Motion passed 8:1

Mr. Watt noted correction needed to Section 2 to read \$35,000 instead of \$30,000.

Mr. Edwardson - moved amend Section 2 to be corrected to \$35,000. No objection.

Mr. Edwardson - moved 2018-11(AJ) as amended and asked for U.C.

Mr. Jones objected. With all the construction projects that have gone into that area, how did they discover a vault. The construction companies often do not complete the As Built.

Bothers him that this was not a known factor. Also wanted to know about the contingency fund.

C. Uchytel - Background on the project, the Judge Holland decision came out in early December. At that point we were going to use MPFs. Before the design was completed, we used dock fees instead of MPFs. The vision was to pay for this new visitor kiosk was using dock funds for that project instead of MPF. We moved \$200,000 into the project and that was the best guess at that time. The bids came in with the low bid at \$164,000. Additional costs from Jensen-Yorba-Wall. There was additional monies needed on top of the \$200,000.

E. Ordinance 2018-11(AK) An Ordinance Appropriating to the Manager the Sum of \$175,000 as Supplemental Funding for Waste Management's Fiscal Year 2019 Operating Budget; Funding Provided by Waste Management's Fund Balance.

Increased public use of the waste management program has resulted in higher operational costs that require supplemental funding of \$175,000 in FY19. The CBJ junk vehicle disposal program, operated by Channel Construction, saw an 84% increase in vehicles surrendered to date for FY19, and we expect to see similarly higher usage April through June. \$100,000 is requested to keep this program working for the remainder of FY19. The recycling program contract with Capitol Disposal Inc. has experienced increased shipping costs, and as a result of global market pressures, revenue from the sale of the recyclable material is down \$75,000 from the prior year. Both of these programs are important to keeping Juneau clean and extending the remaining life of the landfill.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Mr. Jones to adopt Ordinance 2018-11 (AK) for purposes of asking a question.

Mr. Jones asked where JPD is in the process of impounding junk vehicles. Mr. Watt suggested this topic be taken up during the discussion under the staff report. He said the appropriation ordinance is needed to keep the program running for the remaining months of the fiscal year but there are a number of additional topics related to this issue that he will be covering later in the meeting under the staff report if they could defer that discussion to that portion of the meeting and focus on just the appropriation ordinance at this time. Mr. Jones said he agreed with that approach and removed his objection. Mr. Jones asked for adoption of Ordinance 2018-11(AK) and asked for unanimous consent. *Hearing no objection, the motion carried.*

- F. Ordinance 2018-11(Q) An Ordinance Appropriating to the Manager the sum of \$23,992 as Funding for Various Capital Improvement Projects and Bond Debt; Funding Provided by General Obligation Bond Interest Income.

This ordinance would appropriate \$23,992.23 in bond interest income that was earned on general obligation bond proceeds allocated to the projects listed below. Per CBJ Charter and direction of Bond Counsel, the interest income is available to: 1) cover original projects expenditures, 2) pay bond debt service & IRS arbitrage fees or 3) other eligible Capital Improvement Projects. The proposed expenditures are in compliance with the guidance.

Gastineau Elementary Reno CIP	\$ 1,332.83	To Bond Debt
Eaglecrest Learning Center CIP	\$ 203.50	To Bond Debt
Centennial Hall Reno CIP	\$ 191.32	To Bond Debt
Dimond Loop Field Repair CIP	\$ 3,033.40	To Bond Debt
Waterfront Seawalk II CIP	\$13,430.24	To Bond Debt
Bond Debt Subtotal	\$18,191.29	
Restrooms, Paving & Concessions CIP	\$ 1,233.30	IN CIP
New Terminal Reno CIP	\$ 4,567.64	IN CIP
TOTAL	\$ 23,992.23	

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Becker to adopt Ordinance 2018-11 (Q) and asked for unanimous consent.

Hearing no objection, the motion carried.

- G. Ordinance 2019-07(b) An Ordinance Appropriating Funds from the Treasury for FY20 School District Operations.

This ordinance will appropriate to the school district an FY20 operating budget of \$87,171,500. This is an overall decrease in the budget of \$70,300 from the FY19 amended budget. The school district's operating budget is:

· General Operations	\$71,122,800
· Special Revenue (pupil transportation, food service, etc.)	7,063,500
· Education Restricted Grants	5,728,700

· Student Activities/Other
Total Budget

3,256,500
\$87,171,500

The FY20 school budget is supported with a combination of funding sources including CBJ local funding of \$27,874,300. The local funding consists of: \$26,497,800 for general operations, and \$1,376,500 for programs and activities outside of the state funding cap. These programs and activities include: \$1,181,500 million for student activities, \$50,000 for pupil transportation, \$50,000 for food service, and \$95,000 for Community Schools. The general operations support is a decrease of \$37,500 over FY19 Amended. The other program and activities funding is a decrease of \$180,000 over FY19 Amended, for a net funding decrease of \$217,500.

The original ordinance was introduced at the April 3, 2019, Special Assembly meeting and referred to the Assembly Finance Committee for deliberation. On April 24, 2019, a Special Assembly meeting was held to hear public comment and for the Assembly to state, by motion, the amount of local funding to be provided to the school district.

The Assembly Finance Committee approved and moved the b version of the ordinance back to the full Assembly for action, at its May 8, 2019, meeting. The charter requires adoption by May 31, 2019.

The City Manager recommends this ordinance be adopted.

Mr. Watt noted that while the Manager's Report is correct, there were two typos on the ordinance that needed correction. On packet page 68 (page 1 of the Ordinance), the amount under "Total Estimated Funding Sources" should read "**\$87,171,500.**" He said that same error is duplicated at the top of packet page 69 (Ordinance page 2) and the correct "Total Appropriation" should read "**\$87,171,500.**" The Manager's recommendation was to amend this ordinance with the corrections noted above and adopt the amended ordinance.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Gladziszewski to amend Ordinance 2019-07(b) under the "Total Estimated Funding Sources" on packet page 68 to be \$87,171,500 and the same number to be listed under "Total Appropriation" on packet page 69. *Hearing no objection, the amendment carried.*

MOTION by Ms. Gladziszewski to adopt Ordinance 2019-07(b) as amended for purposes of asking a question.

Ms. Gladziszewski said the Charter requires them to adopt these each year by May 31 and usually, they have more confidence in what the state will be paying. This ordinance says "appropriating funds from the treasury" and in light of the fact that it would be appropriating funds they "hope" to have in the treasury, her question asked what happens if those funds don't come through from the state.

Mr. Palmer and Mr. Bartholomew explained how the money flows from the state, the federal government and also local funding and how those individual funding sources are tracked and expended. Mr. Bartholomew also explained that if the state funds are not made available as anticipated, the Assembly could authorize spending of the federal funds and local funds while they go back to determining how to address the state spending piece. Mr. Watt said that in his reading of the CBJ Charter, it would require him to come back to the Assembly before any funds could be expended as they cannot spend any monies that are not in the treasury.

Ms. Gladziszewski said she understands the "estimated" wording being used in the ordinance but asked for clarity from the City Attorney about the legalities. Mr. Palmer read the CBJ Charter Section 9.13 (a) which states:

"(a) No payment may be made and no obligation incurred against the municipality except in accordance with appropriations duly made. No payment may be made and no obligation incurred against any appropriation unless the manager ascertains that there is a sufficient unencumbered balance in the appropriation and that sufficient funds are or will be available to cover the obligation."

Mr. Palmer said that if you read that section of the Charter as it relates to this ordinance, the appropriation authorizes the spending, we are fine, if not, we would need to take action as described by Mr. Bartholomew.

Ms. Gladziszewski thanked staff and removed her objection and asked that Ordinance 2017(b) be adopted as amended and asked for unanimous consent. *Hearing no objection, the motion carried.*

H. Ordinance 2019-15 An Ordinance Authorizing the Manager to Amend the Wireless Communications Site Lease with Vertical Bridge S3 Assets, LLC at 3000 Jackson Road.

Vertical Bridge has requested to lease an additional 144 square feet from the CBJ. This lease will provide space for additional ground equipment to utilize open space on the tower. This lease amendment will update the contact information, extend the lease by adding an additional lease term of five years, and update the rent schedule to include increased rent for an additional sub-lessee. The Lands Committee passed a unanimous motion of support for the lease amendment at its January 14, 2019 meeting. The Planning Commission reviewed the lease amendment on April 23, 2019 and had no comments for the Assembly.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Mr. Bryson to adopt Ordinance 2019-15 and asked for unanimous consent. *Hearing no objection, the motion carried.*

Mayor Weldon recessed the meeting for a break from 8:10-8:20 p.m.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

A. Aquatics Fee Restructuring

The Aquatics Board is required to review and approve a schedule of fees and charges for use of the aquatic facilities at least annually. The Aquatics Board approved the attached schedule of fees at its meeting on January 22, 2019, and the fees are scheduled to take effect on July 1, 2019. Pursuant to CBJ Code 67.10.090(b), "The Assembly, by motion or resolution, may change any fee or charge approved by the Aquatics Board." Staff is available for questions and public participation is allowed on this item.

The City Manager recommends the Assembly move this item with “orders of the day.”
MOTION by Ms. Gladziszewski to move Orders of the Day.

Ms. Hughes-Skandijs objected for purposes of asking a question. She asked about the 63% increase to the sponsored community swim fees. Aquatics Manager Kollin Monahan explained that those community sponsors pay every admission that comes through the door during those 1.5 hour sponsored swims. The fees cover up to 16 staff members during that time. If they have 200 people in the pool, by law they are required to have 12 lifeguards. They also have 4 other staff members assisting customers and taking care of the facility. Ms. Hughes-Skandijs asked if this is a frequent event and Mr. Monahan explained that it depends on the community groups willing to sponsor but that he is trying to get at least one such event each month if possible. Ms. Hughes-Skandijs removed her objection.

There being no further questions, Orders of the Day were moved.

XI. STAFF REPORTS

A. Junk/Impound Vehicles

Ms. Cosgrove gave an overview of what has been happening with respect to JPD’s impound lot which was built to hold 100 vehicles; however they have been squeezing the space so tightly that they have regularly placed approximately 200 vehicles on the lot. They do not have any other space to move vehicles into and a result of that has been that there are more vehicles tagged for impoundment than they have space to hold them. Over the past three calendar years, they have impounded over 2100 vehicles. Impounds come in for a variety of different reasons. Some come in as holds and some come in as abandoned vehicles, some come in as evidence and then there is a broader category called “safe keeping” so not all the vehicles come in as having been abandoned.

Ms. Cosgrove explained that once a vehicle is impounded, there are a few ways it can go out of the lot. Of those 2100 vehicles over the last three years, they have auctioned approximately 250. Approximately 500 have been disposed of through the Skookum process. Almost 1300 were released back to their owners. 40 other vehicles were kept for miscellaneous purposes. It is difficult when vehicles are abandoned as there is a lengthy process that JPD has to go through to get to the auction and disposal process. She said that they do that as quickly as possible. In the past, they had a couple of vehicle auctions a year and they have recently been experimenting with online auctions which looks like it will assist in lowering the numbers more quickly. They have had three online auctions since March and have been able to move some vehicles and tag others for disposal so they are hoping that will help take pressure off the lot.

Mr. Palmer said that he and his staff has been working with JPD over the last year to look at ways to streamline some of the different processes for moving vehicles. As Ms. Cosgrove explained, there are some police evidentiary reasons why vehicles are held. There are some impound reasons associated with a crime such as DUI, and CBJ has a little bit of discretion on those. There are also junked and abandoned vehicles and there is a relatively straightforward process for junked vehicles but it is more tedious for abandoned vehicles. He noted that CBJ has been engaged in a land use enforcement action involving a property near the back loop road involving a large number of vehicles. He explained the details of the legal action that has occurred as result of that enforcement action. He said that staff will provide updates to the Assembly as they go forward with that case. As Ms. Cosgrove explained, the abandoned vehicle process in Juneau right now is somewhat challenging and there is a large number of vehicles ending up in low value conditions and people are struggling with what to do with them.

Ms. Gladziszewski said she didn’t have a question but wanted to make sure people understand that if they have a car that they no longer want, they can bring it to Skookum and they do not need to pay any money to dispose of it. Mr. Watt also explained that they do need to be the registered owner of that vehicle. He also noted that in order to not accumulate junk cars in the community, we generally need to be disposing of

500-700 cars a year as that is the rough number of new cars that come in each year. He said the demographic age of our vehicles tends to be older.

Mr. Jones asked if the impound lot that JPD used to use by the airport was still in use. Ms. Cosgrove said they only have the lot in Lemon Creek and that the lot at the Airport was used for auction purposes and it is no longer available to us. Mr. Jones then asked about the property that Skookum leases and if that is for sale. He said he thought that Skookum had been asked for another place and he asked if they had found another place. He asked if CBJ has land that could be used by Skookum and the impound lot and expand the capacity in both. Mr. Watt said he had been approached by a representative, the owner of the property that Skookum currently occupies, knowing that they might need a location. That person asked if we would work with Skookum and he said yes. Generally, he has been looking at undeveloped gravel resources behind the Costco area as a possibly suitable location. He said that if that property sells, they would be working on a lease arrangement. With regard to consolidating the impound and the junk car activities, they are somewhat distinct. The cars in the impound lot are not affirmatively ready for recycling or disposal, they may still hold value for the property owners and they need to be kept in a secure location. Mr. Watt noted that years back, CBJ did lease some spaces in town. At that time, rents started going up because they started having break-ins on those lots and the owners did not desire us as tenants. Approximately 15 years ago, we built the bridge across Lemon Creek and built the impound lot adjacent to the jail which is a good secure location. That protects us from claims from the owners of those impounded vehicles related to damage or theft.

Additional discussion took place with staff answering a number of questions from Assemblymembers on specific details. Mr. Watt suggested they could discuss this topic in greater detail at a future Assembly Committee of the Whole meeting.

B. Supplemental Agreement – Airport, Additional Apron Paving, SECON \$84,750.

By nature, these are a “no bid” procurement and can be done under limited circumstances. The airport has asked the City Manager for approval of an \$84,750 supplemental agreement to their nearly \$9 million runway safety area project that is underway. The project is additional paving on the apron. Practice is to bid things all the time and in limited circumstances to do supplemental agreements that the manager authorizes. When that is done, the City Manager is required to notify the Assembly at the next Assembly meeting of that action. In terms of economy, there are good reasons to do this, the only asphalt plant in town is set up at the airport and already inside the fence. The reason for this is for safety purposes. The airport had put recycled asphalt in a particular area but it has not stayed compacted and that has caused loose debris on the airfield posing a safety hazard to aviation. For that reason, he has approved their supplemental agreement to SECON for \$84,750.

Mr. Watt and Ms. Wahto answered questions from Assemblymembers regarding the immediate area they are targeting which is the cause for the health and safety concerns.

Mayor Weldon asked if there was any action needed by the Assembly. Mr. Watt explained that no Assembly action was needed but that he just has a duty to report to them his approval of the supplemental agreement.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon wished all the mothers out there a Happy Belated Mother's Day. She extended her congratulations to the UAS Class of 2019. She attended a dinner to honor their meritorious service and honorary doctorate awards. She also attended a neighborhood meeting for Glacier View Trailer Park that was quite interesting. She attended a meeting with the stakeholders for Centennial

Hall and appreciated the comments and ideas about how best to move forward with anything they wish to renovate at Centennial Hall. She went to a tourism capacity meeting at Elizabeth Peratrovich Hall. She was able to attend the Rotary Pillars of America for Kikkan Randall who is an Olympic winner and cancer survivor. She also attended the Junior Olympics in Swimming in Anchorage and she gave a shout out to Spencer Holt who broke two state records during the meet. She attended a "Look Local First" event at the Juneau Radio Center and she thanked Richard and Sharon Burns for donating \$150,000 in advertising to the Look Local First campaign.

Mayor Weldon said that today Manager Watt and Homelessness Coordinator Irene Gallion attended a Thunder Mountain High School (TMHS) AP Statistics Class and looked at how they compiled their numbers for homelessness and Housing First.

Mayor Weldon said she spoke at the Blessing of the Fleet and the Reading of the Names.

Upcoming Events to put on their calendars include:

Southeast Regionals for Track at the TMHS track will be taking place over the coming weekend with both Juneau High School as well as all the other Southeast community teams.

May 14 they will welcome the Norwegian Cruise liner the "Joy"

May 14 at 2 p.m. is the certification ceremony for the Home Build ICC certification.

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

Mr. Bryson said that he witnessed Officer Quinto playing cards in the Glory Hall and Mr. Bryson said he was very impressed to see Ofc. Quinto interacting with members of the community in a meaningful way and part of their world. He said he didn't know if there was a method by which they recognize CBJ staff when they observe such positive community involvement but he wished to commend Ofc. Quinto.

Mr. Bryson reported that also on April 23, the Planning Commission met and discussed the Vertical Bridge lease. They also received a very good presentation by Assemblymember Jones about removing the Planning Commission from lease review for efficiency purposes. On April 29, he attended his day job conference and he got to see a presentation by the state economist Neil Fried. He said that Juneau is now the fifth largest city in Alaska. When he moved up here, Juneau was the third largest city. Alaska no longer has a wage premium. Alaskan workers no longer get paid more than they get paid down south. He said Alaska just experienced the first quarter of growth after the longest recession in the state's history.

Mr. Bryson said that on May 4, he attended the UAS Nurse Pinning Ceremony where the 12 ladies who completed their nursing program received their pins. On May 6, he met with Connie Hulbert of AEL&P and discussed the Juneau Hydro project. On May 7, he also attended the Look Local First event put on by the Radio Center. This marked its 10th anniversary. The first year of Look Local First, then-City Manager Rod Swope credited the campaign with assisting in the balancing of the CBJ budget as they had been expecting a shortfall. Mr. Bryson also attended the Parks and Recreation Advisory Committee meeting that same night. The Aquatics Board transitions to nine members on July 1. He said that BRH does not receive its blood from the Blood Bank of Alaska but rather from Washington. He said when that contract in Washington ends in two years, Blood Bank of Alaska would really like to try for the contract to provide blood to BRH. Mr. Bryson finished his report commending Dave McCasland for his work on putting together the food court on Franklin Street and having it ready in time for the tourists.

Ms. Hale also congratulated Mr. McCasland on his work and he extended his thanks to the Assembly for leasing the property to him. Ms. Hale reported that the Public Works and Facilities Committee (PWFC) continues to hold special meetings about the new JACC and they have digressed into doing a needs assessment for Centennial Hall. MRV Architects is doing that. The reason for doing that digression, is because it became obvious while they were looking at the new JACC project, that the JACC project had been saddled with trying to deal with Centennial Hall needs but nobody had done scoping of those needs.

There is a follow-up meeting on May 30 that MRV Architects is going to do. They will then be briefed on the status of those projects at the regular PWFC meetings. June 25 will have a special PWFC meeting to sum up all that has been learned. She is expecting that will be forwarded to the Assembly COW on July 1.

Ms. Hale reported that the Juneau Commission on Sustainability (JCOS) continues to work very hard and keeps her busy. The Hospital Board met on April 23. She has also been talking with a citizen who lives near a problem house and she said they are supposed to be seeing some legislation coming forward soon that will help address those types of issues. Ms. Hale said that as the cruise ships are coming in, she has taken an interest in seeing which ships' emissions are "smoking" and which ones are not smoking.

Ms. Hughes-Skandijs said that she attended the Downtown Business Association (DBA) meeting. The City Manager attended that meeting and had a presentation on a new City Hall which was also attended by Mr. Rogers. She said that DBA is working on their funding priorities and their priorities in general as they prepare for their annual meeting. Ms. Hughes-Skandijs said there has not been a Juneau Commission on Aging meeting since the last Assembly meeting. She attended the Blessing of the Fleet and helped later that day at the Maritime Festival which was a lot of fun with a good turn out. She attended the open house on the new ferry, Tazlina. Last weekend, she had the opportunity to attend the "Becoming an Outdoor Women" event that is put on by Fish and Game and it was quite fun and she encouraged others to attend if/when they could.

Ms. Triem reported that she has not attended a Travel Juneau meeting since the last Assembly meeting but she did hear about their meeting about Centennial Hall. She reported that she attended an Aquatics Board meeting on April 23 and they are working on their annual report. On April 28, she greeted the first large cruise ship and said "Welcome to Juneau" at least 300 times. She was on "Action Line" on May 3 and then on May 7, Mr. Jones and Ms. Triem were guests on "A Juneau Afternoon" as part of Public Service Appreciation Week. She said she also attended the Tazlina open house and was really struck by how clean and shiny the paint was. She said she was very moved by the Mayor's speech at the Blessing of the Fleet. She then helped Ms. Hughes-Skandijs serve fish at the Maritime Festival. On May 7, she attended a day long workshop on "Drought in Southeast" put on by USDA. It was fascinating to be in a room full of scientists and hear about drought in Southeast Alaska.

Mr. Edwardson reported that the Assembly Human Resources Committee (HRC) met just prior to this meeting and he forwarded the following recommendations for board appointments:

To reappoint Brad Waldron to the Bidding Review Report for a term beginning June 1, 2019 and expiring May 31, 2022.

To appoint David Bartlett to the Treadwell Arena Advisory Board (TAAB) for a term beginning June 1, 2019 and expiring May 31, 2022.

Hearing no objections, those appointments were made as recommended.

Mr. Edwardson said that during that same HRC meeting, they received an annual report from the TAAB and it was a well done and concise report. He suggested the Assembly may wish to review the report. He noted that one question came up from the manager that he didn't have an answer to and he thought he might be able to ask at this meeting to see if an answer might be available. He said that the charge that created the TAAB established a 50% cost recovery goal. They had a 68% cost recovery this past year and they would like to raise the goal. He asked if the Assembly establishes the cost recovery goal or if the board establishes the goal itself.

Mayor Weldon asked Mr. Palmer if that might be something he could answer. Mr. Palmer said he doesn't have an answer available at this time but that he would get back to the Assembly on that question. Mr. Watt said he would also work on that and provide the answers to both the Assembly and Treadwell Manager.

Mr. Edwardson said that he has suggested dates for setting the full Assembly meeting as the HRC to interview and make appointments to the empowered boards. The recommended dates for interviewing Airport Board and Eaglecrest Board applicants would be June 6, 7, 8, 9, or 10 or June 13 or 26. His recommendation would be for June 13. He said there is also the possibility of June 17-21 but that is difficult for at least for one member. Mr. Edwardson said that Docks and Harbors would have its own night for interviews and he would suggest one of the following dates in July: 16, 17, 18 and 24 and his recommendation would be July 18. Times for these meetings would begin at 5:30 p.m. He said an email will go out to all the members with the finalized dates and times.

Mr. Edwardson then gave his liaison reports and said that the Airport Board has not met since the last Assembly meeting. The Eaglecrest Board met on April 25 and they have some interesting stuff going on in their reports but they aren't really ready for discussion with the Assembly at this time. The Local Emergency Planning Committee met on May 8 and their agenda included the Blood Bank of Alaska.

Mr. Edwardson said the Mayor allowed him to speak at the Maritime Festival and he spoke on Maritime Commerce in Juneau and nobody listened, not even his fellow Assemblymembers. Mayor Weldon thanked him for speaking and said she was sure it was a great speech.

Mr. Jones reported that the Assembly Finance Committee (AFC) has been meeting regularly and the next meeting is scheduled for Wednesday, May 15 at which they will discuss the Pending List and also look at the mill rate. He said they were given the AFC packet earlier and he asked all the members to bring their books with them to the meeting since it has all the back-up material for the Pending List.

Mr. Jones said that the School Board had not yet met but would be meeting on Tuesday, May 14 at 4:30 p.m. and then at 6:00 p.m. Mr. Jones reported that the Alaska Municipal League board was in Juneau on May 8 & 9 and they had lots of discussions about their activities as well as many people going to and from the legislature trying to best determine what the legislature might or might not be doing. The biggest issue for most was school debt reimbursement. There were some issues related to the crime bill. Those who visited with legislators did not come back with any clearer understanding of what to expect might happen.

Mr. Jones said he attended the Pederson Hill public meeting on Thursday, May 9. Other than the developers who were present, he said he could identify two other people as citizens. He said the Juneau Empire reporter was there to live blog it and then wrote an article. To say that it was not well received by the developers would be an understatement. Mr. Jones said that it will be interesting to see what comes up because under most of the questions about how are they going to sell lots, do this or that, Mr. Chaney said the ordinances allow us to do X or Y but that the Assembly can make changes to any of those and do what they want to do. To which the response was "What kind of fair play is that if the major developer makes me play by the rule book but can throw the rule book out if they want to?" He said it should be an interesting time when the Assembly sees the Pederson Hill come before them again.

Mr. Jones said that he attended the Centennial Hall improvement meeting. He said he didn't stay long and he didn't feel they did a very good job explaining why they were there and what their task was. He said he found out more in talking with the City Manager. He will be interested to see what comes before the PWFC.

Mr. Jones said that regarding the question on cost recovery, they had a lot of discussion over the seven years he has served on the Assembly about cost recovery as it pertained to the Aquatics Facilities, Treadwell Arena, and Eaglecrest. Each of those organizations computes their cost recovery differently. Each has a different formula by which they think they can recover costs. This Assembly has never come to an agreement on what gets included under costs vs. what expenses to come up with the cost recovery. He

said that is especially true when you have a full enterprise board like Eaglecrest where you can count all of their dollars and staff which is quite different from how they did the Aquatics Board. He said he doesn't know that the Assembly has ever formally said to an enterprise fund or a recreation facility that you will recover X amount mainly due to the difficulty in figuring out how they were doing the accounting.

Mr. Jones said that at this meeting, they had an ordinance before them relating to Gastineau School getting money back to paying the bond indebtedness and he asked what the resolution of the contractor dispute was on that project. He said that when Gastineau School was completed, there was a pretty significant dispute between CBJ and the contractor.

Mr. Watt said that was correct and the dispute was resolved a long time ago. Mr. Jones thanked him and said he had never heard so he wanted to ask.

Mr. Jones said that at the Pederson Hill meeting, there was a lot of pre-discussion and the topic of Mr. Bicknell's project by the airport came up and whether he ever got cleared with the airport. His statement was that the airport was no help. He said they found an abandoned right of way and they have a different access but Mr. Jones couldn't understand exactly where they were referring to. Mr. Jones asked if that matter has been resolved as far as the airport and the Manager is concerned in terms of DOT and whether he can develop this land and have access.

Mr. Watt said that he had heard that indirectly and that people stopped calling him and asking for his help in resolving the situation so it appears to have self-resolved. Mr. Jones said he would like to know what that resolution was since there is a lot of pipe by Mapleston Way and a lot of activity going on. Mr. Watt said they will put that information on a Lands Committee meeting agenda when Lands staff can pull that information together.

Mr. Jones said that in addition to all the activities happening on May 14, there is also Coffee with a Cop at the Douglas Cafe at 2:00 p.m.

Ms. Becker reported that Docks and Harbors had a hearing for Amalga Harbor residents and it was pretty much unanimous that they were against the fish cleaning dock. However, Docks and Harbors has not given up and are continuing to look at ways that they might allow something to happen out there. UAS Campus Council met earlier in the day and there was a letter written supporting UAF research and not to have that go away no matter what happens with the university system.

Ms. Becker reported that the Joint Assembly/School Board Facilities report will be finalized and discussed and hopefully approved on Friday, May 17 at their next meeting. The Chamber of Commerce meets every Thursday and they are back at the Moose Club. Recently they received information on pot growing, the Marine Exchange Building including an after hours event there, and Travel Juneau.

Ms. Becker reported that she attended the Blessing of the Fleet, a tour of the projected senior housing site, and The Empty Bowls event. She reported that she attended the Alaska Committee meeting and most of the discussion at that meeting focused on the petition going around that is trying to move the legislature out of Juneau. She said they will need to have a lot more support for Gavel Alaska, especially if there is a Special Legislative session later on this summer. Ms. Becker said she enjoyed going to opening of the fisheries spot across from DIPAC.

Ms. Becker said she was saddened upon the passing of long time Juneau community members Charlotte Richards, Jack Cadigan, and Selena Everson who have all given so much to our community over the years.

Ms. Gladziszewski reported that the Assembly COW met on April 29 and talked about the business case

for the new City Hall, the senior housing land purchase, a little bit about senior housing tax abatement, and they heard an update on the sleep off program. They took the Child Care Committee's report but they did not discuss it at all. The next COW meeting will have the Child Care Committee's report as a discussion topic as well as the senior housing tax abatement, Valley Transit Center, and the PRAC Master Plan. There will be a small addendum to the version of the plan that the Assembly currently has. The chronic nuisance property ordinance will also be on the next COW which is on Monday, May 20.

Ms. Gladziszewski said she attended many of the activities the others attended. She extended her congratulations to Kathy Ruddy, Sally Smith, Cheryl Samuel, and Allison Brown for getting Meritorious Service Awards at UAS. She said they are all stellar citizens who have done a lot for this community and the university. She said that Richard Carstensen was given an Honorary Doctorate and is someone who has done a tremendous amount for education and natural history here in Juneau. She said it was fun to go to the dinner and the commencement ceremonies to hear and see them honored.

Ms. Gladziszewski reported that she attended the TBMP and JEDC tourism discussion about tourism capacity. She was honored to attend the Alaska Committee on behalf of the Mayor at 7:00 a.m. She attended the ferry rally to advocate for ferries which are vital to our Southeast communities. She attended the Maritime Festival and ate some of the fish cooked by other Assemblymembers. She entered the sail boat race and they crossed the finish line first.

Ms. Gladziszewski said that her day job involves the "Becoming an Outdoor Woman" program and she thanked Ms. Hughes-Skandijs for the shout out. It is a great event and if any women in the community have not heard about it, it is offered every spring at Echo Ranch Bible Camp.

Ms. Gladziszewski said she greeted the tour ship and recounted a story of the surprise and delight that some of the passengers had in being welcomed to Juneau on behalf of the Mayor.

C. Presiding Officer Reports

1. Summary of Administrative Appeals

2019 Juneau I VOA v. Assessor <i>Appeal of tax exemption</i>	PO Gladziszewski	Prehearing conference held 4/25/19. Appeal hearing set for 9/12/19 with Assembly.
Harris Homes, LLC v. CDD <i>Appeal of PC Decision</i>	HO Brandt-Erichsen	HH's Opening Brief due 6/10/19. CDD Opposition Brief due 7/10/19. No hearing requested.
Mountainside Estates v. PC <i>Appeal of PC decision</i>	PO Gladziszewski	Prehearing conference held 4/23/19. Appeal hearing set for 9/9/19 with Assembly.

Ms. Gladziszewski provided the Presiding Officers (P.O.) report and asked Assemblymembers to reserve September 9 and 12 for two appeal hearings.

The Mountainside Estates Appeal Hearing will be scheduled for Monday, September 9.

The Volunteers of America (VOA) vs. Assessors Appeal Hearing will be scheduled for Thursday, September 12.

Ms. Gladziszewski noted that she held pre-hearing conferences for both those appeals during which the appeal schedules were set.

Mr. Jones said that with respect to the Harris Homes, LLC appeal, it states that there is no hearing requested and he asked if that means that nothing is to be coming to the Assembly before they receive the

Hearing Officer's report. Mr. Palmer confirmed that was correct.

Mr. Jones said the Assembly will receive the Hearing Officer's report and it will be up to the Assembly to decide whether or not to accept it or not. Mr. Palmer said that is correct as that is the process before the Hearing Officer. Mr. Jones asked what the timing on that might be. Mr. Palmer said that in looking at the dates, the final briefing would be done sometime in late July and at that point the Hearing Officer has, by code, 45 days to submit the final decision to the parties. The parties would then have an opportunity to object to it. The Assembly would be looking at receiving something in late August or early September.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Ms. Cosgrove responded to Mr. Covington's testimony provided at the beginning of the meeting relating to the signs up that are incorrect. She said that determination was made at the end of the last season just as CBJ's park rangers were getting ready to go onto their other employment. They have not had a chance to remove the signs yet. She said staff will follow up with Mr. Covington and confirm that he is correct and let him know that the signs will be removed.

Ms. Hale provided additional information about the MRV presentation relating to Centennial Hall.

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 9:24 p.m.

Signed: _____

Elizabeth J. McEwen
Municipal Clerk

Signed: _____

Beth A. Weldon
Mayor

**SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes - July 17, 2019

DRAFT

I. CALL TO ORDER / ROLL CALL

Meeting No. 2019-26: The Special Meeting of the City and Borough of Juneau Assembly, held in Conference Room 224 of the Municipal Building, called to order at 7:36 p.m. by Mayor Beth Weldon.

Assemblymembers Present: Mayor Beth Weldon, Maria Gladziszewski, Mary Becker, Loren Jones, Rob Edwardson, Michelle Hale, Carole Triem, Wade Bryson and Alicia Hughes-Skandijs

Members Absent: None

Staff Present: Deputy Clerk Diane Cathcart

II. APPROVAL OF AGENDA

Agenda 2019-26 approved as presented.

III. APPROVAL OF MINUTES

- A. 2019-06-19 Special Assembly Meeting Eaglecrest Board Appointments Minutes-DRAFT

Minutes of the 2019-06-19 Special Assembly meeting No. 2019-24 were approved as presented.

IV. AGENDA TOPICS

- A. Docks and Harbors Board Appointments

MOTION: by Mr. Edwardson for the Assembly to reappoint to the Docks and Harbors Board, Robert (Bob) Wostmann to a full term beginning immediately and ending June 30, 2022 and to appoint Annette Smith and Steven Guignon to full terms beginning immediately and ending June 30, 2022. *Hearing no objections, motion carries.*

- B. Aquatics Board Appointments

MOTION: by Mr. Jones for the Assembly to make the following appointments to the Aquatics Board all with terms beginning immediately and staggered ending terms:
Tom Rutecki and Will Muldoon to terms ending June 30, 2020
Donald Beard, Lena Merrell and Pat Watt to terms ending June 30, 2021

Tracy Morrison, Molly McCormick and Corry Isabell to terms ending June 30, 2022
Kristin Bartlett as the Juneau School District Representative

Hearing no objections, motion carries.

- C. Resolution 2861 A Resolution Urging the Alaska Legislature to Restore Funding for the State Operating Budget to Help Ensure Long Term Fiscal and Economic Stability for the Citizens of the State of Alaska. [DISCUSSION ONLY]

Mayor Weldon noted that Resolution 2861 was on the agenda for discussion only. She stated staff had taken the last resolution that was sent to the State and reworded it to make it pertinent to the issues at hand. They also added specific impacts that were facing Juneau with the proposed cuts. Any changes brought forth tonight would be given to Deputy City Manager Mila Cosgrove to update. Resolution 2861 will be placed on the Monday, July 22, 2019 Regular Assembly meeting consent agenda.

After review by members there were a few requests for changes. Mr. Edwardson requested that somewhere in the resolution it be noted that Juneau is the Capital. Mr. Bryson asked about adding verbiage about CBJ's additional funding support to the University. Ms. Hale asked to have the word 'Governor' be added to the resolution since in Section 1 of the resolution the Legislature and Governor are mentioned.

Mayor Weldon will give these changes to Ms. Cosgrove.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None

VI. ADJOURNMENT

There being no further business to come before the Assembly, meeting adjourned at 7:46 p.m.

DRAFT

Signed: _____ Signed: _____
Elizabeth J. McEwen, Municipal Clerk Beth Weldon, Mayor

DRAFT**THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes - July 22, 2019

MEETING NO. 2019-27: The Regular Meeting of the City and Borough of Juneau Assembly held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Beth Weldon.

I. FLAG SALUTE**II. ROLL CALL**

Assembly Members Present: Mayor Beth Weldon, Maria Gladziszewski, Mary Becker, Rob Edwardson, Wade Bryson, Carole Triem, Michele Hale and Alicia Hughes-Skandijs

Assembly Absent: Loren Jones

Staff Present: City Manager Rorie Watt, City Attorney Robert Palmer, Deputy City Manager Mila Cosgrove, Municipal Clerk Beth McEwen, Finance Director Bob Bartholomew, Incoming Finance Director Jeff Rogers, Port Director Carl Uchytel, Port Engineer Gary Gillette, Deputy Clerk Di Cathcart, Airport Manager Patty Wahto, CDD Director Jill Maclean, Parks and Recreation Director George Schaaf, HRRM Manager Dallas Hargrave, BRH Administrator Chuck Bill, Library Director Robert Barr

III. SPECIAL ORDER OF BUSINESS**A. Special Recognition: Cathy Turner**

Library Director Robert Barr recognized retiring CBJ employee Cathy Turner and highlighted many of her accomplishments over her 23 years of service to CBJ. Ms. Turner has been the ultimate example of outstanding customer service and CBJ will miss having her on staff.

B. Special Recognition: Gary Gillette

Port Director Carl Uchytel recognized Port Engineer Gary Gillette on his 29 years of service to CBJ. Mr. Gillette worked in the Engineering Department and then moved to the Docks & Harbors Department. He has served for decades on the Historic Resources Advisory Committee and he and his wife Renee Hughes are the caretakers of the Last Chance Mining Museum and Sentinel Lighthouse. Mr. Gillette has been a key member of the Gastineau Historical Society. Mr. Gillette has been instrumental in millions of dollars worth of projects completed on behalf of CBJ and Docks and Harbors and one of the projects closest to his heart was the Aquilean sculptures on the downtown docks.

C. Special Recognition: Bob Bartholomew

Mayor Weldon read a proclamation honoring Bob Bartholomew upon his retirement from CBJ. Manager Watt presented Mr. Bartholomew with gifts including a municipal financial decision making tool (a customized Rubiks cube) and a baseball signed by his CBJ team mates.

Mr. Bartholomew said that years ago he chose to live in Juneau because we had a volunteer fire department and after a number of other positions in government, he learned that it was a lot better to work for local government. He congratulated previous and current Assemblies on their willingness to make the hard decisions and keep their eye on the ball and the big picture even during tough litigation.

IV. APPROVAL OF MINUTES

MOTION by Ms. Becker to approve the minutes as presented. Ms. Hale asked that one important correction be made on page 18 to include the words "bottom line" such that the first sentence under the Operating Budget for FY20 read:

"Mr. Stevens said the Operating Budget **bottom line** is at \$3.7 million...."

Hearing no objection, the minutes of the March 19, 21, 22 and April 1, 2019 meetings were approved as corrected.

- A. March 19, 2019 Draft Special Assembly Meeting #2019-15
- B. March 21, 2019 Draft Special Assembly Meeting #2019-16
- C. March 22, 2019 Draft Special Assembly Meeting #2019-17
- D. April 1, 2019 Draft Regular Assembly Meeting #2019-18

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Ms. Karla Hart spoke to the issue of financial leakage from Juneau. She gave information about the leakage of money in the tourism industry that is leaving Juneau. She used the helicopter tourism industry as an example. In Juneau, there are three helicopter tour companies: Temsco, Coastal, and North Star Trekking. While each was once an independent company, all three are now under the same ownership with the same officers sitting on the boards of all three companies. The owner is THI Inc. of Ketchikan which is owned by Survey Point Holding of Ketchikan. She then explained that Survey Point Holdings is owned 25% by the Berto Family Trust and 25% by James Taro (both in Ketchikan) and 50% by Carrix, Inc. which is based in Seattle and is the largest U.S. owned and largest privately held container terminal operator and cargo handling company in the world. They own 50% of the helicopter tour companies in Juneau. That makes 100% of the ownership and control of the helicopter tourism based outside of Juneau and 50% outside of Alaska. That means that 100% of the corporate profits leave Juneau. She then provided a cost analysis of how much money leaves Juneau through this business as well as the cruise tourism industry as a whole. In brief, she said that the three companies pay a combined \$146,000 in local property taxes which comes out to approximately \$5 per capita of Juneau residents. Congress and the Alaska State Legislature have exempted them from local taxation for their flights so we don't receive any sales tax from the flight portion. She said that only the value of the bus transportation and the

time on the glacier is subject to city sales tax. Ms. Hart said she would be back later in the summer to share information about most of the downtown businesses and how much financial leakage Juneau experiences vs. the impacts that tourism has on our community.

Mr. Kirby Day spoke on behalf of Tourism Best Management Practices (TBMP). He said that one of the projects they have been talking about in guiding pedestrians to crosswalks, especially between the Red Dog Saloon and the Tram areas, will soon become a reality. Thanks to CBJ and DOT, the stanchion program is starting on the uphill side of Franklin starting at Manila Square. When they are finished this week sometime, it will go as far as the Archipelago cross walk. They hope it will be a big help in that narrow area to keep people on the sidewalks and guide them to the crosswalks. TBMP is staffing the crosswalk at the Archipelago lot. If it works well, they will eventually look at implementing it as far down as Trove and People's Wharf. He thanked CBJ Engineering Department and the Manager's Office and DOT for coming together to make this happen. Otherwise, they continue to look for feedback from the public on general operations. They have seen approximately an 11% increase in tourism over the first two months. The rest of the 16% increase they have been predicting will likely come in July and towards the end of the season since the season has been extended a little bit. He said they also welcome feedback from the Assembly, staff, and the public. The Tourism Hotline is in use and has been used effectively to resolve a number of issues already.

VII. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

Ms. Gladziszewski requested that items C. and D. the two general obligation bond ordinances (Ordinances 2019-35(b) and Ordinance 2019-35(a)), it says to be heard at the next Assembly meeting, she is requesting they go to the COW just to get all those items before the COW at the same time in case people want to talk about them. She said that perhaps they can send back only one of those two.

Ms. Hale said she did not have any objection, but if they are talking about all of them, did they also want to refer item B. (Ordinance 2019-36 re: Hotel-Motel Tax) to go to the COW or did they want to let it just stand going to the next Assembly meeting.

Ms. Gladziszewski said she didn't think there was a reason to talk about it again. Ms. Hale said she was fine with that.

Mayor Weldon asked if there were any other comments. Seeing and hearing none, she asked that those Consent Agenda changes be made.

C. Assembly Action

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

1. Ordinances for Introduction

- a. Ordinance 2019-31 An Ordinance Increasing the Rates for Water and Wastewater Utility Services.

The last utility rate increase approved by the Assembly became effective on July 1, 2018. In March 2019, the Utility Advisory Board recommended that Water and Wastewater Utility rates increase by 4% in each of the next five years. In April 2019, The City Manager recommended an alternative: that Water and Wastewater Utility rates increase by 2% in each of the next five years. The increased revenue from these new rates will be used for anticipated operating cost growth and allow increased investment in needed capital improvements.

This ordinance provides a balance between these two recommendations with a 4% rate increase for both Water and Wastewater Utilities beginning in January 2020 and 2% rate increases for the 2021-2024 period effective each July 1. The first rate increase will be 18 months after the last increase in 2018 and the second rate increase will again be 18 months from the January 2020 rate increase. These rate increases provide for prudent investment in water and wastewater systems while acknowledging a desire to mitigate the impacts to the rising cost of living in Juneau.

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

- b. Ordinance 2019-36 An Ordinance Temporarily Increasing the Hotel-Motel Room Tax by Two Percent, from Seven Percent to Nine Percent, for a Fifteen Year Period, and Providing for a Ballot Question Ratifying the Increase.

This ordinance would place the question of temporarily increasing the hotel-motel room rental tax from seven to nine percent on the ballot at the next regular municipal election. In accordance with the Assembly Committee of the Whole direction at its meeting on July 15, 2019, the increase would be for fifteen years from January 1, 2020, until December 31, 2035. The hotel-motel room rental tax would automatically return to seven percent on January 1, 2036.

The hotel-motel room rental tax was last increased in 1988. The increased rate authorized by this ordinance would initially generate an estimated \$440,000 per year in additional revenue. It is the intent of the Assembly to use this increase in the hotel-motel room rental tax to provide funding for the construction of capital improvements for Centennial Hall. Proceeds could also be used to help pay for general obligation debt service relating to Centennial Hall. If this ordinance is adopted by the Assembly, it would also need to be approved by the voters in the October election.

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

- c. Ordinance 2019-35(b) An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed Ten Million Dollars to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 1, 2019.

This ordinance authorizes the issuance of not to exceed \$10 million of general obligation bonds. The purpose of the bonds is to fund renovations to Centennial Hall. Initial project scope is provided in section 6 of the ordinance. The funding sources to repay the bonds are:

- 2% increase in the hotel tax (if approved by the voters) paying 45% of the debt service payments.
- 0.1 mills (1% total increase in tax) increase in the property tax mill rate paying 55% of the debt service payments.

The ordinance provides for the issuance of 15 year bonds. If this ordinance is approved the question of whether to sell the bonds would be placed before the voters on October 1, 2019. The need for the bond/debt financing was discussed and approved at the July 15 Assembly Committee of the Whole meeting, and staff was directed to prepare an ordinance for final consideration.

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

- d. Ordinance 2019-35(a) An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed Seven Million Dollars to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 1, 2019.

This ordinance authorizes the issuance of not to exceed \$7 million of general obligation bonds. The purpose of the bonds is to fund renovations to Centennial Hall. Initial project scope is provided in section 6 of the ordinance. The funding sources to repay the bonds are:

- 2% increase in the hotel tax (if approved by the voters) paying 65% of the debt service payments.
- .04 mills (0.4% total increase in tax) increase in the property tax mill rate paying 35% of the debt service payments.

The ordinance provides for the issuance of 15 year bonds. If this ordinance is approved the question of whether to sell the bonds would be placed before the voters on October 1, 2019. The need for bond/debt financing was discussed and approved at the July 15 Assembly Committee of the Whole meeting, and staff was directed to prepare an ordinance for final consideration.

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

- e. Ordinance 2019-34 An Ordinance Calling for an Advisory Ballot Proposition on Grant Funding for the New Juneau Arts and Culture Center.

The existing City-owned arts and culture facility needs replacement. The City and Borough has been asked to provide a \$7.5 million grant for the New JACC to help attract substantial additional private funds. At the Committee of the Whole meeting on July 15, the Committee directed that an ordinance be presented asking the voters whether the CBJ should provide a grant for the New JACC.

If a grant is made in the current fiscal year for \$7.5 million, \$1 million would be appropriated from FY20 sales tax revenue, \$3.5 million would be appropriated from the sales tax fund balance and \$3 million would be appropriated from the general fund balance. The Assembly discussed that it intends to replenish the draw on fund balances by reallocating an additional \$2 million of unallocated 1% sales tax over the next three years and reallocating the \$4.5 million of 1% sales tax funds over the next three years that was originally programmed for Centennial Hall improvements, which the voters approved in 2017.

The Assembly also discussed that it intends to replenish the 1% sales tax funds originally programmed for the Centennial Hall improvements by issuing general obligation bonds. The general obligation bonds are intended to be paid back by raising the hotel-motel room rental tax by two percent and increasing the property tax by 0.1 mills (~1% overall rate increase).

If the voters support the City and Borough providing a grant for the New JACC, the Assembly intends to impose the following grant conditions in an appropriation:

- (1) that to provide grant funds, the voters would need to approve the general obligation bond proposition for Centennial Hall at this election;
- (2) that the grant funds not be released until the New JACC project is funded at 90 percent, which must occur prior to October 1, 2023;
- (3) the Manager shall negotiate a contract to encumber the grant funding; and
- (4) the Assembly may direct the Manager to add other conditions that are in the public interest.

The Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole scheduled for July 29, 2019.

- f. Ordinance 2019-06(B)(v.1) An Ordinance Appropriating to the Manager the Sum of \$7,500,000 in Grant Funding for the Juneau Arts and Culture Center; Funding Provided by the FY20 Sales Tax Revenues, Sales Tax Fund Balance, and General Fund Balance.

This ordinance would appropriate \$7,500,000 in grant funding for the JACC. Funding sources are:

FY20 Sales Tax Revenue	\$1,000,000
------------------------	-------------

~~Sales Tax Fund's Fund Balance \$3,500,000~~
General Fund's Fund Balance \$3,000,000

At its June 15, 2019, meeting, the Assembly Committee of the Whole (COW) approved providing funding for the JACC grant. Direction from the COW 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 balances and then reimburse the funds as revenues come in.

The City Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole scheduled for July 29, 2019.

- g. Ordinance 2019-06(B)(v.2) 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. Funding sources are:

FY20 Sales Tax Revenue:	\$1,000,000
Sales Tax Fund's Fund Balance:	\$3,500,000

At their June 15, 2019, meeting, the Assembly Committee of the Whole (COW) approved providing funding for the JACC grant. Direction from the COW was to use funds from the 2017 voter approved 1% sales tax. Since the sales tax funds will be received during the next 4 years it is necessary to initially use fund balance and then reimburse the fund as revenues come in.

The Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole scheduled for July 29, 2019.

2. Resolutions

- a. Resolution 2854 A Resolution Changing the Methodology for Calculation of Stipend for Emergency Service Volunteers, and Repealing Resolution 2554.

The volunteer firefighter stipend program has been updated to more effectively meet the needs of the organization and to comply with federal and state labor laws. The proposed update was created with input from a committee of volunteers, volunteer mentors and officers. The updates are supported by the Gastineau Chapter of Alaska State Fire Fighters.

Under the proposed revisions, stipends are distributed in three parts. There is a stable fixed stipend that all volunteers in good standing receive based on their current certification level. Additional stipend amounts can be earned through responding to an emergency call. The third element of the revised program provides a predictable quarterly reimbursement to volunteers for general expenses such as vehicle maintenance and/or day care. This program also fixes inequities that are created when a volunteer rides on a 24 hour shift.

It is anticipated that the revised volunteer stipend system will cost approximately \$60,000 less in FY20. The additional \$60,000 will be used to

help pay for volunteers and volunteer officers to attend additional training and relevant conferences and used for volunteer recognition and retention programs. Currently these costs are paid for through volunteer fundraising efforts. Volunteer time is a very valuable commodity; it is a benefit to the community to utilize their time in training and responding to emergencies instead of fundraising for items not normally covered in a department budget.

The Human Resources Committee at its meeting on June 24, 2019, moved to forward Resolution 2854 to the Assembly for approval.

The City Manager recommends the Assembly adopt this resolution.

- b. Resolution 2858 A Resolution Ratifying the Labor Agreement between the City and Borough of Juneau and the Public Safety Employees Association, AFSCME Local 83, AFL-CIO.

This resolution would provide Assembly ratification, as required by CBJ 44.10.020, of the terms of the tentative agreement negotiated between the City and Borough of Juneau and the Public Safety Employees Association (PSEA) for a collective bargaining agreement that will go in effect on July 1, 2019, and expire on June 30, 2022.

The tentative agreement includes economic modifications to the pay plan and to the employer's contribution for health insurance. The total costs of this tentative agreement are estimated to be \$571,000 in Fiscal Year 2020, \$652,000 in Fiscal Year 2021, and \$735,000 in Fiscal Year 2022.

In addition, there are minor operational changes that will increase administrative efficiencies and facilitate a more harmonious and cooperative workplace. An overview of the agreement is included in your packet.

This tentative agreement has been ratified by the PSEA membership and the economic terms are in keeping with Assembly direction.

The City Manager recommends the Assembly adopt this resolution.

- c. Resolution 2859 A Resolution Ratifying the Labor Agreement between the City and Borough and the Marine Engineers Beneficial Association.

This resolution would provide Assembly ratification, as required by CBJ 44.10.020, of the terms of the tentative agreement negotiated between the City and Borough of Juneau and the Marine Engineers Beneficial Association (MEBA) for a collective bargaining agreement that will go in effect on July 1, 2019, and expire on June 30, 2022.

The tentative agreement includes economic modifications of annual wage increases of 2%, 1%, and 1% during the three years of the contract, a \$500 per employee lump sum payment, and increases to the employer contribution to health insurance of approximately 5% each year for the three years of the contract. In addition, there are minor housekeeping language changes to the

collective bargaining agreement.

This tentative agreement has been put out for ratification vote by the MEBA membership, but the voting period is not yet complete. Assembly ratification of this tentative agreement is conditioned on MEBA ratification of the tentative agreement.

The economic terms are in keeping with Assembly direction.

The City Manager recommends the Assembly adopt this resolution.

- d. Resolution 2860 A Resolution Amending the Personnel Rules and Approving Economic Terms between the City and Borough and the City and Borough of Juneau Non-represented Employees.

This resolution would provide Assembly approval for certain economic terms of employment in fiscal year 2020 to fiscal year 2022 for non-represented employees and approve the corresponding changes to the Personnel Rules. Specifically, this resolution approves annual wage increases of 2%, 1%, and 1% over the next three fiscal years, up to 5% increases to the employer contribution to health insurance for the next three fiscal years, and a \$500 lump sum payment to full time employees employed on July 1, 2019 that is prorated for part time and seasonal employees.

This resolution is in accordance with previous Assembly direction.

The City Manager recommends the Assembly adopt this resolution.

- e. Resolution 2861 A Resolution Urging the Alaska Legislature and Governor to Restore Funding for the State Operating Budget to Help Ensure Long Term Fiscal and Economic Stability for the Citizens of the State of Alaska.

The Assembly has requested a strongly worded and diplomatic resolution that expresses its dismay at the Governor's vetoes of the state operating budget and encouraging the Legislature and Governor to work together to restore funding to critical state programs and services and to help ensure the long term fiscal and economic stability of the state.

The City Manager recommends the Assembly adopt this resolution.

3. Bid Award

- a. DH18-013 Statter Harbor Improvements Phase III(A)

The project generally consists of demolishing the old launch ramp and travel lift pier. After demolition, the inner harbor will be dredged and a rock obstruction will be drilled and blasted through a rock pad built by the contractor. Preliminary dirt work and soft ground settlement for a new MSE wall will take place as well as the installation of a storm drain system.

Bids were opened on this project on July 17, 2019. The bidders and their total

bids are as follows:

Bidders	Total Bid
Pacific Pile & Marine, LP	\$4,061,000
Western Marine Construction, Inc.	\$4,216,200
Kiewit Infrastructure West Co.	\$5,770,600
<i>Engineer's Estimate</i>	\$2,957,900

At a special board meeting on July 17, 2019, the Docks and Harbors Board unanimously approved award of this bid to Pacific Pile & Marine, LP. 75% of project funds will come from the cruise passenger vessel excise tax and 25% will come from harbor funds that are already in a CIP which has sufficient funds to award.

The City Manager recommends award of this project to Pacific Pile & Marine, LP, for the total amount bid of \$4,061,000.

b. DH19-014 Downtown Waterfront Improvements

The project consists of all activities necessary to construct the Downtown Waterfront Improvements Phase I project as shown in the contract documents. The work generally includes demolition, salvage, earthwork, utilities, sewer lift station, curb and gutter, storm drains, concrete paving, concrete retaining walls, steel pipe piles, steel pipe caps, timber and reinforced concrete structural decks, guardrails, planters, parking canopy, power and lighting and other associated improvements.

Bids were opened on this project on July 16, 2019. The bidders and their total bids are as follows:

Bidders	Total Bid
Trucano Construction Co.	\$12,367,699
Coogan Construction Co.	\$13,212,570
Pacific Pile & Marine, LP	\$16,280,000
<i>Engineer's Estimate</i>	\$13,623,730

The City Manager recommends award of this project to Trucano Construction Company in the total amount bid of \$12,367,699.

4. Other Items for consent

a. New License-Standard Marijuana Cultivation Facility License #21086 NUGZ, LLC

CBJ received notice of the following new Alcohol and Marijuana Control Office (AMCO) marijuana license application:

Standard Marijuana Cultivation Facility, License #21086, NUGZ LLC., d/b/a NUGZ LLC., located at: 9331 Glacier Hwy, Juneau

CBJ staff from the Police, Fire, and Finance departments reviewed this application for compliance with CBJ laws and regulations and recommends that the Assembly waive its right to protest the issuance of this license. The Community Development Department also waives its right to protest but requests the CBJ add the following verbiage to the letter sent to AMCO from CBJ notifying AMCO of the Assembly decision:

Although NUGZ, LLC does not yet have a CBJ Marijuana Business License, a Building Permit, or a Conditional Use Permit, CDD recommends allowing the applicants to move forward to obtain the State License. The applicant cannot operate in the Borough until the following is completed - approval of the Conditional Use Permit, a Certificate of Occupancy for the structure, and issuance of the CBJ Marijuana Business License.

Due to the large quantity of documents associated with each marijuana license, your packets have been limited to the following documents:

- State of Alaska Alcohol & Marijuana Control Office (AMCO) Notice to Local Governing Body
- AMCO Marijuana online application forms (redacted)

Copies of all the documents relating to this license are available upon request from the office of the Municipal Clerk during regular business hours.

In the event the Assembly does protest the issuance of this 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 sixty-day comment period for local governing body action will expire as of Tuesday, August 13, 2019.

The City Manager recommends the Assembly waive its right to protest the issuance of AMCO marijuana license #21086.

5. Transfers

- a. Transfer T-1020 A Transfer of \$642,441 from Existing Capital Improvement Projects including from Statter Harbor Loading Facility CIP, and from Taku Harbor Deferred Maintenance CIP, and from Statter Harbor Breakwater Safety CIP; to Statter Harbor Improvement Phase III CIP, and to Amalga Fish Cleaning Station CIP, and to ABMS Maintenance & Improvement CIP.

This transfer moves a total of \$642,441 from three different projects into three other projects. The funds consist of \$139,919 of sales tax funds and \$502,522 of harbor funds. The projects from which the funds will be transferred are complete and this action will close those accounts. The projects to which the funds will be added are currently in progress. Notably, this transfer would

simply move money to different accounts; a separate appropriation ordinance is required to spend the money. The breakdown of specific actions is as follows:

From: CIP

H51-093	Statter Harbor Loading Facility	\$139,919
H51-109	Taku Harbor Deferred Maintenance	\$140,062
H51-106	Statter Harbor Breakwater Safety	\$362,460

To: CIP

H51-108	Statter Harbor Improvements-Ph III	\$267,379
H51-105	Amalga Fish Cleaning Station	\$140,062
H51-117	ABMS Maintenance & Improvements	\$235,000

The Docks and Harbors Board reviewed and recommended approval of this request at its May 30, 2019 regular public meeting.

The City Manager recommends approval of this transfer.

VIIIPUBLIC HEARING

- A. Ordinance 2019-29(b) An Ordinance Amending the CBJ Code to Allow for the Consumption of Marijuana by Smoking and Edibles in Licensed Marijuana Retail Facilities with an Onsite Consumption Endorsement.

In late 2018, Senate Bill 63 went into effect and authorized the Alaska Marijuana Control Board to promulgate regulations to allow onsite marijuana consumption in certain freestanding marijuana facilities. The Marijuana Control Board regulations (3 AAC 306.370) now allow consumption of marijuana in a certain marijuana retail stores. This ordinance would amend CBJ's codes to allow marijuana to be consumed outdoors at a marijuana retail store with an onsite consumption endorsement.

The Committee of the Whole discussed this topic on April 8, June 10, and July 8, 2019. On July 8, the Committee amended the ordinance to version b, which would only allow marijuana consumption at a marijuana retail store with an onsite endorsement in a State approved outdoor location. A memo from the City Attorney is in the packet that describes some of the policy considerations discussed at the July 8 Committee of the Whole meeting.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

Ms. Kristin Cox thanked the Assembly for protecting the Clean Indoor Air ordinance and said she didn't believe they wanted to roll that back or weaken it at all. She said they know that inhaling anything but clean air is not safe, safer is also not safe and ventilation systems do not make the air clean. She said there are health impacts including cardiovascular and respiratory impacts to inhaling anything other than clean air including vaping. She said that she doesn't believe that onsite consumption will eliminate the illegal public consumption of marijuana just

like people still drink on the sidewalk even though there are bars they can go to.

Ms. Emily Davis said she works in tobacco prevention at SEARHC in Juneau and she is not here to question the rights of individuals to use marijuana. However, she said she does believe that individuals should not consume marijuana in a way that would harm the health and well being of others. She said that since the use of marijuana is still illegal under federal law, there have been only limited studies examining the health risks associated with marijuana use and exposure in the U.S. However, they do know that second hand marijuana smoke contains some of the same cancer causing toxic chemicals as tobacco smoke, including significant levels of mercury, lead, formaldehyde, benzene, hydrogen cyanide, and others. She said that second hand marijuana smoke contains hazardous fine particles that pose significant health risks to non-smokers. These fine particles can be breathed deeply into the lungs causing lung irritation, asthma attacks, and an increase in the risk of respiratory infection. They can also exacerbate respiratory conditions such as asthma, bronchitis, or COPD. Second hand marijuana exposure impairs blood vessel function and even brief exposure can have adverse effects on the heart. No type of ventilation system will protect the public from the effects of second hand smoke, vapor, or aerosol. Ventilation may reduce odors but it will not prevent marijuana smoke or aerosol from moving from the consumption area into other areas of the retail store. A building must be completely smoke free to eliminate the health effects caused by smoke or aerosol. The burden of proof and responsibility should be placed on anyone in favor of onsite public consumption to prove that second hand marijuana smoke is safe to their employees and customers before laws are enacted to allow second hand marijuana exposure in public buildings. Everyone deserves the right to breathe smoke free air.

Ms. Triem thanked Ms. Davis for coming and testifying. With respect to the studies and facts Ms. Davis provided, it sounded like they were related to indoor smoking and vaping and Ms. Triem asked if that is the same for outdoor smoking. Ms. Davis said that is correct that the studies are related to indoor use and they don't have many studies related to outdoor use of tobacco let alone outdoor use of marijuana.

Mr. Justin Jones greeted the Assembly in Lingit. Mr. Jones said he is of the Yanyeyidi Eagle/Wolf clan born and raised in Juneau and this is his ancestor's land. He said he wants to see a beautiful and thriving hometown. He wants to see his ancestor's land be respected and honored and he wants their land to be happy and healthy. He does not want to see his ancestor's land be exploited by the tourism industry and changed so that tourists can do whatever they want on this land. He does not want to see marijuana tours or more marijuana retail shops opened up. He asked the Assembly to care for the health of non-smokers and to honor the Clean Indoor Air Act and to not allow onsite consumption.

Mr. Benjamin Wilcox thanked the Assembly for the opportunity to speak. He said they discussed vaping in the last meeting. He said he does not believe the facts that were represented. Marijuana does not contain all the benzene, hexenes, and ammonias as those are chemicals added to tobacco. They are very different substances. He is a lifelong non-driver. He has to be subjected to the fumes from traffic every day when he walks down the street. We have studies that show that burning meat is carcinogenic, yet we allow restaurants to do that with proper ventilation. We allow employees to work in welding shops and paint shops with

proper ventilation. There are many industries that have toxic fumes. People who do not like cannabis are not going to walk in the door. They aren't going to subject themselves to it unless they wish to. He thinks letting the ordinance stand as it is, allowing outdoor consumption would be minimally acceptable. They were discussing some indoor options. He said he thinks vaping and edibles should be allowed indoors and consumption of combustibles outdoors would be a nice compromise. It would help this industry move along, this is a locally state owned industry and there is leakage in this industry. It stays in this state and the money is here, the people starting these business live here and they are not owned by other people. He said they are trying to build the economy and are hoping for the chance to do that.

Ms. Jennifer Canfield said she is the co-owner of Green Elephant. Ms. Canfield said she is here to ask the Assembly to allow them to do what Ballot Measure #2 was intended to allow them to do which was to provide an onsite consumption venue for their customers. It was in the language of the ballot measure. When people voted for ballot measure #2, edibles, vaping, and concentrates weren't really a thing in Alaska and they are still catching on. Her understanding of the way that people thought of ballot measure #2 and the words "on site consumption" meant smoking, pure and simple. She understands there are health concerns with smoking. She said she did disagree that a lot of the chemicals that people claim are in marijuana are not in marijuana. She said that no one is here to argue that smoking cannabis is completely harmless. People want the right to do what they are going to do anyway and they would like to keep it off the streets. They are trying to offer a safe place for people to do that. She said that she doesn't believe that illegal outdoor consumption will go away as a result of this. People can still smoke vape cartridges pretty discreetly. They can eat edibles anywhere they feel like it. Smoking a joint is a lot harder to do out on the street undetected. She said they would simply like to to put it in a legal place where it belongs away from other people who do not wish to be exposed to it.

Mr. John Nemeth thanked the Assembly for considering this. He agrees with everything that Mr. Wilcox and Ms. Canfield stated. He agrees that we have not had the opportunity to study the substance as long as other substances; however, what has been found out in the last five years is quite contrary to what some of the cigarette studies have shown. Cannabis does not contain the same harmful ingredients as cigarettes. He understands that smoking is not a healthy means but as he has become more active in the cannabis industry, more people are leaning towards other means of consumption such as edibles and vaping methods and away from smoking. There has been a shift and he thinks the regulations in Juneau should remain open to allow for an indoor space. Most indoor spaces will not allow smoking anyway but having the ability for a cafe to open up to offer edibles to their consumers as well as coffees and things of that nature are important. To close the door on indoor consumption for smoking would be a step in the wrong direction. He said the reality right now is people can only consume it in their own homes or on the streets so more people are doing it on the streets. He encouraged them to give a safe place that is regulated where it can be consumed, that is controlled and regulated. This would also control how people are consuming and ensuring that they are consuming safely and leaving the premises safely and not endangering themselves or the public.

Mr. Tony Warren said he is not affiliated with the industry in any way but he is pro-business

and it is important to support businesses. He is also pro-consumer and he thinks that more choices are always better for the consumer rather than fewer and he said he doesn't think the city should turn its nose up at any revenue streams at this time.

Ms. Lillian Petershoare introduced herself as a decent of Kawa.ée and Anyálaaháash and of the Yanyeidí clan and her grandfather was of the Aak'w Kwáan. She said her ancestors chose to live in this beautiful area and she chooses to live in this beautiful area because it gives a quality of life that she and her family enjoy. She said it is important for her to be here tonight to share her views on the prospect for having more license for marijuana smokers to smoke in a business or outside that business in the outdoors. She said that on her way here, she spoke to her 12-year old granddaughter who won an essay contest at Glacier Valley Elementary School on marijuana and other drugs. She asked her granddaughter what she wished to tell the Assembly. She asked her grandmother to tell the Assembly that "marijuana is bad for the body and that it damages the body." Ms. Petershoare said she wanted to share her granddaughter's words with the Assembly as well as juxtapose it with the words of Matthew Springer who is an associate professor of medicine at University of California San Francisco. "Smoke is smoke, both tobacco and marijuana smoke impair blood vessel functions similarly. People should avoid both and governments who are protecting people against second hand smoke exposure should include marijuana in those rules." Ms. Petershoare encouraged the Assembly not to undo the gains that they have made. Youth and young people are very vulnerable and we have as a society endeavored to help them realize smoking is not good. She said to give more license now would be bad and it is only a matter of time before more license is wanted so she said they need to be very deliberate about this. She urged them to consider the children in the community who will be sent the message that smoking is OK if they approve this. She implored them to prohibit second hand smoke exposure.

Assembly Action

MOTION by Ms. Gladziszewski to move Ordinance 2019-29(b) for purposes of amendment. Ms. Gladziszewski distributed copies of her proposed amendment which read as follows:

Amendment to Ordinance 2019-29(b). An amendment to also allow the consumption of edibles inside at a marijuana retail store with an onsite consumption endorsement. Marijuana could still be consumed outside at a marijuana retail store with an onsite consumption endorsement by smoking/vaping and by edibles.

1. Add the following revision in Section 4 regarding CBJC 42.20.230(b)(4).

"42.20.230 Consumption of marijuana in a public place prohibited.

(a) Consumption of marijuana in a public place is prohibited.

(b) For purposes of this section:

...

Public place does not mean an establishment licensed under AS 17.38 if the consumption *is only edibles inside* or is only outdoors *and the consumption is* in accordance with regulations adopted by the Marijuana Control Board created under AS 17.38.080

...

The words underlined and in italics are the proposed amendment.

Ms. Gladziszewski said when they last discussed this ordinance, they talked about having smoking outside and they were vague on the edibles. She said she didn't see any reason they couldn't have edibles inside and smoking outside and this amendment would do that. The effect of the amendment is to mean that smoking is for outside but that edibles would be allowed inside.

Ms. Triem said this was the motion at the COW, this is what she intended it to be. It had been a long night and her motion at that meeting didn't capture what she was intending it to.

Mayor Weldon asked if there were any objection to Ms. Gladziszewski's amendment.

Ms. Becker objected and said she did not want to see smoking allowed outside at all. Edibles she could accept but she does not want to see marijuana smoking outside.

Mr. Bryson spoke in favor of the amendment. He thanked everyone who came and spoke and provided testimony about this. He said they have not been debating the legality of marijuana as they have had multiple discussions about this topic. He said they are trying to solve a couple of things such as a safe place for any tourists who do come to town to be able to consume. He has said the following statement a number of times: "If you don't like marijuana smoke, you should be for this ordinance." This ordinance brings it away from the community and brings it away from children. He has five children of his own and he does not want them exposed to marijuana smoke and that is why he is for this ordinance as is. It does pull marijuana smoke out of the streets. While it is not going to completely eliminate illegal smoking, it is going to pull more smoke away from the streets. Mayor Weldon said this is just for the amendment and asked Mr. Bryson if he had any comments about the amendment. Mr. Bryson said he thinks the amendment is a very good idea.

Mayor Weldon called for a vote on Amendment #1.

Roll call vote on Amendment #1.

Ayes: Gladziszewski, Bryson, Hale, Hughes-Skandijs, Triem, Edwardson, Weldon

Nay: Becker

Amendment #1 passed Ayes: 7, Nays: 1.

Mayor Weldon passed the gavel to Ms. Gladziszewski and Mayor Weldon handed out an amendment.

AMENDMENT #2 by Mayor Weldon: Vaping Only Outside

Amendment to Ordinance 2019-29(b). An amendment to only allow consumption of marijuana by vaping outside at a marijuana retail store with an onsite consumption endorsement. Consumption of marijuana inside would be prohibited and all other forms of marijuana consumption outside would be prohibited at a marijuana retail store with an onsite consumption endorsement.

1. Revise Section 3 regarding CBJC 36.60.030(a)(2):

"(2) An establishment licensed under AS 17.38 if the smoking is only by vaping and is

only outdoors in accordance with regulations adopted by the Marijuana Control Board created under AS 17.38.080 Reserved;

2. Revise Section 4 regarding CBJC 42.20.230(b)(4).

"42.20.230 Consumption of marijuana in a public place prohibited.

(a) Consumption of marijuana in a public place is prohibited.

(b) For purposes of this section:

...

Public place does not mean an establishment licensed under AS 17.38 if the consumption is only by vaping and is only outdoors in accordance with regulations adopted by the Marijuana Control Board created under AS 17.38.080. The term vaping has the same meaning as in CBJ 36.60.005."

...

3. Add the definition of vaping to CBJC 36.60.005:

"Section 5. Amendment of Section. CBJC 36.60.005 Definitions, is amended to read:

Vaping means the use of any noncombustible product that provides a vapor of marijuana to the user, or relies on vaporization of any liquid or solid marijuana; or use of an electronic smoking product. This term shall include such devices whether they are manufactured as e-cigarettes, e-ciqars, epipes or under any other product name."

The words underlined and in italics are the proposed amendment.

Mayor Weldon said that she doesn't have any problem with the edibles and you can see by her previous vote that she doesn't care if they are inside or outside eating the edibles. She does, however, have a problem with the smoke. She has discussed it with people in the marijuana industry so they understand where she is coming from and this amendment allows vaping only and not smoking. She said the key thing is that consumption is only by vaping and only outdoors. She said the previous amendment that just passed also allows for edibles inside and outside as well.

Ms. Gladziszewski asked if there were any comments about Amendment #2.

Ms. Triem said that she objects and thinks it is a little too restrictive. She said that they heard at the COW from Ms. Canfield that the State's rules do not allow vaping with the use of concentrates so that really limits the availability of product that can be vaped onsite. She said there are places where you can smoke outdoors in a public establishments such as restaurants with public outdoor seating. She doesn't feel they should be treating tobacco and marijuana differently in this instance.

Ms. Hughes-Skandijs echoed Ms. Triem's words that they should be treated equally and she feels this is unnecessarily restrictive although she does appreciate where Mayor Weldon is coming from with this amendment.

Mr. Edwardson said he opposes the amendment because it basically changes the purpose of the ordinance itself. He said they are considering whether they will allow consumption on site. They discussed edibles and smoking and they have heard that the regulations against vaping

almost ensure that is not going to be something that supports those businesses.

Deputy Mayor Gladziszewski called for a vote on Amendment #1.

Roll Call vote on Amendment #2

Ayes: Weldon and Becker

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

Amendment #2 failed Ayes: 2, Nays: 6.

Deputy Mayor Gladziszewski returned the gavel to Mayor Weldon.

Mayor Weldon asked if there were any objections to the main motion as amended.

Ms. Becker said that she was not in favor of marijuana used outside or inside and was objecting to the motion.

Mr. Edwardson said he didn't have any objection but did wish to speak in favor of the meeting. There are a lot of people present that were not present at the previous meetings and he felt they deserve an answer as to why he is in favor of this. One of the reasons he was in favor of this is that ballot measure #2 did pass. The people of Alaska did vote on this and they wanted marijuana to be legal and they wanted use to be legal and since then it seems to him that government entities have been trying to make that as difficult as possible instead of trying to make it as safe and successful as possible. Whether or not he voted for the ballot measure, it did pass and the Assembly has an obligation to do what they can for these lawful businesses to do the best they can to find a space for their customers and hopefully solve some of our problems at the same time. Those are the reasons he supports this ordinance.

Ms. Hale said she also wished to speak to those who testified. She said she was not on the Assembly at the time that the no smoking ordinance passed. She said that ordinance went through a very difficult and very painful process. She said they can all be grateful that it has passed and that we have smoke free facilities within Juneau. She said that she also knows there are advocates of being able to smoke marijuana indoors and there is just not the appetite to open that back up and introduce people to second hand smoke, whether that is from cigarettes or from marijuana. She said she very much supports where they are going with this and it doesn't close the door on future opportunities if they want to revisit those at some future time but this is a good first step.

Ms. Gladziszewski said that since marijuana is legal, she was looking for a legal place for people to ingest marijuana because the ballot measure did contemplate that and at the same time, not perturb the smoking ordinance. She completely agrees with the people who testified about the harmfulness of smoke. Someone suggested that they be deliberate and this has been a very deliberate process. The Assembly is trying to thread that needle to allow people a place to smoke marijuana, to get them off the streets without harming other people and without harming our smoking ordinance. This is an attempt to do that and is a good compromise and balance to allow smoking outside. Perhaps in the future, they can do that even further. If California can figure out how to allow onsite consumption, maybe Juneau can figure it out later.

Ms. Triem said that with her enthusiasm and support of this ordinance, she may have given the impression that she is a big smoker of marijuana and she said she is actually not and does not like smoking in any way, shape or form. She said she is very glad that we have our clean air ordinance and she does not favor changing it in any way as she very much cherish's that ordinance. She is in favor of this ordinance for allowing onsite consumption as she feels they should not be stifling this emerging industry in Alaska and Juneau, especially when there are such hard working entrepreneurs who are working to generate revenue that will benefit all of us. For those reasons, she is very much in favor of allowing for onsite consumption.

Mayor Weldon called for a vote on Ordinance 2019-29(b) as amended.

Roll call vote

Ayes: Gladziszewski, Bryson, Hale, Hughes-Skandijs, Triem, Edwardson

Nay: Becker, Weldon

Motion passed Ayes: 6, Nays: 2.

Mayor Weldon thanked everyone who came to testify on this ordinance and called for a ten minute break.

- B. Ordinance 2019-23 An Ordinance Providing for a Property Tax Abatement Program to Incentivize the Development of Assisted Living for Senior Citizens.

This ordinance would create a property tax abatement program for assisted living developments that create 15 or more new residential units for senior citizens. Private developers have expressed that the high cost of construction and operations in Juneau render assisted living projects insufficiently profitable to attract private investment. Without municipal incentives like this ordinance, a new senior assisted living housing project is unlikely. Consistent with state law (AS 29.45.050(m)), municipalities that are also school districts may only exempt property taxes in excess of 2.65 mills, which is approximately a 75% tax exemption if the mill rate is 10.66. This ordinance provides a property tax abatement on the full value of newly constructed assisted living units for senior citizens for twelve years.

The Committee of the Whole discussed this topic on April 8, April 29, and June 10, 2019. The Committee referred this ordinance back to the Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

Ms. Sioux Douglas thanked the Assembly for this ordinance on behalf of Senior Citizen Support Services Inc. (SCSSI). This ordinance is important to develop big projects that would otherwise be prohibitive. She also thanked them for the purchase of the land at Vintage Business Park and encouraged the Assembly to adopt this ordinance. Ms. Douglas also offered her congratulations to Bob Bartholomew who has been the best kind of public service employee who not only did well with numbers but he did well with people.

Mr. Edwardson asked Ms. Douglas if the memory care that they testified about last year

would be part of this development.

Ms. Douglas said that is what they are hoping for. The project they have always envisioned has included a total of 83 units which would include 33 units for memory care. She said that memory care has to be part of this community resource.

Mr. Don Gotschall said he serves as the treasurer for SCSSI and is a retired hydro-power engineer and former construction manager for CBJ. He said he calculated that he retired just about 30 years ago from CBJ. He said this project would provide, under the plans they have worked on, approximately 71 new jobs and that is very significant. They appreciate the Assembly's work on this and he appreciates their support of this project. He said those jobs would include positions such as cooks, maintenance people, nurses, nurse assistants, and administrative people. He said that during his tenure as treasurer for SCSSI, they have written checks to the University for 4 CNAs (Certified Nursing Assistants) trying to get their staff up to date. The estimated money this project would bring to this community is approximately \$25 million which is a significant boost to the community within a couple of years. Construction, start up, this proves feasible with a 70% occupancy. SCSSI would provide supplemental care, including memory care, in addition to pioneer home and Wildflower Court. He said they have been working on this for at least six years directly and he appreciates the Assembly support of this ordinance.

Ms. Kathleen Strausbaugh said that in addition to the economic benefits, this will provide for needed services in our community that are absent. She said when people are looking for this type of care, they have been having to look at moving outside our community. When you look at the problem of people having to leave their homes to obtain care, it is a form of depopulation. That is something this community can't afford right now due to the economic times we are in. It is important not to lose large chunks of our population for no good reason. That doesn't have a quantifiable economic benefit but the benefits are there and she encouraged the Assembly to adopt this ordinance.

Assembly Action:

MOTION by Mr. Bryson to adopt Ordinance 2019-23 and asked for unanimous consent.
Hearing no objection the motion carried.

- C. Ordinance 2019-19 An Ordinance Amending the CBJ Codes Related to Planning Commission Review of City and Borough of Juneau Real Property Transactions.

This ordinance would amend sections of CBJ code to clarify when the Planning Commission reviews a land transaction between the CBJ and another party.

On March 4, 2019, the Assembly authorized Assemblymember Jones to work with staff to identify potential regulatory amendments to make conveying CBJ property more practical and less confusing. This ordinance would remove the Planning Commission review process for leases and easements of CBJ property and instead require Assembly Lands Committee review. This ordinance would also clarify that Planning Commission review is not required when the CBJ acquires property. The Planning Commission would

still review any sale or exchange of CBJ property.

This ordinance has been reviewed by the Docks & Harbors Board (March 28, 2019), the Planning Commission (April 23, 2019 and May 14, 2019), and the Lands Committee (June 10, 2019). All three committees recommended the Assembly adopt the regulatory changes in this ordinance.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Hale to adopt Ordinance 2019-19 and asked for unanimous consent. Ms. Hale commended Mr. Jones for his work on bringing this ordinance to the Assembly and through the process.

Mr. Bryson objected for purposes of a question. He asked if a private party had a disagreement with the transaction before the Lands Committee what their recourse might be.

Mr. Palmer explained that currently the Planning Commission makes a Notice of Recommendation and those are not appealable decisions as those are recommendations on legislative matters. That same process would be followed if the Lands Committee forwarded an unfavorable recommendation to the Assembly.

Mr. Bryson removed his objection and hearing no further objection, the motion carried.

- D. Ordinance 2019-20 An Ordinance Amending the Hospital Code Relating to Board Appointment, Contracts for Professional Services, and Medical Records.

This ordinance would update the Hospital Code to modernize three provisions. Section 2 of the ordinance adds a sentence with qualifications that the Hospital Board desires for new appointees. Section 3 of the ordinance amends a professional services contracting provision to comply with federal law. Section 4 of the ordinance updates the preservation of patient medical records provisions to be consistent with Alaska and federal law. The Law Department has provided a more detailed memo explaining the background for this ordinance.

The Hospital Board reviewed these changes on August 29, 2018 and on March 26, 2019, and recommends the Assembly adopt this ordinance. The Assembly Human Resources Committee reviewed this ordinance on June 3, 2019, and recommended the Assembly adopt this ordinance.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Hughes-Skandijs to adopt Ordinance 2019-20 and asked for unanimous consent. *Hearing no objection, the motion carried.*

- E. Ordinance 2019-24 An Ordinance Amending the CBJ Codes Related to New Utility Service Connections in Public Right of Ways.

This ordinance would amend the CBJ water code, sewer code, and excavation code to make it easier for private developers to connect to CBJ utilities in a State right-of-way. The Southcoast Region of the Alaska Department of Transportation and Public Facilities (DOT) has recently made public utility connections for development adjacent to State rights of way nearly impossible again. DOT refuses to let private developers and other State agencies connect to CBJ water and sewer mains in a State right of way without the CBJ signing as the developer and promising to indemnify DOT if the private developer or State agency damages the State right of way. DOT asserts that position despite the CBJ not being involved in any of the development. DOT supposedly has taken that position because of old sections of CBJ code that have been superseded by recent amendment to Title 49. This ordinance would amend those old sections of CBJ code to clarify that in State right of ways, the private developer is responsible for obtaining the necessary permits and installing the utility service lines at no cost to the CBJ.

The Public Works and Facilities Committee recommended adoption of this ordinance at its meeting on June 10, 2019, the packet for which also contain more detailed memos describing background for this ordinance.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Triem to adopt Ordinance 2019-24 and asked for unanimous consent.

Hearing no objection the motion carried.

- F. Ordinance 2019-27 An Ordinance Amending the Land Use Code to Extend the Sunset Date for the Downtown Juneau Overlay District.

This ordinance would amend Article XII Alternative Development Overlay District (CBJ 49.70.1210) by extending the sunset date for the downtown Juneau ADOD for an extra year to August 2020.

The purpose of the alternative development overlay district is to provide adequate minimum standards and procedures for the construction of new residential buildings and the expansion, restoration, or repair of existing residential buildings, while providing time to implement new zoning regulations. This extension provides adequate time for the review and adoption of new zoning for the downtown neighborhoods.

The Committee of the Whole considered this ordinance on June 10, 2019. The Planning Commission forwarded this ordinance to the Assembly for approval at its meeting on June 25, 2019.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Mr. Edwardson to adopt Ordinance 2019-27 and asked for unanimous consent. *Hearing no objection the motion carried.*

- G. Ordinance 2019-28 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Lot 1A, Emerald 3 Subdivision, Located at the end of Vista Drive, from a Mix of D5 and D18 to D18.

The Planning Commission, at its regular meeting held on May 14, 2019, recommended that the Assembly approve a request to rezone approximately 27.88 acres near Vista Drive from a mix of D5 and D18 to D18. The Planning Commission found that the proposed expansion of the D18 zoning district substantially conforms to the Medium Density Residential designation of the land use maps of the Comprehensive Plan. 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 CBJ Land Use Code provides certain restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request is for more than two acres and is an expansion of an existing zoning district.
2. No similar request has been made in the past year.
3. This request substantially conforms to the land use maps of the 2013 Comprehensive Plan.

The Planning Commission recommends that the Assembly approve the rezone of the subject parcel from D5 and D18 to D18.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Becker to adopt Ordinance 2019-28 and asked for unanimous consent. *Hearing no objection the motion carried.*

- H. Ordinance 2019-06(A) An Ordinance Appropriating to the Manager the Sum of \$1,100,000 as Funding for the Juneau International Airport Terminal Construction Capital Improvement Project; Funding Provided by the Airport Fund's Fund Balance and Sales Tax Fund's Fund Balance.

This ordinance would appropriate \$1,100,000 to the Terminal Construction Capital Improvement Project (CIP).

Funding sources are:

2012 Sales Tax CIP Authorization: \$300,000

Airport Fund's Fund Balance: \$800,000

At its June 11, 2019, meeting, the Airport Board approved this action.

At its June 12, 2019, meeting, the Assembly Finance Committee approved this action, and forwarded it to the Assembly for action.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Gladyszewski to adopt Ordinance 2019-06(A) and asked for unanimous consent. *Hearing no objection the motion carried.*

- I. Ordinance 2018-11(AO) An Ordinance Appropriating to the Manager the Sum of \$6,345 as Partial Funding for the Trail Improvements Capital Improvement Project to Design, Furnish, and Install Trailhead and Trail Marker Signage Along the Switzer Creek – Richard Marriott Trail; Grant Funding Provided by the Juneau Glacier Valley Rotary Club.

This ordinance would appropriate grant funding in the amount of \$6,345.31 as provided by the Rotary Club of Juneau, Juneau-Gastineau Rotary, Juneau Glacier Valley Rotary, Rotary Club of Juneau 58° Innovators, and Capital City Rotaract. No match is required.

Juneau's Rotary Clubs have been working with the Parks & Recreation Department and Trail Mix to improve the Switzer Creek - Richard Marriott Trail, improving over 1,900' of trail in the last year. This funding will be used to design, furnish, and install trailhead and trail marker signage along the trail.

The Public Works and Facilities Committee reviewed this topic at its meeting on May 20, 2019 and referred it to the Assembly.

The City Manager recommends the Assembly adopt this ordinance.

The Clerk noted that the corrected version of the ordinance was provided in the Red Folder.

Public Comment

None.

Assembly Action

MOTION by Mr. Bryson to adopt Ordinance 2018-11 (AO) and asked for unanimous consent. *Hearing no objection, the motion carried.*

- J. Ordinance 2018-11(AP) An Ordinance Appropriating to the Manager the Sum of \$653,744 as Partial Funding for the Playground Rebuild Capital Improvement Project, for the On Sidewalk & Stairway Repairs Capital Improvement Project, and the Maier Drive Force Main Capital Improvement Project; Funding Provided by the Risk Fund's Fund Balance.

This ordinance would appropriate \$653,744 to fund three Capital Improvement Projects (CIP) resulting from property damage insurance claims. The insurance settlements are outlined in the table below:

PROJECT NAME	FUNDING SOURCE	AMOUNT	CIP #
Playground Rebuild	Lexington Insurance	\$63,198	P41-095
On Sidewalk & Stairway Repairs	Geico Insurance	\$25,000	R72-035
Maier Drive Force Main Emergency Repair	Lexington Insurance	\$565,546	U76-113

Total \$653,744 In

order to provide funding for FY19 project expenses, all of these funds will be appropriated from the Risk Fund's Fund Balance and will be reimbursed to the fund once insurance funds are received.

The Public Works and Facilities Committee forwarded this request to the full Assembly at its May 20, 2019 meeting.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment

None.

Assembly Action

MOTION by Ms. Hale to adopt Ordinance 2018-11(AP) and asked for unanimous consent. *Hearing no objection the motion carried.*

IX. UNFINISHED BUSINESS

A. Assembly Appeal #2019-01 Terraces at Lawson Creek v. CBJ Assessor: Proposed Decision

This is a 2019 property tax appeal filed by the Volunteers of America for multi-family property known as the Terraces at Lawson Creek. The Assembly accepted the appeal, assigned a presiding officer who administered a prehearing conference and established a briefing schedule. The Assessor filed a motion to dismiss. After considering the briefing by both parties, the Assembly issued the proposed decision. The proposed decision was served on the parties on July 9, who had five days to file objections. No objections have been filed.

No testimony or evidence of any nature other than that contained in a timely filed objection may be received by the Assembly at this meeting.

The City Attorney recommends the Assembly adopt the proposed decision as the final decision for this appeal.

MOTION by Ms. Gladziszewski to adopt the proposed decision and asked for unanimous consent. *Hearing no objection, the decision was adopted.*

Mayor Weldon recessed the meeting for a 10-minute break.

X. NEW BUSINESS

A. Airport Terminal Reconstruction Art Panel

The Juneau International Airport is currently designing the Phase II Airport Terminal Reconstruction project. This project must comply with CBJ Ordinance 62.65 “Art Works in Public Places”; requiring 1% of the construction costs to public art. The Airport is looking to incorporate some of the art work into the building during construction. The Art Panel was established by the Assembly earlier this year. This spring, the Art Panel reviewed 35 proposals and selected four artists with work totaling \$147,800.

The attached memo outlines the four artists, their proposed work and the costs. The Airport Board concurred with the art panel recommendation at the May 14, 2019 Airport Board meeting. On July 1, 2019, the Public Works and Facilities Committee concurred with the Art Panel selection, as outlined. In accordance with the ordinance, the art panel recommendation is forwarded on to the Assembly for final concurrence.

The City Manager recommends that the Assembly concur with the recommendations of the Art Panel.

Ms. Becker said in the past that the Assembly has seen pictures of the proposed art work and asked why the Assembly didn't see these art renditions before they were up for approval.

Airport Manager Patty Wahto explained that she served on the art panel and she explained the process of the art panel review, Airport Board approval and the presentation to the Assembly PWFC. She explained that since they were looking at trying to incorporate some of the art during the construction phase, some of the proposals did have some artist renditions but even those may be different from what the eventual final pieces may look like depending on where they are placed. Ms. Hale said that when it came before the PWFC there were not any renditions but they did receive the memos from airport staff with descriptions of each of the art proposals.

Ms. Hale said that during the PWFC discussion, she had asked if there would be artwork other than the 1% projects continuing to be located at the airport. Ms. Wahto explained that they do collaborate with the Juneau Arts and Humanities Council (JAHC) and other entities to display art work on loan in a variety of locations around the airport and that practice would continue.

Ms. Becker and Ms. Gladyszewski discussed past practices that included the Assembly being able to see renditions of the proposed works before voting on them. Mr. Edwardson and Ms. Hale said they felt the descriptions as provided in the materials submitted to the PWFC sufficiently described the proposals and they were OK with voting based on those descriptions.

MOTION by Ms. Hale that the Assembly concur with the recommendations of the Art Panel and asked for unanimous consent. *Hearing no objection, motion carried.*

XI. STAFF REPORTS

Ms. McEwen reported that the Assembly and School Board candidate filing period would be opened beginning at 8:00 a.m. on Friday, August 2 and closed at 4:30 p.m. on Monday, August 12 for the October 1 regular Municipal Election.

A. Annexation Update Regarding Resolution 2817am

Resolution 2817am directed the Manager to file an annexation petition for the areas described in the resolution. CBJ staff drafted that petition and submitted it for informal technical review to the Local Boundary Commission. In early July, the Commission provided helpful recommendations like updating the fiscal exhibits for FY20, clarifying police services, and clarifying geographic descriptions of the areas. Staff has made those changes and is ready to submit the petition for formal review and further public process.

City Manager Rorie Watt said that this is a status update on the Annexation.

Mayor Weldon asked if there were any questions for Mr. Watt.

Ms. Hale thanked the Mayor and Mr. Watt. She said she has been exploring this and talking with members of the public and she understands that the community of Angoon was concerned about this. She said that some of the questions that have come to her are as follows:

- 1) This resolution was passed in February 2018 and it took quite a while to come back to the Assembly. She said that it seems it may have gotten a little stale in the period of time and she asked why it took so long.
- 2) What was the public process then and do we need to revisit a public process now since there might be some staleness associated with it since it is now a year and half later?

City Attorney Rob Palmer said he would attempt to answer some of those questions. In the red folder are some color maps and in the meeting packet on page 270 is the final report of the CBJ Annexation Study Commission. That was a commission tasked by Mayor Botelho in 2005 to study what should happen with annexation in the future if that decision was made. He also pointed out that on page 289 of the packet (which had an excerpt of the model borough boundary study that was done by the LBC) it specifically talked about the Juneau boundaries. He said that he described those as the current process, depending on where they wished to start, either started a long time ago or started more recently.

Mr. Palmer said that the report on page 270 from the CBJ Annexation Study Commission made recommendations that if the Assembly were to make annexation a priority, to annex the properties that are currently proposed, areas A, B, C, and D. He said that had one minor exception and that was for Funtier Bay which has been excluded and it was initially envisioned to be included. He said this current process may have started back in the 2005-2007 era. What happened since then is that CBJ filed a petition to annex the area A and some area south of that. Ultimately, that had competing petitions with Petersburg that went to the Alaska Supreme Court and the Supreme Court confirmed the LBC's decision regarding the Petersburg petitions which had some consideration for Juneau's petition. After that decision was rendered, the Assembly reviewed the annexation process and realized that there was an opportunity to annex all the way out to the model borough boundaries which is essentially what has been done here.

He said this is slightly different than the actual lines on the model borough boundary and that difference is mainly related to the current boundaries of specifically areas B and C following watershed boundaries. That is a requirement of the LBC regulations that you are recommended to follow watershed boundaries instead of having arbitrary lines going over geographic areas. Area B and C boundaries are with the intent of the model borough boundary lines and are consistent.

Mr. Palmer said that if you jump forward some, the Assembly Committee of the Whole, in 2016, started the process of deciding what properties to try to annex and that process went for about a year. Ultimately, the Assembly Lands Committee unanimously approved forwarding the annexation back to the Committee of the Whole with the areas that are on here with slight differences. The Committee of the Whole made decisions in January 2018 and the Assembly held a public hearing on annexation in January 2018 and recommended what they see. There was an amendment in February 2018 to remove Funter Bay. There were some other amendments at the time but that is the one that passed.

Mr. Palmer said to address the staleness concept, because this annexation petition is different from what was presented in 2012 regarding the triangle near Tracy Arm, staff had to go back and get significant data. It took the better part of a year and half to work with the U.S. Forest Service, the State of Alaska Division of Elections, and the U.S. Coast Guard to try to get an idea of what properties are out there, what services are provided, where people live, what school arrangements are out on those properties, and the condition of the properties that they could determine through aerial photography. We had some appeals that we made because we were denied information through public records requests, through the Forest Service in particular, that had to go through an appeal process. CBJ ultimately prevailed in the appeal process and received a lot of information that is now the basis of this packet. He said it was quiet from the public view but staff was diligently working and there was a staff person from the Lands Division during which this was almost her full time job for about a year and half. That is a short summary of what led to the prior Assembly action to go forward with the Annexation Petition. It is up to this Assembly if there is a change in heart.

Mayor Weldon called on Mr. Edwardson followed by Mr. Watt.

Mr. Edwardson asked if it was ripe for his motion yet as it seems like they are diving into exactly what he wanted to move.

Mayor Weldon asked if there were any questions from Assemblymembers first.

Mr. Bryson said it was brought to his attention that there is a light house organization that controls 1500 acres of federal lighthouse land and he wanted to know what the impact to that organization would be if they were to annex that land.

Mr. Palmer said the CBJ had not reached out to individual specific private property owners. They have tried to reach out to some commercial operators to figure out what type of activities they provided and what types of activities may be subject to taxation. The property in particular he is referring to is the Pt. Retreat lighthouse and some property around it on the

Mansfield Peninsula which would be in area D on the map. He said that without knowing exactly what is on the ground and with the limited information that has come in, there is probably some discussions that the property owner and the Assessor could have at some point to figure out what might be potential property tax liabilities, which seems to be the largest concern. He said what has been a little challenging on the project at this time is that they have moved far enough along to proceed with an annexation petition but because they have not gone through that process and had a lot of public comment and had staff go out on site to look at some of these unique properties, they can't say definitively what will happen. He said it is a bit of a public process ordeal which has to occur for that back and forth discussion. If the annexation petition is approved, there would be a transition period for which specific analysis would be done for those property owners. The opportunity is great for that to have reached out and to start the discussion. The Assessor and Manager's office can provide some ideas on what might be available but we are a little information poor right now on the specifics of that property.

Ms. Hale said she understands from what Mr. Edwardson said is that he has a motion, and she was not on the Assembly at the time this was initially decided. She said she is sensitive to other entities, like what Petersburg did, claiming land for their borough. She said that if she were a property owner, she would be pretty uncomfortable about the idea that we want to annex land but we don't know what the effects of that annexation will be.

Mr. Watt said that going back to the question on why it has taken so long, he said the answer goes to the Assembly's thinking that around 2016 forward is that since it is so much work to do an annexation petition and we were caught off guard by the Petersburg Borough, the thinking of the Assembly at that time was to do it once and to do it for all time. It is a very data-intensive exercise and it has taken a long time. The thought was that rather than doing all the work for a residual triangle left by the Petersburg Borough, was to set the Juneau Borough boundary and to complete that action.

Mayor Weldon called on Mr. Edwardson.

Mr. Edwardson said he will explain his thinking before putting forward a motion. There is an entire manual on annexation. There are two reasons to annex. They are either due to population increase or because industry has increased. He said neither of those has happened in the area. He said he does not want to get into the details at this time but rather wants a future date where they can get into specific details. The way that the Petersburg decision is used and the way the model borough boundaries have been explained could use some discussion. He said he disagrees with the way they are represented entirely.

Mr. Edwardson said that his motion is on whether or not the Assembly addresses this again, not the merits of the arguments because that would take too long tonight. He said that the Assembly passed Resolution 2817(am) by a vote of 5:4 and it was hardly a resounding victory. He said the Assembly is composed of very different members now and there is curiosity about discussing this in depth to make sure that we are either doing the right thing or that we stop doing the wrong thing. The members supporting the resolution, by and large, chose not to explain their votes on the record during the hearing and that was noted by the press and they

were given an opportunity in the press to state their positions but not on the public record. He said that would be an opportunity for the supporters to do that. He said that even the Deputy Mayor at the time and he said to the press that he should have spoken up in the meeting. Mr. Edwardson said this is not hyperbole or exaggeration, he has yet to find a single person in Juneau, that supports this that is not sitting behind the Assembly desk or that wasn't sitting behind the desk at the time. He said if you consider that there isn't community support, decisions weren't explained, there wasn't very full discussion, and it wasn't a resounding victory, they have all new members now, and because all that, our neighbors vigorously oppose this. They vigorously oppose this at a time when we are trying to have unity in the region because basically we are under attack by the state government. He said he doesn't think this is the time to rile people up, especially when there doesn't really seem to be a reason to annex. That is his opinion and he is not asking people to change their opinions or their votes but what he is asking is to have a resolution introduced at the next Assembly meeting to repeal Resolution 2817am to provide a platform and mechanism to where they can have discussions and see if the Assembly still supports this.

MOTION by Mr. Edwardson to have a resolution introduced at the next Assembly meeting to repeal Resolution 2817am.

Ms. Becker asked if Green's Creek is in the location of the unannexed area that we are considering for annexation?

Mr. Watt said that Green's Creek Mine is in the current borough boundaries and is generally moving in the direction of area C. They are close to our boundary and there is some possibility that continued development could cross the borough boundary but he doesn't think that is imminent.

Ms. Gladziszewski said she is opposed to the motion. She said that this process has been going on for many years and there is not a perfect answer to this question. She said the Assembly has spent over a year and a half in the most recent go around talking about these things. She said she didn't look up the vote but she recalls that there was back and forth about areas B plus C plus D plus which one. She said she doesn't know how the 5:4 ultimately came out but some of it was disagreements on the bits of boundary. She said that if they open this up again, they will spend a long time and it wasn't a factor in people running for office but that would take back what prior Assembly's did in good faith from moving forward. She said she disagreed with some of the decisions that were made when this Assembly made them but she feels that they had a good hearing, they heard from the public and this Assembly would need to be reeducated in a long process. If this Assembly wants to do that, that would be its prerogative. She said she hopes they would move forward and let the Local Boundary Commission begin its process. This is the beginning of a longer process and certainly not the end. The LBC will take it and continue to move forward and there will be more discussion in those forums. She hopes the Assembly would let the previous decision stand, which she had quibbled with, but she thinks it was a reasonable move forward for the borough to get close to the model borough boundaries.

Mr. Edwardson said he is seeking a platform to have a discussion and they won't be doing that

at 10 p.m. after a long contentious meeting. He said it is worth the time and one of the reasons he thinks it is worth the time is that, at least in the discussions he took part in, he doesn't think they were full and clear discussions. That is why he voted against it. He pointed out that knowing the people in the area, they are scared. They are scared about what this is going to do. Nobody talked to them and there was not a public meeting that they were included in. They stand to lose a lot of money, they stand to lose the ability to have the homesteads and the properties that they have over there if we start taxing them. If we don't start taxing them, what are we doing this for. He said we have in the audience Mr. Denton who took a \$500 helicopter flight to be here today just to listen to this. He is just one of the people who came and is very concerned with this. This hall was stacked last year and not one person spoke in favor of annexation. What are we doing this for? He would like us to say, this is why I am against it or here's why I'm for it facing these people who all spoke against this last year.

Ms. Hughes-Skandijs asked for clarification regarding Ms. Becker's question about Green's Creek as she wanted to be clear that Green's Creek is within the CBJ borough boundaries. Mr. Watt confirmed that was correct. She said that she recalls watching this discussion closely as a citizen. She said that while the room was full, as a resident of Juneau, it didn't feel like it had a long and great public process, which is not to say that it didn't meet its obligations but she would second Mr. Edwardson's comments. She said that it was not abundantly clear why it was moving forward, even if that was against what she wanted. She said she would like to take this up as an Assembly so she would be in favor of the motion. She recognizes Ms. Gladziszewski's concerns and she greatly appreciates the amount of time this has taken staff and she wouldn't want to grind that into the ground and drag out their time. She said she thinks it makes sense that when something takes this much effort, that they would undertake to do it once and forever. That said, this has large consequences, and if it takes longer, that would be all right. She said that it seems to her to be poor public policy with the exclusion of Funter Bay and, if this does proceed, she would follow the public process of the model boundary commission to see what the justification for that is. It seemed to be at the time, an exclusion based on the loudest voices in the room when many of the residents of Funter Bay would be some of the most seemingly logical taxable properties with most of those residents being registered to vote in CBJ. She pointed out packet page 279 which highlights taking into consideration the interest of other communities in this area, particularly the City of Angoon. She said the last sentence of that paragraph reads: "At such time as the CBJ decides to pursue annexation it will be critical to initiate a discussion with the City of Angoon community leaders." Ms. Hughes-Skandijs said as a member of the Assembly at this time, she does not feel comfortable going forward with this annexation, if we have the opportunity to reconsider it, because she believes it is poor behavior to our southeast neighbors. The timing couldn't be worse when we really need to be drawing together in this area of the state. She spoke in favor of the motion.

Ms. Hale said she appreciated the clarification about Funter Bay and that was a vote by a prior Assembly to exclude Funter Bay and that helps her understand it. She said she also appreciates Ms. Gladziszewski's description of the process that has occurred. Ms. Hale said she is not an advocate of reversing a decision by a prior Assembly, particularly after a public process. She doesn't support Mr. Edwardson's motion as she thinks it may set them back pretty significantly. This is a tough topic and she would like there to be some kind of a public

process going on as Ms. Hughes-Skandijs said, they haven't effectively reached out to Angoon. As Mr. Benson said, they have not contacted property owners.

Mr. Watt said he would like to characterize the efforts to reach out to the community of Angoon. He said there were substantial efforts made to reach out to the community of Angoon. CBJ offered to meet, they offered to visit and had arranged to visit and that visit was declined. He said it is not fair to characterize Juneau's efforts with regards to Angoon as anything less than completely open and collegial.

Ms. Hale thanked Mr. Watt for that and said this is part of the problem for some of the newer Assemblymembers: that they are coming in not having been in the process so she appreciated that clarification.

Mr. Watt said that the second clarification is that there is a bit of a chicken and egg issue. In order to find out who has property in potential areas for annexation, you need to do the work to investigate that issue. We didn't know who had pockets of land here and there in these areas until they did the research for the annexation petition. CBJ held public meetings and there have been opportunities for Juneau citizens to see what we are in doing in the paper. Other communities saw and it was widely reported on and until we actually did the work to find out who those property owners were, we didn't really even have a catalog of that until recently. He said that for that reason, the LBC itself has an extensive public process. He said that Mr. Palmer or Ms. Cosgrove might be able to illuminate more about the LBC's public process. He said that has really only just begun and the Assembly decision of what areas to pursue is incumbent upon people to watch us because we couldn't know who they were. Now, through the LBC process, there will be a lot more public process.

Ms. Hale asked if she could finish. Mayor Weldon said if it is a follow-up, she could finish but if it was a new question, Mr. Edwardson was in front of her. Ms. Hale said she was interrupted and can't grasp her previous thoughts so she will stop at this time.

Mr. Edwardson said he feels it is important that Ms. Hale and the other members understand this in as much depth as they would like and they wouldn't be able to just as a result of this meeting and that is why he was making this motion. He said going back about a year and half, he said something to the effect that we don't want to jump into this and spend a whole bunch of work on it just to turn around and find out it was the wrong thing. He said that about this and other subjects and the reason is it is a bad decision making process called sunk costs. You start dumping time and resources into something and you may not be ready to do it but you don't want to call it quits because you have so much invested. He said he has no sympathy for the costs that we have put in. He said he does not think we got it right last year and he feels sorry for the fact that people dumped as much work into it as they did. We are still here and there is still no support and we still have people angry at them. He said others may know people who do support it but he does not know those same people. He thinks this deserves a long discussion and the only way he could figure out how to have a long discussion is to have a motion on repeal. Chances are, it might lose but it will provide an opportunity for a discussion and an opportunity for public comment and that is what he wants is the discussion.

Ms. Hale said she has a related question. She said that Mr. Dave Benton who is the manager of the Point Retreat Light House is present if they have any questions for him. She said, this is a question for Mr. Watt or Ms. Cosgrove. How can we, as an Assembly, and how can Mr. Benton and his organization have the certainty in the tax implications for their 1500 acre parcel? If they were taxed, the organization would no longer be able to exist so how can we have that kind of certainty.

Ms. Cosgrove said she doesn't know that they can offer today any assurances to Mr. Benton to say this will be the outcome. Ms. Cosgrove said that what she can say is that the properties within the newly annexed area, if approved by the process before the LBC, would be subject to property tax of the general mil rate off the roaded system which is the same that Shelter Island and Taku River properties pay. She said she believes that rate is 6.7 mills at this time. There are many exemptions to our property tax rules. Mr. Benton is involved with a 501(c)(3) property with the Pt. Retreat Lighthouse. She said they just started to look at his issues to see whether or not that property would be subject to property tax. She said there are ways that it could possibly be excluded. He told her that he spoke with Mr. Gillette earlier and Mr. Gillette is involved with the Sentinel Island property and the Sentinel Island property is excluded from property tax. She said that she can't make any guarantees right now as she doesn't have enough information. His situation is not necessarily different than any other people that might be newly contained within those boundaries such as people who own property on Horse and Colt Islands. People who own properties that, if they go into the borough and there isn't an exemption, they would be subject to that base rate of property tax. She said she doesn't know if that is helpful or not as it doesn't answer his underlying question but we can't do that sitting here at this meeting.

Mr. Bryson said as a new Assemblymember he doesn't have enough information and he doesn't even know how he feels about this but at the same time, he doesn't know how he feels about undoing the work of previous Assemblies. He said he may have a hard time with that as he thought how he would feel if the next Assembly started to undo some of the work that this Assembly has done. He asked if an amendment could be made, not so much that they do a repeal right now but they table it so they could get additional information. He said he would like to get more information about it as he doesn't feel he has an informed decision at this time. He asked if it could be postponed so they could have a full discussion with lots of information and bring all the new Assemblymembers up to speed.

Mr. Watt said that as Mr. Palmer alluded to earlier, they could pick this issue up at any point in time. He said that if an Assemblymember or member of the public wants to know more about annexation, they will need to commit a lot of time to reading historical documents. They would need to go back to 1963 when the Greater Juneau Borough first was incorporated because it is that long of a view. They would want to read the Petersburg annexation petition and figure out why Petersburg formed and why the Sitka and Haines Boroughs formed and all the boundary issues. It is detailed and weedy. There is no obstacle to doing that. He said that what the prior Assembly found was that this is a very difficult decision and as the Deputy Mayor said there is no one right answer and he thinks they would find that true today. There are multiple answers and the LBC has a role to play. He said that Ms. Cosgrove noted that in the new Assemblymember on-boarding packet there is a briefing on this topic so that contains

some of the recent information on that. He said that what they hear tonight is that it is a bit of a philosophical discussion as well as a detailed discussion and he said that while it is complicated but that the overlying question here is the whole concept of boroughs. When the state formed and adopted the constitution and envisioned the borough form of government, this is the model that they've offered for the development of the state. He said we are where we are but this could be a lot of effort for the Assembly to become educated about the full history of this.

Ms. Triem asked if one of the staff members could explain what the process would be going forward. She said she gets the sense that part of the reluctance is the feeling that the public has not had enough input. She said that her understanding is that CBJ and this Assembly is not the final decision maker here but there is a possibly long process after this with the LBC and that the legislature will also be involved. She asked for clarification on what that process will be.

Mr. Palmer said there is a long process. If the current resolution stands, the formal petition will be filed with the LBC. Staff at the LBC undertakes another technical review and hopefully that goes quickly. Their regulations provide some timeframes with a maximum duration that they can undertake the review. That then comes back for CBJ to make any changes. He is hopeful that there will not be significant changes, or any changes. Then, there is a much longer public process at that point where there has to be at least one more public meeting where people within the proposed areas to be annexation and the current borough get to see more detail of what is being proposed. That is the point at which there is more certainty as to what services will be provided and yes, there would be some taxation liability for some properties but they can see the full picture at that point. How that public meeting is set up is not clearly defined so there are a lot of opportunities there in whether it is held in City Hall, at Centennial Hall or other options. Ultimately, there is a long hearing in front of the LBC. The last time we went through this with Petersburg, he said there was close to two weeks of public hearing in front of the LBC. Then the LBC makes a recommendation. That recommendation, assuming there is some part that they recommend annexing, gets forwarded to the legislature. He said this is the part that gets a little odd. That recommendation has to be forwarded to the legislature within a certain time frame of the beginning of the legislative session. Depending on how long this process takes, the goal is to get it in front of the legislature in January 2020 but it might take until January 2021. Once it is there, the legislature has a short period of time to affirmatively disapprove of the petition. The legislature, if they want to do anything, they would stop it by taking action. If they don't take action, then it goes through. That paints the big picture on the process but he can go into further details if they wish.

Mayor Weldon thanked Mr. Palmer for the explanation. She said that now that everyone else has had a chance to speak, she will speak and then call on Ms. Hale and Mr. Edwardson again.

Mayor Weldon said she was part of the Assembly that initially voted on this and she would agree with Ms. Gladyszewski that a lot of the 5:4 votes wasn't necessarily, should they annex, but rather had to do with the different pieces and what parts should be annexed. She said that with respect to the question "Why should we annex?" she would disagree with Mr. Edwardson in that the reason we should annex is why our boundary was drawn in the first place. These weren't just lines drawn willy nilly to say we should do this. This is protecting ore bodies and

ore bodies are important to Juneau. A lot of our economy is based on our two major mines and this would be related to potential expansion for one mine in particular and another mine to be potentially started. That is why she sees it as a compelling reason. With all the residential property, she gets it. She owns a cabin in Taku. She said they should look at some point if these recreational properties should be taxed as much. Keep in mind they are not paying the full property tax since they are outside the roaded service area. She said we are working with the lighthouse association so hopefully we can find a solution for that and any other non-profit or conservation land. She said they have heard already that they went through an extensive period, two years, of working on this so it isn't something they will hear about in one meeting and solve the problem. They would need to take this on for a long period of time and she feels the Assembly has already weighed in on this. Mayor Weldon noted that as the City Attorney explained, this is not the end of it. It is going to the LBC and they will have public process, it will go to the legislature where there is more public process. There is still a lot of public process ahead of them. She said she is very sensitive to Angoon but she was one of the ones who reached out initially to the first mayor. It was not the same mayor they have now but at the time, she and the first mayor had conversations about this and CBJ had a trip planned to go to Angoon. She was planning on going on that trip and then Angoon chose not to have CBJ come down there. She said CBJ has reached out and unfortunately, Angoon is not in a position right now to become a borough and CBJ has waited for some time to see if they could do that and they have not. She said they can't claim the land until they are a borough. She said that why CBJ needs to take it on is that we learned our lesson with Petersburg. Petersburg took part of our land, sorry Ms. Triem, but we lost part of our land. There is another entity forming a borough right now that is looking to claim some land and again, CBJ does not want to wait and let them claim the land that we are trying to protect. We are trying to protect ore bodies.

Ms. Hale said that as a former state official who actually dealt with a lot of problems that arose from the fact that Alaska does not have counties, and because Alaska does not have counties, there are many people in boroughs or unorganized boroughs that simply rely upon the state to do what counties do in other states. She said she has long been an advocate for organized boroughs. She said she is coming to this situation in particular, one because it was sprung on them as an Assembly and she understands now the process. In general, she is an advocate and is eager for more public process around this. She said that she agrees that boroughs are a good idea and the areas for expansion make sense to her, they are more closely associated to Juneau any other community that she can see.

Mayor Weldon called on Mr. Edwardson. Mr. Edwardson asked if he could cover a number of subjects because he's been wanting to respond to people as they've gone along.

Mr. Edwardson said that the LBC has a public process but that it is their public process, not that of CBJ. When our citizens go before the LBC, they will be fighting the full weight of the CBJ government in a process to take over. They will fighting us and that is the way that it works. Instead of listening to them and saying "what are your concerns?" we will be basically taking them to court and saying "we're going to take your stuff, fight it, this is your process." He said that doesn't make sense to him. As for as willy nilly, he is still waiting to see some evidence that there are ore bodies or that we would have access to it. He is open for the evidence but we didn't see it last time and he doesn't see it at this meeting and this is one of the

reasons why he would rather have a process where the Assembly is receiving that information. As far as the Petersburg thing, he encouraged everyone to read all of the information possible, including the Supreme Court decision where they said the Juneau arguments were wrong and they explained each and every reason they were wrong. He said one of those was talked about earlier and that was the model borough boundaries. He suggested they go to the LBC website, print off the document on the model borough boundaries and read the whole thing. They were never meant to establish a claimed land. What they were, were questionnaires that were sent out to people to say "what do you think the boundaries should be?" He encouraged them to read the document itself and to read the Supreme Court decision. He said he has hundreds of hours into this and the reason he has hundreds of hours into this is because we are talking about taking drastic action against people's property. If that doesn't deserve the Assembly's time, what does? Do they want to get out of the meeting early. Do they want to understand it just enough? What is just enough? It is going to be hard to find out what it is they are making these huge decisions on, that is the job of the Assembly.

There being no other comments, Mayor Weldon asked for a roll call vote on the motion.

Roll Call vote on the MOTION by Mr. Edwardson for the Assembly to have a resolution introduced at the next Assembly meeting to repeal Resolution 2817am.

Ayes: Edwardson, Bryson, Hughes-Skandijs

Nays: Becker, Gladyszewski, Hale, Triem, Weldon

Motion Failed Ayes: 3 Nays: 5

Mayor Weldon called for a 10 minute break at 10 p.m.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon noted that she excused Mr. Bryson for the remainder of the meeting so he could spend what was left of the evening with his daughter who was heading to Peru in the morning.

Mayor Weldon reported on the following various activities and events she attended or was involved with:

- Marched in the Whitehorse Canada Day Parade with a contingency of JPD officers, they reciprocated with a plane load of Royal Canadian Mounties
- She was back in Juneau for the Independence Day celebrations and hopes Whitehorse Mayor Curtis and others can join Juneau at next year's Independence Day celebrations.
- Attended Eaglecrest public meeting on their summer expansion plans
- Attended the Red Cross Diversity and Inclusion training and she thanked the Red Cross Association and the Sealaska Heritage Institute for the event held at the Walter Soboleff Building.
- She checked in at the end of the Airport Disaster Drill; they had a very good drill and she thanked everyone who participated as volunteers and as rescuers.
- She attended the Filipino Scholarship event and they gave out around 45 scholarships which was quite impressive and she appreciates their dedication. Senator Kiehl was their keynote speaker.

- She attended the USS Juneau Memorial event earlier that day which featured Ashley DeRamos who has sung the national anthem and said the Pledge of Allegiance in all 50 states as of today. She is the first person with Down Syndrome to do so and she is an advocate for those with special needs and we are honored that she chose Juneau to collect her 50th state certificate. Mayor Weldon thanked Mr. Uchytel and Docks & Harbors staff for setting up the event.
- She has been busy working with City Hall staff sorting out what the financial future will look like as a result of the state budget. The House was in session briefly earlier this evening and will be meeting again tomorrow to work on trying to solve the problems.

Looking ahead, the following dates are events coming up that members may be interested in:

- July 30 at 4:30 p.m. is the Alaska National Guard Veterans' Appreciation Dinner at the Juneau Yacht Club and it is also the 100 year anniversary of the American Legion which is hosting the event. Mayor Weldon said she is unable to attend and asked if anyone would like to speak at that event to let her know after the meeting.
- August 6 is National Night Out which is a community-oriented celebration which aims at crime and drug awareness and prevention. This is where the police officers and the fire department go into neighborhoods and speak with the neighborhood associations and meet the people of the neighborhoods. More details are available on the JPD website.
- Mayor Weldon was asked for an update on the Amalga fish cleaning station issue so she asked Ms. Hale if a status report on that could be included in her PWFC report.

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

Ms. Hale said the Amalga project not been before PWFC for some time but she knows that they are working on it so she will make a request. She'll make sure it comes back to PWFC so they know what is going on it with. She said that her understanding of it is that the Docks and Harbors Board has modified their idea of adding fish cleaning stations and that was a big issue.

Ms. Hale reported that in upcoming PWFC meetings, they will receive information about a heat pump project. This has been a priority for Juneau Commission on Sustainability (JCOS) and this is a spin off group that has a heat pump proposal. They will also find out how the \$250,000 for the Juneau Renewable Energy Strategy (JRES) implementation is planning on being spent by the Engineering/Public Works Department. She said that everything else that has happened with PWFC has ended up before the Assembly.

For liaison reports, Ms. Hale said the Bartlett Regional Hospital Board meeting will be on July 23. The JCOS is reviewing its resolution establishing JCOS and making sure that they are understanding the framework and aligning the commission's activities to their scope and goals per the resolution.

Ms. Hughes-Skandijs reported that she attended a Juneau Commission on Aging (JCOA) meeting and their guest speaker with Chuck Bill who gave a good presentation. JCOA had so many questions for him that they will be having him come back again soon. She said the newly appointed members were present and also several members of the public. JCOA is continuing to work on the senior survey project and they have a lot of energy and drive for this project.

Ms. Hughes-Skandijs reported that the Sister Cities Committee meeting was rescheduled from last week to July 25. She was not able to attend the last Downtown Business Association meeting as she was working on a deadline with her day job. Lisa Parady was welcomed as a new board member and they are all pretty busy as the season is in full swing. She also attended the Red Cross workshop on "Diversity and Inclusion" and it was a good reminder that we all should and can stretch a little further. She also attended the Filipino scholarship program and the Filipino community picnic at Sandy Beach.

Ms. Triem reported that the Aquatics Board had a lot of action, most of which Mr. Edwardson will be including in his report. She did thank outgoing Aquatics Board members Becky Monagle, Joe Parrish, Richie Dorrier, Max Mertz, Charlie Williams, and Phil Loseby for their service on the board as many of them were serving longer than they intended to be. The next Aquatics Board meeting is July 23 and there will be a lot of new faces there. The July Travel Juneau meeting has been rescheduled to August 2.

Ms. Triem said that she had a busy month including attending an Entrepreneur Meet-Up event which is a semi-regular event. This one was held at the Rendezvous which is under new ownership. It was great to meet the new owners and see the new space and what they are doing with it. On July 8 she attended the Save our State rally and appreciated the remarks by Mayor Weldon and Mr. Jones. On July 18 she attended the Eaglecrest public meeting as well and she was very impressed with Mr. Scanlan's presentation. She also attended the Filipino scholarship night and she extended her congratulations to both the parents and students on their accomplishments.

Mr. Edwardson said that most of the Human Resources Committee (HRC) actions were reported at the Special Assembly Meeting so he won't be including those at this meeting. He reported that prior to this Assembly meeting, they held the regular HRC meeting and are forwarding the following recommendations for appointments to the Juneau Commission on Sustainability and asked for unanimous consent.

Appointment of Ms. Lisa Daugherty, Mr. Duff Mitchell, and Mr. John Smith III to terms beginning immediately and ending June 30, 2022.

Appointment of Mr. Iura Leahu to a term beginning immediately and ending June 30, 2021.

Hearing no objection, those appointments were approved.

Mr. Edwardson said they also received the annual report from JCOS. It wasn't extensive but it was information filled. They have had a very packed year and they deserve kudos for all their hard work. They have done a lot of work and even inspired Assembly goals which were incorporated in the goal making at the beginning of the year. The HRC also received a written report from the outgoing Aquatics Board. It is pretty extensive and covers what they have done over the past year but was also a retrospective of what they have accomplished over the past 4 years. It is pretty impressive on what they have accomplished and the new Aquatics board is ready for the next step. There are two incumbents who are continuing on the Aquatics Board and all the others are new members.

Mr. Edwardson said that in other matters, he attended the Douglas parade and did not even try to attend the Juneau parade because every other year that he attended the Juneau parade, they never make it to Douglas in time to attend that parade. He said attending the Douglas parade reminded him of the parades he used to see in Ketchikan and it was pretty fun. He said that he attended the Save the State rally and while the news reported that there were approximately 750 people present, he thinks there were more.

Mr. Edwardson reported that the HRC also discussed the Assembly Rules of Procedure and they referred those to the Committee of the Whole (COW). The main changes are to Rule 4 relating to legislation (Assemblymember presentation) and Rule 5 which is moving the Aquatics Board from the requirement that the full Assembly interview the members.

Ms. Becker reported that the next Lands Meeting is on July 29. The next Docks and Harbors meeting is July 25. She reported on the following meetings that she attended: Chamber of Commerce with Dave Scanlan presenting on Eaglecrest, at another Chamber meeting Senator Jesse Kiehl spoke. She said the UAS Campus Council has met a couple of times to discuss the budget for the university system. The Alaska Committee met and mainly discussed the state fairs in Palmer and Fairbanks and as of the last meeting, they were still looking for two people to attend the Palmer fair. She stayed up for the Juneau fireworks on July 3 and it was very pleasant that there weren't so many other fireworks going on. She did not make it to 4th of July parade but she did go to Douglas and it was great. She went to the Filipino picnic and to the Save our State rally at the Capitol. She said that she attended the funeral service for Marilyn Miller. Marilyn was the wife of former Juneau Senator Mike Miller.

Ms. Gladziszewski said she was sorry to have missed out on a planeload of Mounties. She said she missed all the 4th of July activities because she was on the North Slope in Kotzebue taking photos of caribou. She did get to see Reggie Joule do a back flip on the blanket toss and she has video that she can share. She reported that they held two COW meetings on July 8 and July 15 and that the next COW meeting is on July 29. She said that at the July 8 meeting they discussed the Pederson Hill subdivision, the marijuana ordinance, and the impacts from the governor's vetos. They also talked about Centennial Hall and the New JACC at both the July 8 and July 15 meetings and will be talking about those again at the July 29 meeting.

Mr. Edwardson reminded members that on Thursday, August 1 the full Assembly as the HRC will conduct interviews for the Airport Board at 5:30 p.m. Ms. Becker apologized that she will not be able to attend that meeting.

Mayor Weldon extended her thanks and the thanks of the full Assembly to all the members on the Aquatics Board who served past their term expiration dates to see that the transition happened smoothly.

C. Presiding Officer Reports

XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV.EXECUTIVE SESSION

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 10:27 p.m.

Signed: _____

Elizabeth J. McEwen
Municipal Clerk

Signed: _____

Beth A. Weldon
Mayor

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

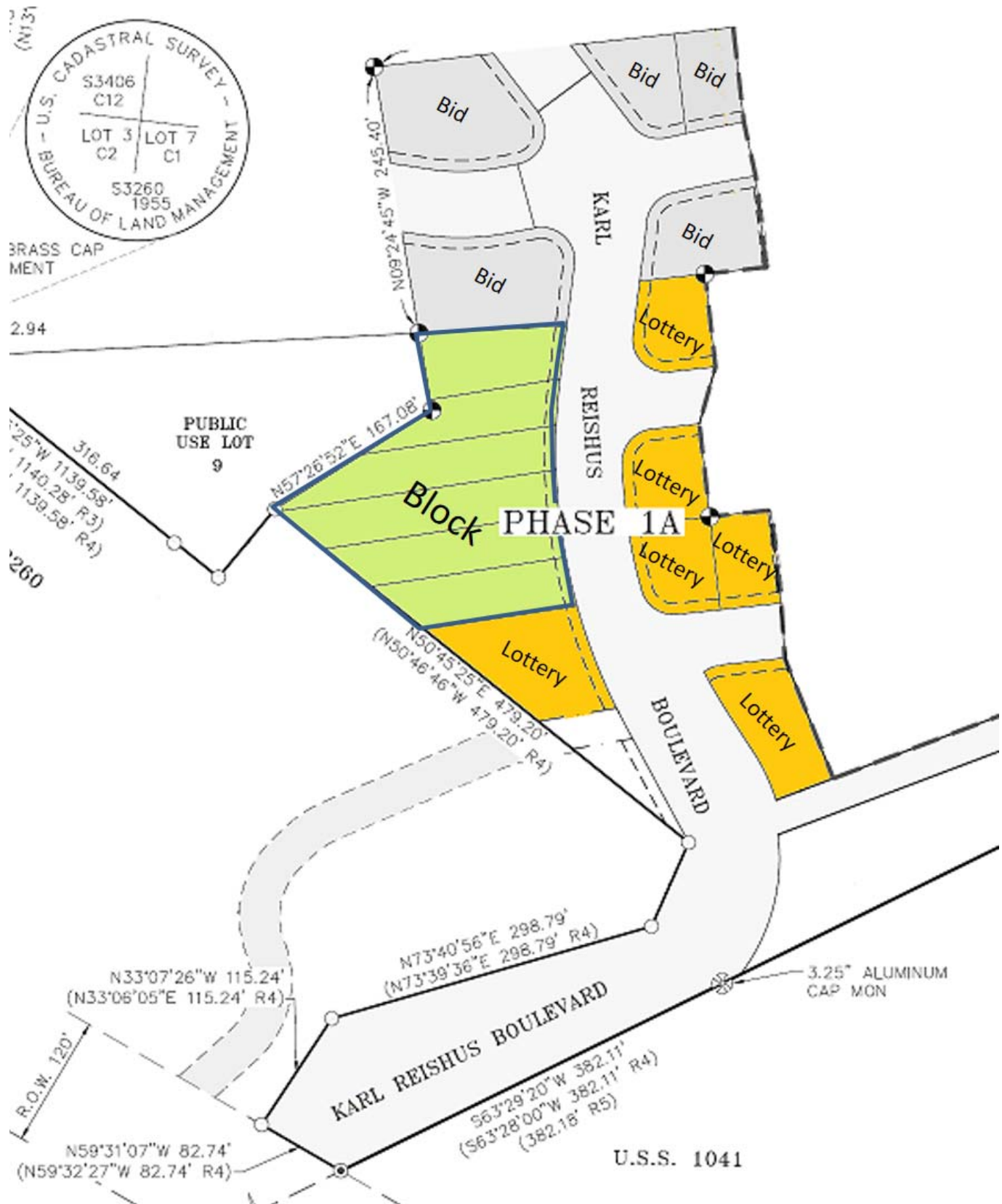


Figure 1. Proposed distribution of lot sale methods within the Pederson Hill IA Subdivision.

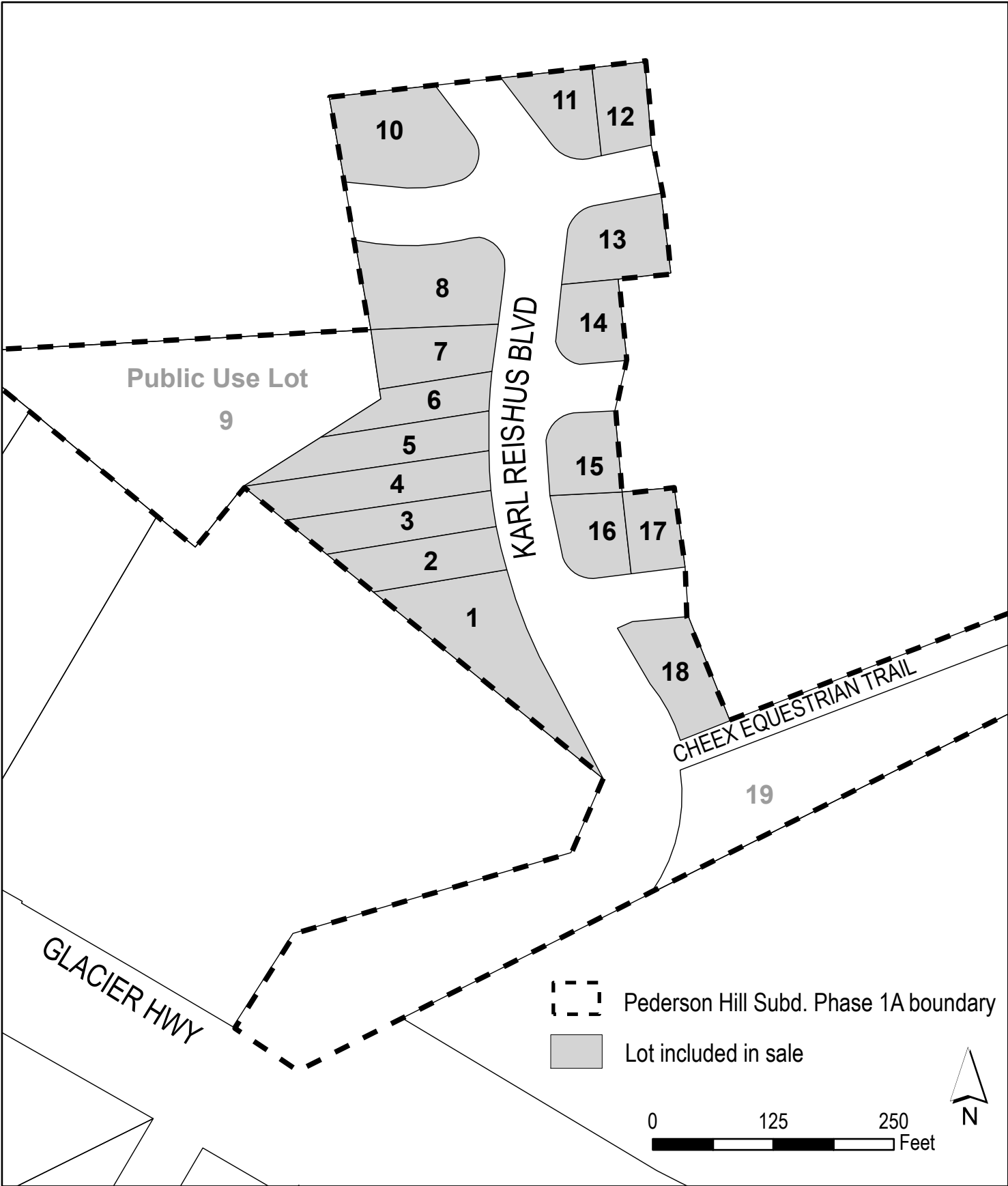


EXHIBIT A
Ord. 2019-32

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 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.~~
- ~~(e) 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: COW
Introduced: 8/19/19
Drafted by: R. Palmer/Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-06(c)

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 \$4.5M 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;
- (c) 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;
- (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;
- (e) The Manager shall negotiate a contract to encumber the grant funding; and
- (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 condition (c) 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 conditions (a) and (b) in Section 3 are satisfied.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

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: HRC
Introduced:
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2862

**A Resolution Reestablishing the Assembly Rules of Procedure,
and Repealing Resolution No. 2781.**

WHEREAS, it is necessary for the orderly conduct of business that rules of procedure be adopted for the Assembly.

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

Section 1. Rules of Procedure. The following rules of procedure are adopted:

RULE 1. AGENDA.

A. Order of Business. At all regular meetings the order of business shall be:

- I. Flag Salute
- II. Roll Call
- III. Approval of Minutes
- IV. Manager's Requests for Agenda Changes
- V. Public Participation on Non-agenda Items (Not to Exceed a Total of 20 Minutes, Nor More than Five Minutes for Any Individual)
- VI. Consent Agenda
 - A. Public Requests for Consent Agenda Changes, Other than Ordinances for Introduction
 - B. Assembly Requests for Consent Agenda Changes
 - C. Assembly Action
- VII. Ordinances for Public Hearing
 - A. Administrative or Committee Reports
 - B. Public Hearing
 - C. Assembly Action

- VIII. Unfinished Business
 - A. Administrative or Committee Reports
 - B. Public Hearing
 - C. Assembly Action
- IX. New Business
 - A. Administrative or Committee Reports
 - B. Public Hearing
 - C. Assembly Action
- X. Staff Reports
- XI. Assembly Reports
 - A. Mayor's Report
 - B. Committee Reports
 - C. Liaison Reports
 - D. Presiding Officer Reports
- XII. Assembly Comments and Questions
- XIII. Continuation of Public Participation on Public Participation on Non-agenda Items
- XIV. Executive Session
- XV. Adjournment

B. Agenda Preparation. The agenda shall be prepared by the Manager subject to review and revision by the Mayor. The Mayor or the Manager shall brief the Assembly as to any revisions. Other matters may be considered under administrative reports, unfinished business, or new business as applicable.

C. Consent Agenda. The Manager shall include under the consent agenda:

1. Ordinances for introduction;
2. Resolutions;
3. Bid awards requiring Assembly concurrence; and
4. Other items requiring Assembly action which do not involve substantial public policy questions.

The Manager shall include with the agenda such supplemental material or reports as may be necessary to explain each item on the consent agenda and shall include a specific recommendation for Assembly action on each item. Material, reports, and recommendations submitted in writing to each member present and which are available for public inspection prior to the Assembly meeting need not be read aloud, but the minutes shall reflect the Manager's recommendation on each consent agenda

item adopted. Upon adoption of a motion to adopt the consent agenda, all consent agenda items subject to the motion are adopted as recommended by the Manager. The motion to adopt may not be amended; provided, upon the request of any member, an item on the consent agenda shall be removed from the consent agenda and placed under the appropriate regular agenda item for Assembly action. A notice or motion for reconsideration or a motion to rescind a consent agenda motion shall contain reference to the specific consent agenda item which is the subject of the notice or motion and only that item shall be affected by the notice or motion.

RULE 2. MEETINGS.

A. Date and Time of Regular Meetings. The Assembly shall regularly meet at 7:00 p.m. every third Monday according to a schedule approved by the Assembly and published by the Clerk's office. The Assembly may by motion or otherwise change the date of a meeting as may be necessary or convenient.

B. Place of Regular Meetings. Regular Assembly meetings shall be held in the Assembly Chambers at the Municipal Building at 155 South Seward Street, Juneau, Alaska, unless the Assembly, at a preceding regular or special meeting has, by motion or otherwise, designated a different place for a particular meeting.

C. Special Meetings. Special meetings may be called and held as provided by the Charter.

D. Time of Adjournment. Meetings will adjourn at 11:00 p.m. unless extended by a vote of at least six members.

RULE 3. ASSEMBLYMEMBER ATTENDANCE POLICY FOR REGULAR MEETINGS.

A. Excused Absences. Any absence of an Assemblymember from a regular meeting of the Assembly shall be deemed to be unexcused unless the Assemblymember is absent from the meeting as a result of attending to official business on behalf of the City and Borough of Juneau, for extenuating medical reasons, or for other significant cause, in which case the absence shall be deemed to be excused.

B. Attendance Report. Upon request of the Human Resources Committee, the Manager shall direct the Clerk to provide to the Assembly quarterly reports on attendance at regular Assembly meetings.

RULE 4. LEGISLATION.

A. Drafting. The Attorney shall draft ordinances and resolutions

1. For presentation to the Assembly only
 - (a) by vote or consensus of the Assembly,

- (b) by vote of a standing or ad hoc Assembly committee,
- (c) by request of the Mayor, the Manager, or any member, or
- (d) on the Attorney's own initiative to correct errors not otherwise correctable in any section or to make amendments to Title 01.45 the Conflict of Interest Code, Title 01.50 the Appellate Code, Title 01.60 the Regulation Procedures Code, Title 03.30 the Code Enforcement Code, Title 42 the Penal Code, or any section imposing duties on the Attorney.

- 2. For presentation to a standing or ad hoc Assembly committee only by vote of the committee, request of its chair, or by direction of the Assembly.

B. Procedure. Upon presentation of an ordinance, any member may move that it be introduced and set for public hearing, referred to committee, deferred, or rejected as provided in Charter section 5.3. If the motion is for referral to committee, the Mayor shall refer the ordinance to the appropriate committee. The Mayor's referral may be changed by a majority vote of the members of the Assembly. If the motion is for introduction, the motion shall set a date for the public hearing. All such motions may be amended.

RULE 5. COMMITTEES.

A. Standing Committees. The Assembly shall have the following standing committees:

- 1. Committee of the Whole
- 2. Finance Committee
- 3. Human Resources Committee
- 4. Lands Committee
- 5. Public Works and Facilities Committee

Any member of the Assembly may sit with any committee at all times; such member shall have the right to participate in committee discussion except that members of the committee shall have priority in obtaining the floor and only committee members may vote. Reasonable opportunity for the public to be heard shall be allowed at committee meetings other than those designated as work sessions.

B. Special Committees. The Assembly shall have such special committees as may be considered necessary. Special committees automatically terminate upon completion of the committee's assignment.

C. Selection, Process and Duties of Committees of the Assembly.

- 1. Standing Committees.

- (a) With the exception of the Committee of the Whole, the Finance Committee, and the Human Resources Committee in proceedings pursuant to Rule 5(C)(2)(f), there shall be not more than four Assemblymembers appointed to each standing committee of the Assembly. Each Assemblymember will be appointed to at least one, but not more than three, standing committees, in addition to the Finance Committee and the Committee of the Whole.
 - (b) Nominations for standing committee appointments and for the position of chair of each such committee shall be made by the Mayor, and shall be subject to ratification by the Assembly. In making nominations for committee appointments, the Mayor shall strive to ensure, to the extent reasonably possible, that there is a balance and diversity of opinion, viewpoints, and perspective among the Assemblymembers nominated for committee membership, and that there is at least one Assemblymember nominated for appointment to each committee who has expertise in the areas assigned to the committee.
 - (c) Each year following the regular municipal election, all Assemblymembers will be given an opportunity to indicate in writing which of the standing committees they request to serve on. At least two of the nominations for appointment for each standing committee shall be made from those Assemblymembers, if any, who have requested to serve on the committee for which the appointments are to be made. The nomination for membership and chair positions shall be made by the Mayor and ratified by the Assembly within seven days of the first meeting after the certification of the regular municipal election each year. All committee members shall be appointed to serve for a term expiring upon ratification by the Assembly of the committee appointments following the next regular municipal election. All committee members serve at the pleasure of the Assembly.
 - (d) A standing committee may at the call of its chair or the vote of its membership take up any matter within the scope of its charge established by these rules and not pending as legislation authorized by the Assembly. Matters not within the scope of any standing committee, or within the scope of more than one standing committee shall be assigned by the Mayor.
 - (e) Each committee shall refer information to and coordinate activities with other appropriate committees. Issues referred to another committee and any directions to the Manager must have the concurrence of a majority of the committee members.
2. Human Resources Committee. The Human Resources Committee may take up issues relating to the health and well-being of Juneau citizens

and their participation in local government. The duties of the Human Resources Committee shall include:

- (a) Nominating citizens to all CBJ boards and commissions. Appointment to such bodies shall be made by the full Assembly;
- (b) Making recommendations to the full Assembly regarding the issuance, renewal or transfer of liquor licenses, restaurant designation permits, and marijuana licenses;
- (c) Reviewing and proposing amendments to these Rules;
- (d) *Reserved.*
- (e) Overseeing Juneau's relations with its sister cities;
- (f) Membership for Certain Appointments. The Human Resources Committee shall meet as needed to recommend appointments to the Planning Commission, the Hospital Board, the Ski Area Board, the Docks and Harbors Board, and the Airport Board. The Mayor and all Assemblymembers shall serve as members of the Committee and the Human Resources chair shall serve as chair at these meetings.

3. Finance Committee. The Finance Committee may take up issues relevant to the fiscal status of the CBJ. The Mayor and all Assemblymembers shall serve as members of the Finance Committee. The duties of the Finance Committee shall include:

- (a) Review of the Manager's proposed budget and recommendations to the Assembly for a final budget;
- (b) Review of the fiscal policies of the CBJ as deemed necessary by the committee.

4. Committee of the Whole. The Committee of the Whole may take up those issues within the jurisdiction of multiple committees and those warranting detailed review prior to consideration by the Assembly. The Mayor and all Assemblymembers shall serve as members of the Committee of the Whole. Generally, the rules of the Assembly shall be followed in the Committee of the Whole, provided that, at the discretion of the chair, the rules may be relaxed and the rules relating to participation by the presiding officer and the number of times a member may speak shall not be in effect unless otherwise ordered by a majority of the committee. In preparing the committee agenda the chair shall consult with the Mayor.

5. Lands Committee. The Lands Committee may take up issues relevant to the lands, water or air within the City and Borough. The duties of the Lands Committee shall include recommendations to the Assembly regarding:

- (a) The preparation and revision of a land management plan and the acquisition and disposal of CBJ lands;
 - (b) The administration of the lands fund and the mineral holdings of the CBJ.
 - (c) Implementation of the Long Range Waterfront Development Plan, and issues relating to use and development of the CBJ waterfront.
 - (d) Promotion of improved housing availability in the City and Borough.
6. Public Works and Facilities Committee. The PWFC may take up issues relevant to the infrastructure of CBJ, including transportation and utilities. The duties of the PWFC shall include:
- (a) Making recommendations to the Assembly regarding the capital improvement program required by Charter section 9.2 and other capital improvement plans and lists;
 - (b) Advising each newly elected Assembly of unfinished capital projects to be continued;
 - (c) Making recommendations to the Assembly regarding the preparation and revision of an areawide transportation plan.
 - (d) Making recommendations related to energy efficiency, renewable resources, waste reduction and recycling, global warming and green building.
7. Special Committees. Nominations for special committee appointments and the chair position of each special committee shall be made by the Mayor, and shall be subject to ratification by the Assembly. In making nominations for special committee appointments, the Mayor shall strive to ensure, to the extent reasonably possible, that there is a balance of opinion, viewpoints, and perspective among the Assemblymembers nominated for committee membership, and that there is at least one Assemblymember nominated for appointment to each such committee who has expertise in the areas assigned to the committee. All members shall serve at the pleasure of the Assembly.

D. *Reserved.*

E. Quorum of Committees. For the Committee of the Whole and the Finance Committee, a majority of the membership shall constitute a quorum. For committees with seven or eight members, four of the membership shall constitute a quorum, for committees with five or six members, three of the membership shall constitute a quorum. For committees with four or fewer members, two of the membership shall constitute a quorum for the transaction of business.

F. Voting. The minimum vote required to take official action shall be the same as that constituting a quorum; provided, however, that in the case of a tie vote, the action fails.

RULE 6. ASSEMBLY LIAISONS TO BOARDS AND COMMISSIONS.

A. Appointment of Liaisons. The Mayor shall nominate one member of the Assembly to serve as the liaison to each of the following City and Borough boards and commissions:

Planning Commission
Hospital Board
Docks and Harbors Board
Airport Board
School Board
Ski Area Board
Aquatics Board

The nominations shall be subject to ratification by the Assembly. Liaisons to other entities may be appointed from time to time.

B. Role of Liaison. Assembly liaisons serve as a link between the Assembly and the board or commission to establish and maintain communication between the bodies on issues, projects, and other matters of mutual concern and interest. Assembly liaisons are not required to regularly attend board or commission meetings; but if they do, they shall not have the power to vote on the board or commission, and are not to be counted in determining whether a quorum of the board or commission is present.

C. Other Meetings. The Assembly encourages its members to attend meetings of other boards, commissions, and citizen groups and inform the Assembly on the activities of those bodies and the issues before them, as appropriate.

RULE 7. DEBATE.

A. Speaking on the Question. A member or the Manager may speak more than once to the same question at the same stage of proceedings provided that priority of access to the floor shall be given to members who have not spoken on the question. Members shall endeavor to provide the body with relevant facts and arguments and shall strive to avoid redundancy.

B. Asking Questions. After obtaining recognition from the chair, a member may ask direct questions of another member of the Assembly or to a person appearing before the Assembly. The questions may not be argumentative.

C. Decorum. Members shall not question the motives, competency or integrity of any person except as necessary to decide an appeal, personnel evaluation, contract award, or other matter in which such issues are clearly relevant. The chair shall admonish any member violating this rule and if violations are severe or repeated, may without a vote declare a recess not to exceed ten minutes.

RULE 8. RULES OF PUBLIC PARTICIPATION.

When permitted by Rule 14, public participation during hearings on ordinances and matters other than appeals will be conducted according to the following rules, which will be posted in the Assembly Chambers:

A. The hearing will be conducted by the Mayor as chair.

B. The Mayor will open the hearing by summarizing its purposes and reemphasizing the rules of procedure.

C. The Mayor may set a time limit for public testimony, for individual speakers, or both if it appears necessary to gain maximum participation and conserve time, and may for the same reason disallow all questions from the Assembly to members of the public. The time limit may be extended by a majority of the Assembly. The time limit for individual speakers shall be uniform for all speakers, and shall be strictly enforced. Speakers shall not have the right to transfer their unused time to other speakers, but the Mayor may grant additional time to a person speaking on behalf of a group present in the chambers.

D. Citizens will be encouraged to submit written presentations and exhibits. Material submitted to the Manager's office more than three business days before a meeting and comprising ten pages or less will be eligible for copying for that meeting. Material submitted less than three days before a meeting will be distributed by the Clerk at the meeting provided that the submission includes at least 15 copies.

E. The Mayor will set forth the item or subject to be discussed and will rule non germane comments out of order.

F. All speakers, public, and members of the Assembly will be recognized by the chair by surname.

G. Members of the public will precede their remarks by stating their names and, unless otherwise allowed by the Mayor, their place of residence.

H. Members of the Assembly will not direct questions to each other or to the chair during public participation except as to the conduct of the hearing.

I. Members of the Assembly may direct questions to members of the public only to obtain clarification of material presented. The questions may not be argumentative, nor may they have the purpose or effect of unreasonably extending any time limit applicable to public speakers.

J. The public may direct questions to the Assembly or the administration. The questions may not be argumentative.

K. The public may direct questions to the chair only as it pertains to the conduct of the hearing.

L. The Manager may participate in the same manner as the members of the Assembly.

M. There shall be an opportunity for public participation on non-agenda items at each regular meeting of the Assembly. Such public participation shall be limited to no more than 20 minutes, with each speaker limited to a length of time set by the Mayor not to exceed five minutes. Assemblymembers may ask questions of the speaker, but shall not deliberate at that time on matters raised, or answer questions directed to the members.

RULE 9. MOTIONS.

A. Seconds. Seconds to motions are not required.

B. Renewal of Defeated Motions. Defeated motions may be renewed only under suspension of the rules.

C. Priority of Privileged Motions. Privileged motions shall have the following priority:

1. Fix time to adjourn
2. Give notice of reconsideration
3. Adjourn
4. Recess
5. Question of privilege of the body
6. Question of personal privilege

RULE 10. CLERICAL ERRORS.

Clerical errors that do not affect the substance of an ordinance or resolution, such as errors in numbering or errors in spelling, may be corrected by the Attorney upon discovery of the error.

RULE 11. VOTE REQUIRED.

The affirmative vote of five members of the Assembly shall be sufficient to take any action except as otherwise provided by Charter or ordinance and except in the following instances, which require the affirmative vote of at least six members:

- A. Limiting, extending, or closing debates
- B. Suspension of the rules
- C. Setting of or postponement of special orders
- D. Objection to consideration of question
- E. Motion for immediate vote (previous question)
- F. Rescind
- G. To take up a motion for reconsideration at the meeting at which the action to be reconsidered was taken

RULE 12. PARLIAMENTARIAN.

The Attorney shall act as the parliamentarian.

RULE 13. SESSIONS.

Each regular or special meeting of the Assembly constitutes a session for purposes of the rules.

RULE 14. PUBLIC PARTICIPATION CONFINED TO THAT AGENDA ITEM.

No person except a member or the Manager may participate in Assembly proceedings except as provided in the agenda item for public participation and except that the Attorney or Clerk may comment on professional or procedural aspects. Public participation shall be permitted on a motion to recess into executive session prior to the vote on such a motion. Public participation shall be permitted on all items on the agenda, except for meetings advertised as work sessions only, but shall not be permitted on items before the body for information or scheduling purposes except to the extent such public participation concerns scheduling only.

RULE 15. RECONSIDERATION.

A. What May Be Reconsidered. Main motions, amendments to main motions, privileged motions involving substantive questions, and appeals are subject to reconsideration. Procedural motions may not be reconsidered.

B. Who May Reconsider. Any member, whether or not that member voted on the prevailing side, may give notice of or move for reconsideration.

C. Effect of Notice. The effect of giving notice of reconsideration is to suspend all action on the subject of the notice until a motion for reconsideration is made and acted upon or until the time within which the motion for reconsideration may be made and acted upon has expired.

D. Time in Which Notice Must Be Taken Up. A notice of reconsideration expires unless a motion for reconsideration is made and acted upon prior to adjournment of the next regular meeting succeeding the meeting at which the action to be reconsidered occurred.

E. Successive Reconsideration. There may be only one reconsideration even though the action of the Assembly after reconsideration is opposite from the action of the Assembly before reconsideration.

F. Precedence. A motion for reconsideration has precedence over every main motion and may be taken up at any time during the meeting when there is no other motion on the floor.

G. Effect. A motion for reconsideration completely cancels the previous vote on the question to be reconsidered as though the previous vote had never been taken.

RULE 16. TELEPHONIC PARTICIPATION.

A. A member may participate via telephone in an Assembly meeting, or an Assembly Committee meeting, if the member declares that circumstances prevent physical attendance at the meeting. If the Mayor chooses to participate via telephone, the Deputy Mayor shall preside.

B. No more than the first three members to contact the Clerk regarding telephonic participation in a particular meeting may participate via telephone at any one meeting.

C. The member shall notify the Clerk and the presiding officer, if reasonably practicable, at least four hours in advance of a meeting which the member proposes to attend by telephone and shall provide the physical address of the location, the telephone number, and any available facsimile, email, or other document transmission service.

D. At the meeting, the Clerk shall establish the telephone connection when the call to order is imminent.

E. A member participating by telephone shall be counted as present for purposes of quorum, discussion, and voting.

F. The member participating by telephone shall make every effort to participate in the entire meeting. From time to time during the meeting the presiding officer shall confirm the connection.

G. The member participating by telephone may ask to be recognized by the presiding

officer to the same extent as any other member.

H. To the extent reasonably practicable, the Clerk shall provide backup materials to members participating by telephone.

I. If the telephone connection cannot be made or is made then lost, the meeting shall commence or continue as scheduled and the Clerk shall attempt to establish or restore the connection, provided that if the member participating by telephone is necessary to achieve a quorum, the meeting shall be at ease, recess, or adjourn as necessary until the telephone connection is established or restored.

J. Meeting times shall be expressed in Alaska time regardless of the time at the location of any member participating by telephone.

K. Participation by telephone shall be allowed for regular, special, and committee meetings of the Assembly.

L. Remarks by members participating by telephone shall be transmitted so as to be audible by all members and the public in attendance at the meeting, provided that in executive session the remarks shall be audible only to those included in the executive session.

M. Any member of the public present with the member participating by telephone shall be allowed to speak to the same extent he would if physically present at the meeting.

N. As used in these rules, "telephone" means any system for synchronous two-way voice communication. "Mayor" includes the Acting Mayor or any other member serving as chair of the meeting.

RULE 17. ADOPTION OF ROBERT'S RULES OF ORDER.

The conduct of the meetings of Assembly shall be governed by the Mayor according to Robert's Rules of Order, 11th Edition, except as otherwise provided by Charter, law, or these rules.

Section 2. Repeal of Resolution. Resolution No. 2781 is repealed.

Section 3. 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



LAW DEPARTMENT

DATE: July 22, 2019
 TO: Chair Edwardson, Human Resources Committee
 FROM: Robert Palmer, City Attorney
 SUBJECT: Amendments to Assembly Rules of Procedure (Res. 2781)

The Human Resources Committee is empowered to make recommendations and propose amendments to the Assembly Rules. Chair Edwardson requested revisions to Rule 4 regarding presentation of legislation and to Rule 5 regarding applicants for the Aquatics Board.

A. Rule 4 Legislation

This rule describes who can have legislation presented. Presentation is the formal term for getting legislation on the agenda for consideration by an Assembly committee or for consideration by the Assembly. For example, once presented to the Assembly, the legislation “shall be rejected, deferred, referred to committee, or accepted as being introduced.” Charter 5.3. Thus, even if legislation is presented, the Assembly still decides whether to accept the legislation for further public process or action.

Chair Edwardson inquired that Rule 4 be reviewed in two ways: (1) to allow individual Assemblymembers to present legislation to the Assembly; and (2) to limit the Manager’s presentation of legislation to “administration” matters. Charter 5.3 provides instructive language: “An ordinance may be presented for consideration only by a member or committee of the assembly or by the manager at any regular or special meeting of the assembly.”

1. Assemblymember presentation

Because Charter 5.3 explicitly authorizes an Assemblymember to present an ordinance, the Assembly Rules cannot prohibit something the Charter explicitly allows. Thus, the Assembly Rules can be amended to add the following to Rule 4.A to comport with Charter 5.3:

Proposed Rule 4 Amendment:

“1(c) by request of the Mayor, ~~or~~ the Manager, or any member,”

Such an amendment would allow an Assemblymember the opportunity to have ordinances and resolutions drafted for presentation to the Assembly, but not committees of the Assembly. There may be good policy reasons for such a structure:

- All Assemblymembers are elected;
- The Assembly would still decide whether an individual Assemblymember's proposed legislation should be rejected, deferred, referred, or accepted; and
- If individual Assemblymembers invoke this authority often, staffing may need to be adjusted to adapt to a larger workload.

2. Manager presentation

Because Charter 5.3 explicitly authorizes the Manager to present legislation, the Assembly Rules cannot prohibit something the Charter explicitly allows. Chair Edwardson expressed an interest in discussing whether it makes sense to limit the manager's authority to introduce legislation to just "administrative" or operational aspects of the CBJ. Although the manager is not elected, there are multiple policy reasons why the manager should have broad authority to present legislation:

- The Charter requires the manager to present the CBJ budget, and if the Assembly does not act timely, the manager's proposed budget is law. Charter §§ 4.5(d); 9.2; 9.7; and 9.8. Thus, the Charter empowers the manager with substantial fiscal authority, and fiscal authority can be one of the largest policy decisions made annually by the CBJ.
- Except for rare occasions, the manager should present legislation to an Assembly committee instead of directly presenting to the Assembly to make sure it is something a committee desires;
- If the Assembly believes that the manager is pushing legislation too fast or too far, the Assembly can choose not to introduce the legislation; and
- The strong manager form of government is very efficient and highly nimble, and if the Assembly believes the manager is pushing too much policy, the Assembly can redirect or fire the manager.

Thus, I do not recommend limiting the manager's ability to present legislation.

B. Rule 5 Committees

Given the recent changes to the structure and duties of the Aquatics Board with Ordinance 2019-03, the Aquatics Board is no longer like the other empowered boards. As a result, Chair Edwardson requested that Rule 5 be amended to no longer require the full Human Resources Committee interview and recommend appointments for the Aquatics Board.

Proposed Rule 5 Amendment:

“(C)(2)(f) Membership for Certain Appointments. The Human Resources Committee shall meet as needed to recommend appointments to the Planning Commission, the Hospital Board, the Ski Area Board, ~~the Aquatics Board~~, the Docks and Harbors Board, and the Airport Board.”

Presented by: The Manager
Introduced: 08/19/2019
Drafted by: M. Cosgrove

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2863

A Resolution Amending the City and Borough Personnel Rules Regarding Step Placement on Promotion and Providing for a One Time Step Placement Adjustment for Lieutenants at the Juneau Police Department.

WHEREAS, CBJ 44.05.050 authorizes the Assembly to amend the City and Borough of Juneau Personnel Rules by resolution; and

WHEREAS, the City and Borough Personnel Rules govern the rights and responsibilities of City and Borough employees, supervisors, and managers; and

WHEREAS, the Personnel Rules should reflect modern human resource management practices; and

WHEREAS, from time to time, the Personnel Rules require review and update; and

WHEREAS, the Human Resources / Risk Management Department has reviewed and revised the Personnel Rules related to step placement on promotion to more effectively administer wage adjustments when an employee promotes; and

WHEREAS, the recent increases to the PSEA wage schedule for sworn officers has created wage compression for the Lieutenants who are unrepresented requiring a wage adjustment.

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

Section 1. Amendment of the Personnel Rules. The CBJ Personnel Rules are amended by the revision shown in the attached Exhibit "A". All other CBJ Personnel Rules remain unchanged.

Section 2. Wage Adjustment for Lieutenants. Police Lieutenants employed on July 1, 2019, shall receive a one step increase effective with the payroll beginning on July 22, 2019.

Section 3. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this 19th day of August, 2019.

Attest:

Beth A. Weldon, Mayor

Elizabeth J. McEwen, Municipal Clerk

**RULE 10
PAY****Section**

- 005. Scope**
 - 010. General**
 - 015. Basis of Pay**
 - 025. Beginning Pay**
 - 030. Advanced Step Placement**
 - 035. Former Employee**
 - 040. Promoted Employee**
 - 045. Pay Range Increase**
 - 050. Involuntary Demotion**
 - 051. ADA reassignment**
 - 055. Voluntary Demotion**
 - 060. Transferred Employee**
 - 065. Change of Occupation**
 - 070. Appointment Effective Date**
 - 075. Merit Anniversary date**
 - 080. Merit Increase**
 - 085. Merit Increase Not Earned**
 - 090. Step Reduction**
 - 095. Increased Responsibilities Differential**
 - 097. Temporary Supervision Pay**
 - 098. Acting in a Higher Range Pay**
 - 100. Shift Differentials**
 - 105. Standby Pay**
 - 110. Call out**
 - 115. Sixth and Seventh Day**
 - 120. Overtime Defined**
 - 125. Overtime Rate**
 - 130. Overtime Payment**
 - 135. Maximum Compensatory Time**
 - 140. Compensatory Time Payment**
 - 145. Holiday Pay**
 - 150. Total Remuneration**
- (Res. No. 2370, 2006; 2422(c), 2007)*

10 PR 040. Promoted Employee.

(a) A promoted employee shall be provided a two step increase in the range of the classification from which promoted, or placed at Step 1 in the new range, whichever is greater. If the monetary equivalent of a two step increase places an employee between steps in the new range, the employee shall be placed at the higher step. The City Manager may authorize additional step placement if there are exceptional circumstances.

(b) The merit anniversary of a promoted employee is the first day of the regular pay period following the completion of the probationary period. (*Res. No. 2370, 2006; 2740, 2016*)



Department of Human Resources / Risk Management

Human Resources

155 Municipal Way Suite 101, Juneau, AK 99801

907-586-5250 <phone> 907-586-5392 <fax>

Email: Dallas.Hargrave@juneau.org

MEMORANDUM

DATE: August 19, 2019

TO: CBJ Assembly

FROM: Dallas Hargrave, HRRM Director

RE: Personnel Rule Changes

Background:

The proposed Personnel Rule change addresses existing problems that arise under specific promotional circumstances.

- 1) When an employee promotes a single pay range and is in a longevity step, the monetary equivalent of a two step increase places the employee between his or her current step, and the next highest step. The existing rule doesn't allow an employee to be placed above their current step and, as a result, a holding step is created. Creating a holding step and monitoring movement is an administrative burden for staff and results in a smaller step increase for the employee on their next merit anniversary date. Removing the current step language resolves both issues.
- 2) Recent changes to the PSEA wage schedule have highlighted wage compression issues when an employee moves from a one pay scale to another (e.g. PSEA to Unrepresented) or an employee moves from an overtime eligible position to a salaried position in the same job class series (e.g. Lead level to Supervisor). Allowing the manager flexibility to grant additional step placement upon promotion addresses this issue.

Finally, this change will also provide more consistency to how step placement on promotion is handled from department to department. Currently the language provides for a minimum of two steps, but allows placement up to the employee's current step. The new language would guarantee review and justification for any placement above a two step increase. This review will provide a reasonable check against error and assure our pay practices are consistent and defensible.

Fiscal Impact:

It is expected that the monetary impact of this change would be neutral across the entire organization. Any department increases would be minimal and would be absorbed within existing personnel services costs.

Modified Rules:**10 PR 040 Promoted Employee.**

Old language:

(A) A promoted employee shall be provided at least a two step increase in the range of the classification from which promoted but shall not be placed in the new pay range at a step higher than his or her current step. If the monetary equivalent of a two step increase places an employee at a step higher than his or her current step, the employee shall receive the dollar amount of the two step increase and be placed in a holding step until the additional step is earned. When this occurs, the City Manager may authorize a wage increase on the employee's next merit anniversary date.

Proposed Language:

(A) A promoted employee shall be provided a two step increase in the range of the classification from which promoted, or placed at Step 1 in the higher range, whichever is greater. If the monetary equivalent of a two step increase places an employee between steps in the new pay range, the employee shall be placed at the step that is the closest to the new rate of pay without going under. The City Manager may authorize additional step placement if there are exceptional circumstances.



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

Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West Seventh Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

July 17, 2019

City & Borough of Juneau

Attn: Beth McEwen

Via Email: beth.mcewen@juneau.org

Cc: City.Clerk@juneau.org

Re: Notice of 2019/2020 Liquor License Renewal Application

License Type:	Recreational Site – Seasonal	License Number:	3409
Licensee:	Alaska Travel Adventure, Inc.		
Doing Business As:	Gold Creek Salmon Bake		

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

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

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

Sincerely,

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

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov



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 2, 2019

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	10270
License Type:	Standard Marijuana Cultivation Facility
Licensee:	Top Hat, LLC
Doing Business As:	TOP HAT, LLC
Physical Address:	2315 Industrial BLVD Suite A Juneau, AK 99801
Designated Licensee:	John Nemeth
Phone Number:	907-290-3433
Email Address:	john@thcalaska.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 2, 2019

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	10271
License Type:	Marijuana Product Manufacturing Facility
Licensee:	Top Hat Concentrates, LLC
Doing Business As:	TOP HAT CONCENTRATES, LLC
Physical Address:	2315 Industrial BLVD Suite B Juneau, AK 99801
Designated Licensee:	John Nemeth
Phone Number:	907-290-3433
Email Address:	john@thcalaska.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
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**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 2, 2019

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	10266
License Type:	Standard Marijuana Cultivation Facility
Licensee:	The Fireweed Factory LLC
Doing Business As:	THE FIREWEED FACTORY LLC
Physical Address:	8415 Airport Blvd. Space B Juneau, AK 99801
Designated Licensee:	Paul V Disdier
Phone Number:	907-957-2670
Email Address:	thefireweedfactory@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,

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 2, 2019

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	10800
License Type:	Retail Marijuana Store
Licensee:	The Fireweed Factory LLC
Doing Business As:	THE FIREWEED FACTORY LLC
Physical Address:	237 Front Street Juneau, AK 99801
Designated Licensee:	Paul V Disdier
Phone Number:	907-957-2670
Email Address:	thefireweedfactory@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,

Erika McConnell

Erika McConnell
Director

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

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-1021

It is hereby ordered by the Assembly of the City and Borough of Juneau,
Alaska, that \$200,221 be transferred:

From: CIP

A50-086	SREB 1A	\$140,000
A50-095	Gate 2 Passenger Boarding Bridge	\$60,221

To: CIP

A50-097	Constr Sand/Chem/Fuel Facility	\$200,221
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The \$200,221 consists of:

Sales Tax	\$200,221
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Moved and Approved this _____ day of _____, 2019.

D. Rorie Watt, City Manager

Attest:

Elizabeth J. McEwen, Municipal Clerk

City and Borough of Juneau
Capital Project Budget Summary Report
Impact of Budget Action:

Transfer T-1021

Budget Action and Project Funding Impacts

The effect of this transfer on the project budgets and available funds to complete the projects is summarized below:

Project No.	Transfer From	Transfer	Project Budget		Remaining Funds		Comments	Funding Source	
			Before	After	Before	After		F215 SALES TAX TEMP	
A50-086	SREB 1A	140,000	\$ 21,790,411	\$ 21,650,411	\$ 1,644,351	\$ 1,504,351	Closing	140,000.00	
A50-095	Gate 2 Passenger Boarding Bric	60,221	\$ 1,972,000	\$ 1,911,779	\$ 213,543	\$ 153,322	Closing	60,221.47	
Total Transfer			\$ -		\$ -			200,221.47	-
			\$ 23,762,411	\$ 23,562,190	\$ 1,857,894	\$ 1,657,672			

Project No.	Transfer To	Transfer	Project Budget		Remaining Funds		Comments		
			Before	After	Before	After			
A50-097	Constr Sand/Chem/Fuel Facility	200,221	\$ 10,651,000	\$ 10,851,221	\$ 802,091	\$ 1,002,313	Ongoing	200,221.47	-
Total Transfer			\$ -		\$ -			200,221.47	-
			\$ 10,651,000	\$ 10,851,221	\$ 802,091	\$ 1,002,313			

Presented by: The Manager
Introduced: 07/22/2019
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-31

An Ordinance Increasing the Rates for Water and Wastewater Utility Services.

WHEREAS, it is the mission of the CBJ Water Utility to provide safe drinking water and fire protection flows for the citizens of the City and Borough; and

WHEREAS, it is further the mission of the CBJ Wastewater Utility to protect the public health and environment by collecting and treating the community's sanitary sewage; and

WHEREAS, it is the responsibility of the CBJ Water Utility and the CBJ Wastewater Utility to ensure that the enterprises are managed, operated, and maintained in a stable, sustainable, and financially healthy state; and

WHEREAS, the Financial Plans and Policies adopted for each utility call for biennial financial review of each utility.

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

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

Section 2. Amendment of Section. CBJ 75.01.180 Rate schedule, is amended to read:

75.01.180 Rate schedule.

(a) Commencing ~~July 1, 2018~~ January 1, 2020, the schedule of rates charged for water service shall be as follows:

Water Utility Rate Schedule			
Customer Class	Monthly Allowance (Gallons)	Rates – <u>January 1, 2020</u>	
		Base (per month)	Volume Charge (per 1,000 gallons)
Flat Residential	-	\$36.17 <u>37.62</u>	-
Metered Residential	4,000	\$24.74 <u>25.73</u>	\$3.33 <u>3.46</u>
Flat Commercial	-	\$36.17 <u>37.62</u>	-
Metered Commercial	4,000	\$24.74 <u>25.73</u>	\$3.33 <u>3.46</u>
Large Commercial	500,000	\$456.14 <u>474.39</u>	\$0.96 <u>1.00</u>
Bulk Water	-	\$24.74 <u>25.73</u>	\$3.33 <u>3.46</u>

...

Section 3. Amendment of Subsection. CBJ 75.02.130 Schedule of rates and charges; establishment; delinquencies, is amended at (a)(4) to read:

75.02.130 Schedule of rates and charges; establishment; delinquencies.

(a) The schedule for sewer rates and charges shall be as follows:

...

(4) Rate: ~~Commencing July 1, 2018,~~ January 1, 2020, customers shall pay for sewer service at the following rates:

Wastewater Utility Rate Schedule			
Customer Class	Monthly Allowance (Gallons)	Rates	
		Base (per month)	Volume Charge (per 1,000 gallons)
Flat Residential	-	\$94.23 98.00	-
Metered Residential	4,000	\$94.23 98.00	\$12.53 13.03
Flat Commercial	-	\$94.23 98.00	-
Metered Commercial (Domestic)	4,000	\$94.23 98.00	\$12.53 13.03
Large Commercial (High)	500,000	\$94.23 98.00	\$12.53 13.03
Septage Hauling	-	-	\$35.78 37.21

...

Section 4. Amendment of Section. CBJ 75.01.180 Rate schedule, is amended to read:

75.01.180 Rate schedule.

(a) Commencing ~~January 1, 2020~~ July 1, 2021, the schedule of rates charged for water service shall be as follows:

Water Utility Rate Schedule			
Customer Class	Monthly Allowance (Gallons)	Rates	
		Base (per month)	Volume Charge (per 1,000 gallons)
Flat Residential	-	\$37.62 38.37	-
Metered Residential	4,000	\$25.73 26.24	\$3.46 3.53
Flat Commercial	-	\$37.62 38.37	-
Metered Commercial	4,000	\$25.73 26.24	\$3.46 3.53
Large Commercial	500,000	\$474.39 483.87	\$1.00 1.02
Bulk Water	-	\$25.73 26.24	\$3.46 3.53

...

Section 5. Amendment of Subsection. CBJ 75.02.130 Schedule of rates and charges; establishment; delinquencies, is amended at (a)(4) to read:

75.02.130 Schedule of rates and charges; establishment; delinquencies.

(a) The schedule for sewer rates and charges shall be as follows:

...

(4) Rate: Commencing ~~January 1, 2020~~ July 1, 2021, customers shall pay for sewer service at the following rates:

Wastewater Utility Rate Schedule			
Customer Class	Monthly Allowance (Gallons)	Rates	
		Base (per month)	Volume Charge (per 1,000 gallons)
Flat Residential	-	\$98.00 <u>99.96</u>	-
Metered Residential	4,000	\$98.00 <u>99.96</u>	\$13.03 <u>13.29</u>
Flat Commercial	-	\$98.00 <u>99.96</u>	-
Metered Commercial (Domestic)	4,000	\$98.00 <u>99.96</u>	\$13.03 <u>13.29</u>
Large Commercial (High)	500,000	\$98.00 <u>99.96</u>	\$13.03 <u>13.29</u>
Septage Hauling	-	-	\$37.21 <u>37.96</u>

...

Section 6. Amendment of Section. CBJ 75.01.180 Rate schedule, is amended to read:
75.01.180 Rate schedule.

(a) Commencing ~~July 1, 2021~~ July 1, 2022, the schedule of rates charged for water service shall be as follows:

Water Utility Rate Schedule			
Customer Class	Monthly Allowance (Gallons)	Rates	
		Base (per month)	Volume Charge (per 1,000 gallons)
Flat Residential	-	\$38.37 39.14	-
Metered Residential	4,000	\$26.24 26.77	\$3.53 3.60
Flat Commercial	-	\$38.37 39.14	-
Metered Commercial	4,000	\$26.24 26.77	\$3.53 3.60
Large Commercial	500,000	\$483.87 493.55	\$1.02 1.04
Bulk Water	-	\$26.24 26.77	\$3.53 3.60

...

Section 7. Amendment of Subsection. CBJ 75.02.130 Schedule of rates and charges; establishment; delinquencies, is amended at (a)(4) to read:

75.02.130 Schedule of rates and charges; establishment; delinquencies.

(a) The schedule for sewer rates and charges shall be as follows:

...

(4) Rate: Commencing ~~July 1, 2021~~ July 1, 2022, customers shall pay for sewer service at the following rates:

Wastewater Utility Rate Schedule			
Customer Class	Monthly Allowance (Gallons)	Rates	
		Base (per month)	Volume Charge (per 1,000 gallons)
Flat Residential	-	\$99.96 101.96	-
Metered Residential	4,000	\$99.96 101.96	\$13.29 13.56
Flat Commercial	-	\$99.96 101.96	-
Metered Commercial (Domestic)	4,000	\$99.96 101.96	\$13.29 13.56

Large Commercial (High)	500,000	\$99.96 <u>101.96</u>	\$13.29 <u>13.56</u>
Septage Hauling	-	-	\$37.96 <u>38.71</u>

...

Section 8. Amendment of Section. CBJ 75.01.180 Rate schedule, is amended to read:

75.01.180 Rate schedule.

(a) Commencing ~~July 1, 2022~~ July 1, 2023, the schedule of rates charged for water service shall be as follows:

Water Utility Rate Schedule			
Customer Class	Monthly Allowance (Gallons)	Rates	
		Base (per month)	Volume Charge (per 1,000 gallons)
Flat Residential	-	\$39.14 <u>39.92</u>	-
Metered Residential	4,000	\$26.77 <u>27.30</u>	\$3.60 <u>3.68</u>
Flat Commercial	-	\$39.14 <u>39.92</u>	-
Metered Commercial	4,000	\$26.77 <u>27.30</u>	\$3.60 <u>3.68</u>
Large Commercial	500,000	\$493.55 <u>503.42</u>	\$1.04 <u>1.06</u>
Bulk Water	-	\$26.77 <u>27.30</u>	\$3.60 <u>3.68</u>

...

Section 9. Amendment of Subsection. CBJ 75.02.130 Schedule of rates and charges; establishment; delinquencies, is amended at (a)(4) to read:

75.02.130 Schedule of rates and charges; establishment; delinquencies.

(a) The schedule for sewer rates and charges shall be as follows:

...

- (4) Rate: Commencing ~~July 1, 2022~~ July 1, 2023, customers shall pay for sewer service at the following rates:

Wastewater Utility Rate Schedule			
Customer Class	Monthly Allowance (Gallons)	Rates	
		Base(per month)	Volume Charge(per 1,000 gallons)
Flat Residential	-	\$101.96 <u>104.00</u>	-
Metered Residential	4,000	\$101.96 <u>104.00</u>	\$13.56 <u>13.83</u>
Flat Commercial	-	\$101.96 <u>104.00</u>	-
Metered Commercial (Domestic)	4,000	\$101.96 <u>104.00</u>	\$13.56 <u>13.83</u>
Large Commercial (High)	500,000	\$101.96 <u>104.00</u>	\$13.56 <u>13.83</u>
Septage Hauling	-	-	\$38.71 <u>39.49</u>

...

Section 10. Amendment of Section. CBJ 75.01.180 Rate schedule, is amended to read:

75.01.180 Rate schedule.

(a) Commencing ~~July 1, 2023~~ July 1, 2024, the schedule of rates charged for water service shall be as follows:

Water Utility Rate Schedule			
Customer Class	Monthly Allowance (Gallons)	Rates	
		Base (per month)	Volume Charge (per 1,000 gallons)
Flat Residential	-	\$39.92 <u>40.72</u>	-
Metered Residential	4,000	\$27.30 <u>27.85</u>	\$3.68 <u>3.75</u>
Flat Commercial	-	\$39.92 <u>40.72</u>	-

Metered Commercial	4,000	\$27.30 <u>27.85</u>	\$3.68 <u>3.75</u>
Large Commercial	500,000	\$503.42 <u>513.49</u>	\$1.06 <u>1.08</u>
Bulk Water	-	\$27.30 <u>27.85</u>	\$3.68 <u>3.75</u>

...

Section 11. Amendment of Subsection. CBJ 75.02.130 Schedule of rates and charges; establishment; delinquencies, is amended at (a)(4) to read:

75.02.130 Schedule of rates and charges; establishment; delinquencies.

(a) The schedule for sewer rates and charges shall be as follows:

...

(4) Rate: Commencing ~~July 1, 2023~~ July 1, 2024, customers shall pay for sewer service at the following rates:

Wastewater Utility Rate Schedule			
Customer Class	Monthly Allowance (Gallons)	Rates	
		Base (per month)	Volume Charge (per 1,000 gallons)
Flat Residential	-	\$104.00 <u>106.08</u>	-
Metered Residential	4,000	\$104.00 <u>106.08</u>	\$13.83 <u>14.11</u>
Flat Commercial	-	\$104.00 <u>106.08</u>	-
Metered Commercial (Domestic)	4,000	\$104.00 <u>106.08</u>	\$13.83 <u>14.11</u>
Large Commercial (High)	500,000	\$104.00 <u>106.08</u>	\$13.83 <u>14.11</u>
Septage Hauling	-	-	\$39.49 <u>40.28</u>

...

Section 12. 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

Presented by: COW
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-36

An Ordinance Temporarily Increasing the Hotel-Motel Room Tax by Two Percent, from Seven Percent to Nine Percent, for a Fifteen Year Period, and Providing for a Ballot Question Ratifying the Increase.

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

Section 1. Classification. Section 2 of this ordinance, if approved by a majority of qualified voters voting on the question in accordance with Sections 3 and 4, shall be of a general and permanent nature and shall become a part of the City and Borough code. Sections 3 and 4 are noncode sections.

Section 2. Amendment of Section. CBJ 69.07.020 Imposition of hotel-motel room rental tax, is amended to read:

69.07.020 Imposition of hotel-motel room rental tax.

(a) The City and Borough hereby levies a tax on hotel-motel room rentals for transients equal to nine ~~seven~~ percent of the room rent from January 1, 2020, to December 31, 2035. The tax imposed under this chapter shall automatically return to seven percent on January 1, 2036. The tax shall be applicable to all room rentals for transients unless the rental is specifically exempted from taxation by constitution or other valid law.

...

Section 3. Submission to the Voters. The question of whether to temporarily increase the rate of the hotel-motel room tax from seven to nine percent from January 1, 2020, to December 31, 2035, shall be submitted to the qualified voters of the City and Borough at the next regular municipal election. The Municipal Clerk shall prepare the ballot proposition as provided by this ordinance and shall perform all necessary steps in accordance with law to place this proposition before the voters.

Section 4. Proposition. The proposition to be submitted to the voters as required by Section 3 shall read substantially as follows:

Explanation

Juneau currently levies a seven percent tax on hotel-motel room rentals. This ballot proposition, if approved by the voters, would temporarily increase the hotel-motel room rental tax from seven percent to nine percent from January 1, 2020, to December 31, 2035. The two percent increase is projected to raise \$440,000 annually.

It is the intent of the Assembly to use this increase in the hotel-motel room rental tax to provide funding for the construction of capital improvements for Centennial Hall. The tax proceeds could also be used to help pay for general obligation debt service related to Centennial Hall.

PROPOSITION NO. ____

Authorization to Temporarily Increase the Hotel-Motel Room Tax from Seven to Nine Percent Effective January 1, 2020, until December 31, 2035.

Shall the City and Borough of Juneau temporarily increase the tax on hotel and motel transient room rentals from seven percent to nine percent for fifteen years?

YES []
NO []

Section 5. Effective Dates.

(a) The amendment of CBJ 69.07.020(a) set forth in Section 2 of this ordinance shall become effective on January 1, 2020, if the proposition required by Sections 3 and 4 of this ordinance is approved by a majority of the qualified voters of the City and Borough voting on the proposition at the next regular municipal election.

(b) Sections 3 and 4 of this ordinance authorizing the submission of the ballot proposition to the qualified voters of the City and Borough shall be effective 30 days after adoption of this ordinance.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 07/22/2019
Drafted by: Bond Counsel

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-35(c)

An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed Seven Million Dollars to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 1, 2019.

WHEREAS, improvements to the facilities of the City and Borough of Juneau, Alaska (the “City and Borough”) are needed in order to meet the current and future needs of the City and Borough; and

WHEREAS, certain projects listed in Section 3 below (the “Projects”) have been identified and approved by the Committee of the Whole as necessary to meet the needs of the City and Borough; and

WHEREAS, in order to provide funds for paying part of the cost of acquiring, constructing and equipping the Projects, it is deemed necessary and advisable that the City and Borough issue and sell its unlimited tax levy general obligation bonds in the principal amount of not to exceed \$7,000,000 (the “Bonds”);

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

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

Section 2. Findings. The Assembly of the City and Borough hereby finds and declares that the acquisition, construction and equipping of the Projects identified in Section 3 hereof are necessary and are in the best interest of the inhabitants of the City and Borough.

Section 3. Purposes. The Assembly has determined that Centennial Hall is in need of renovations and expansion (the “Projects”). The Projects include, but are not limited to, upgrading the HVAC system, making improvements to the sound system, lighting system and technology, the interior flooring, furnishings and wall systems, expanding the lobby area, renovating and expanding break-out rooms, corridor and business center, and possible construction of new meeting rooms, offices and adding an enclosed and heated corridor between Centennial Hall and the new arts and culture center.

The cost of all necessary architectural, engineering, design, and other consulting services, inspection and testing, administrative and relocation expenses, costs of issuance of the Bonds and other costs incurred in connection with the Projects that is approved by the electors shall be deemed capital improvement costs of the approved Projects. The approved Projects may be completed with all necessary furniture, equipment and appurtenances.

If the City and Borough shall determine that it has become impractical to accomplish any portion of the approved Projects by reason of changed conditions or needs, incompatible development or costs substantially in excess of those estimated, the City and Borough shall not be required to accomplish such portions and shall apply Bond proceeds as set forth in this section.

Interest earnings on Bond proceeds may be used and applied by City and Borough, at the direction of the City Manager or his or her designee, for the Projects or for other capital improvements or for the retirement of the Bonds or other general obligation bonds of the City and Borough.

If the approved Projects have been completed in whole or in part, or their completion duly provided for, or their completion found to be impractical, the City and Borough may apply Bond proceeds or any portion thereof as provided in Section 10.10 of the Home Rule Charter.

In the event that the proceeds of sale of the Bonds, plus any other monies of the City and Borough legally available, are insufficient to accomplish the approved Projects as provided in this ordinance, the City and Borough shall use the available funds for paying the cost of those portions of the approved Projects for which the Bonds were approved deemed by the Assembly most necessary and in the best interest of the City and Borough. No Bond proceeds shall be used for any purpose other than a capital improvement.

Section 4. Details of Bonds. The Assembly hereby authorizes the issuance of general obligation bonds in order to fund the portion of the costs of the Projects described in Section 3 (the "Bonds"). The Bonds shall be sold in such amounts and at such time or times as deemed necessary and advisable by the Assembly and as permitted by law and shall mature over a period of not to exceed 20 years of date of issue. The Bonds shall be issued in an aggregate principal amount of not to exceed \$7,000,000. The Bonds shall bear interest to be fixed at the time of sale or sales thereof. Both principal of and interest on the Bonds shall be payable from annual tax levies to be made upon all of the taxable property within the City and Borough, without limitation as to rate or amount and in amounts sufficient with other available funds, including hotel/motel tax levies, to pay such principal and interest as the same shall become due.

The full faith, credit, and resources of the City and Borough are hereby irrevocably pledged to the payment of both the principal and interest on such Bonds. The exact form, terms, conditions, contents, security, options of redemption, and such other matters relating to the issuance and sale of said Bonds as are deemed necessary and advisable by the Assembly shall be as hereinafter fixed by ordinance and resolution of the City and Borough.

Section 5. Submission of Question to Voters. The Assembly hereby submits to the qualified electors of the City and Borough the proposition of whether or not the City and Borough

should issue the Bonds for the purpose of financing the costs of the approved Projects at the regular municipal election to be held on October 1, 2019.

The City and Borough clerk shall prepare the ballot proposition to be submitted to the voters as provided by this ordinance and shall perform all necessary steps in accordance with law to place these propositions before the voters at the regular election.

Section 6. Ballot Proposition. The proposition to be submitted to the qualified voters of the City and Borough as required by Section 5 above shall read substantially as follows:

Explanation

The proposition will authorize the issuance of \$7,000,000 in general obligation bond debt for paying the cost of renovations, expansion, upgrades and capital improvements to Centennial Hall, including upgrading the HVAC system, making improvements to the sound system, lighting system and technology, the interior flooring, furnishings and wall systems, expanding the lobby area, renovating and expanding break-out rooms, corridor and business center, and possible construction of new meeting rooms, offices and adding an enclosed and heated corridor between Centennial Hall and the new arts and culture center. The total annual debt service costs, assuming an interest rate of 3.00%, will be \$600,000 for 15 years with \$6 million of total debt service expected to be paid from the temporary two percent increase in the hotel/motel tax if approved by voters at this election and the remaining balance (\$3 million) to be paid from an annual property tax levy of approximately \$4 per \$100,000 of assessed value. If the temporary hotel/motel tax increase is not approved by the voters, debt service would require an annual property tax levy of approximately \$12 per \$100,000 of assessed value. This example of a property tax levy is provided for illustrative purposes only.

PROPOSITION NO. ____

GENERAL OBLIGATION BONDS

\$7,000,000

For the purpose of renovating and expanding Centennial Hall, including upgrading the HVAC system, making improvements to the sound system, lighting system and technology, flooring, furnishings and wall systems, expanding the lobby area, renovating and expanding break-out rooms, corridor and business center, and possible construction of new meeting rooms, offices and adding an enclosed and heated corridor between Centennial Hall and the new arts and culture center within the City and Borough, shall the City and Borough of Juneau, Alaska, issue and sell its general obligation bonds, maturing within 20 years from their date of issue, in the aggregate principal amount of not to exceed \$7,000,000?

BONDS, YES ☐

BONDS, NO ☐

After voter approval of the proposition and in anticipation of the issuance of the Bonds, the City and Borough may issue short term obligations, under such date and in such amount, form, terms, maturity, and bearing such rate or rates of interest, all as may hereafter be fixed by ordinance of the City and Borough, consistent with limitations imposed by State law and by the Home Rule Charter and Code of the City and Borough.

Section 7. Notice of Election. The Assembly shall cause a notice of election to be published once a week for three consecutive weeks in a newspaper for general circulation in the City and Borough. The first notice shall be published not later than September 11, 2019, which is 20 days prior to the regular municipal election. The notice shall contain the information required by Section 10.5 of the Home Rule Charter of the City and Borough.

Section 8. Effective Dates.

(a) The authority to issue general obligation bonds proposed in Section 6 of this ordinance shall become effective on the day following the date the election results are certified for the regular municipal election held on October 1, 2019, if a majority of the qualified voters voting on the proposition set forth in Section 6 votes for the proposition.

(b) Section 6 of this ordinance authorizing the submission of the ballot proposition to the qualified voters of the City and Borough shall become effective thirty days after adoption of this ordinance.

Adopted this 19th day of August, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: COW
 Introduced: 7/22/19
 Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-34(c)

An Ordinance Calling for an Advisory Ballot Proposition on Grant Funding for the New Juneau Arts and Culture Center.

WHEREAS, the existing City-owned arts and culture facility is a former National Guard armory and is in need of replacement; and

WHEREAS, Juneau citizens have raised nearly \$6 million since 2012, including donations of \$10,000 and above from 112 Juneau individuals, families, and businesses; and

WHEREAS, the Partnership for the New JACC is a non-profit entity raising money to develop a new arts and culture facility in the Capital City; and

WHEREAS, the New JACC will contribute to the quality of life and economic health of the community by creating construction related jobs, creating exhibit and performing art jobs, and raising tax revenue while providing arts and culture events for residents and visitors; and

WHEREAS, the New JACC is anticipated to generate about \$19 million in the Juneau economy due to construction and contribute to the \$58 million spent annually by artists, arts organizations, and audiences in the region; and

WHEREAS, the Partnership for the New JACC has raised 21 percent (\$5.544 million) towards its goal of \$26.4 million with over 70 percent from private donations; and

WHEREAS, fundraising efforts among large foundations and corporations have made clear that those private funders will take steps to provide substantial funding when the

fundraising effort reaches 50 percent, especially if the City and Borough of Juneau makes an additional grant; and

WHEREAS, the Assembly is interested in providing a grant from the voter approved one percent sales tax to the New JACC and would benefit from the advice of the voters; and

WHEREAS, the voter approved one percent sales tax is expected to raise \$47 million for fiscal years 2019-2024; and

WHEREAS, \$4.5 million of the one percent sales tax is programmed for Centennial Hall upgrades and deferred maintenance, and those funds could be reprogrammed as a grant for the New JACC; and

WHEREAS, the Assembly intends to replace the funding for Centennial Hall through other funding sources; and

WHEREAS, the Assembly has decided to call for an advisory vote on this grant to be presented to the voters at the October 1, 2019, municipal election.

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. Submission to Voters. The question of whether to provide a grant to the New JACC in an amount of \$4,500,000 as provided herein shall be submitted to the qualified voters of the City and Borough of Juneau at the regular election to be held on October 1, 2019. The City and Borough Clerk shall prepare the ballot proposition to be submitted to the qualified voters as provided by this ordinance and shall perform all necessary steps in accordance with law to conduct the election and place this proposition before the qualified voters at said regular election.

Section 3. Proposition. The proposition to be submitted to the qualified voters of the City and Borough of Juneau as required by Section 2 above shall read substantially as follows:

Explanation

The Assembly asks for your advice whether to provide a grant of \$4,500,000 for the New JACC. If a grant is made in the current fiscal year, \$4.5 million would be appropriated from the sales tax fund balance. The Assembly intends to replenish the draw on fund balance by reallocating the \$4.5 million of 1% sales tax funds over the next three years that was originally programmed for Centennial Hall improvements, which the voters approved in 2017. The Assembly intends to replace the funding for Centennial Hall by issuing general obligation bonds to be paid back by raising the hotel-motel room rental tax by two percent and a 0.4 mill property tax increase (~0.04% overall rate increase).

The existing City-owned arts and culture facility needs replacement and the grant would attract substantial additional private funds. The Assembly intends to require a contract with the Partnership for the New JACC that includes at least the following grant conditions: (1) The voters recommend providing a \$4.5M grant at the election on October 1, 2019; (2) The voters authorize the general obligation bond proposition for Centennial Hall at the election on October 1, 2019; (3) 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; (4) 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; (5) The Manager shall negotiate a contract to encumber the grant funding; and (6) The Assembly may direct the Manager to add other terms and conditions that are in the public interest.

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PROPOSITION NO. ____

ADVISORY PROPOSITION TO PROVIDE A GRANT OF \$4.5 MILLION FOR
THE NEW JACC.

Should the City and Borough of Juneau provide a grant of \$4,500,000 to the New
JACC for development of a new arts and culture center?

YES []
NO []

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

**BEFORE HEARING OFFICER FOR THE ASSEMBLY OF THE
CITY AND BOROUGH OF JUNEAU**

HARRIS HOMES, LLC,

Appellant,

vs.

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT,

Appellee,

Appeal of February 11, 2019
Notice of Decision January 28, 2018
Appeal Case No. 2019-02

PROPOSED DECISION ON APPEAL

I. Introduction.

The above captioned appeal from the January 28, 2019 decision, memorialized in a February 26, 2019 written Order Dismissing Appellant's Appeal to the Planning Commission,¹ was timely filed by appellant Harris Homes, LLC, on February 11, 2019. This is the hearing officer's proposed decision in this case. City and Borough of Juneau (CBJ) Code 1.50.140 provides that the hearing officer shall prepare a proposed decision and shall serve copies of the proposed decision with the municipal clerk and on each party in the appeal or the party's attorney no later than 45 days after the close of the hearing and the filing of all post-hearing briefs, if any. Here, the hearing date was declared to be July 19, 2019 for purposes of this matter.

The CBJ Code also provides that within five days of service of the hearing officer's proposed decision on a party, a party may file a written objection to all or any part of the proposed decision. The objection shall set forth with specificity the parts of the proposed decision to which objection is taken, the basis for the objection, and the action which the objecting party seeks to have the appeal agency take. Within three days of the service on a party of objections, a party may file a written statement in support of the proposed decision. The

¹ Record on Appeal (R.) at 1053-1062.

hearing officer shall reconsider the proposed decision in light of timely filed objections and statements of support and shall promptly prepare any amendments to be made to the proposed decision or shall issue a statement that the objections to and the statements in support of the proposed decision have been considered and that no change in the proposed decision should be made. The hearing officer shall set forth the reason for any amendment or for the rejection of timely filed objections

II. Procedural Posture.

The underlying decision appealed from was a July 10, 2018 notice of violation letter from Jill Maclean, Director Community Development Department, City and Borough of Juneau, to RH Development and Richard Harris.² RH Development³ filed a Notice of Appeal from the Director's decision to the Planning Commission on July 30, 2018.⁴ The Planning Commission accepted the appeal, voted to hear the appeal on the record, and designated a hearing officer on August 28, 2018.⁵ Various motions delayed consideration of the appeal, among them a Motion to Dismiss filed by the appellee on November 19, 2018.⁶ The Motion to Dismiss was fully briefed, and considered by the Planning Commission on January 28, 2019.⁷ The Planning Commission granted the Motion to Dismiss and dismissed the Appeal for mootness without deciding whether the March/April 2018 Sunset Meadows Condominium plat (Plat 2018-7) was a condominium or a subdivision.⁸

III. Facts.

In 2011 the property in question was owned by RH Development, who applied for a permit to construct a 48-unit apartment complex.⁹ That permit, permit USE 2011 0015, was granted, subject to certain conditions, on August 25, 2011.¹⁰ The conditions included that the

² R. 183-185.

³ The 2018 appeal references RH development, while the February 11, 2019 is by Harris Homes, LLC. By order dated October 11, 2018, the parties substituted Harris Homes, LLC for RH Development. R. 730-732.

⁴ R. 516, 931-939, 1054. The actual Notice of Appeal does not appear in the record, but the timing and existence are noted in two locations in the record, and there does not appear to be a dispute as to the timeliness of this appeal.

⁵ R. 708.

⁶ R. 944-948.

⁷ R. 1052.

⁸ R. 1053-1062.

⁹ R. 1, 13-14.

¹⁰ R. 25-26.

permit would expire 18 months from the effective date or February 23, 2013, if no Building permit had been issued.¹¹ Development did not occur right away. The record does not show issuance of a building permit prior to February 23, 2013.

In June 2013, Mr. Harris indicated to Community Development Department (CDD) Planner Eric Feldt that he wanted to separate some units into detached units. Mr. Harris was advised by e-mail that this was acceptable for zoning and was not a major change to the conditional use permit.¹² In May 2014 RH Development, through Richard Harris, made a presentation to the Planning Commission and proposed an alternate layout for the 48-unit apartment complex¹³ and to pursue condominiums instead. Mr. Harris spoke under the “public participation non agenda items” portion of the meeting.¹⁴ No Planning Commission approval of the revised development plan appears in the record, nor do the parties appear to have discussed whether or not permit USE2011 0015 had already expired by its terms, leaving the property without any current valid permit for the development as of February 2013.

March 8, 2018, Harris Homes, LLC¹⁵ filed a condominium plat of the property (Plat 2018-7).¹⁶ April 10, 2018, Harris Homes, LLC recorded Restated and amended Declaration of Covenants, Conditions and Restrictions for Sunset Meadows, the condominium development on the property.¹⁷ Harris Homes, LLC began advertising and selling homes as condominiums in the spring and summer of 2018.¹⁸ Following learning of the Sunset Meadows condominium configuration, the CBJ CDD began considering a proposal for an ordinance to specifically address “unit-lot development” or “site condominiums” such as those in Sunset Meadows.¹⁹

¹¹ R. 26.

¹² R. 115. There was no mention of the expiration of the permit at that time.

¹³ R. 86.

¹⁴ R. 86.

¹⁵ At some point the property was transferred from RH Development to Harris Homes, LLC. Appellant’s Brief asserts that this occurred June 21, 2017, but the record does not appear to reflect this change. Nonetheless, neither party has raised an issue or objection to treating Harris Homes as the successor entity to RH Development, the entity which received the 2011 permit approval.

¹⁶ R. 157.

¹⁷ R. 123.

¹⁸ R. 119, 121.

¹⁹ R. 163.

The July 10, 2018, notice of violation letter was issued shortly thereafter.²⁰ The notice of violation letter takes the position that the “site condominiums” as described and established in the April 10, 2018, Restated and Amended Declaration of Covenants, Conditions and Restrictions for Sunset Meadows were a subdivision of land which did not comply with the terms of USE2011 0015 and would require either configuration approved under that earlier permit or a new subdivision application.²¹ The letter indicated that inclusion of land in the boundaries of a condominium unit made it a subdivision of land subject to local Platting Authority review prior to recording of the condominium plat or offering property for sale.²²

Harris Homes, LLC, through its attorney Mr. Spitzfaden, responded to the notice of violation by letter dated July 12, 2018, asserting, among other things, that there was no violation and that state law preempted the CDD from treating the Sunset Meadows condominiums as a subdivision of land.²³ The CDD declined to change its position,²⁴ and Harris Homes appealed the July 10, 2018 CDD decision on July 30, 2018.²⁵

Harris Homes was concerned about the impacts that a delay in marketing properties pending resolution of its appeal might have on its financial condition, and elected to amend and record a plat and covenants which would be acceptable to the CDD so that it could proceed with pending sales without the cloud of the uncertainty as to the validity of its subdivision²⁶. On August 7, 2018, Harris Homes provided revised declarations and covenants which the CDD did not consider an impermissible subdivision.²⁷ The August 8, 2018 letter from CDD to RH Development indicating acceptance set out some conditions relating to duplex versus zero lot line units and compliance with construction methods for those units.²⁸ The revised declarations

²⁰ R. 183.

²¹ R. 184. The letter did not address the question of expiration of permit USE2011 0015.

²² R. 183-184.

²³ R. 199-201.

²⁴ R. 505-506;

²⁵ R. 515-516.

²⁶ R. 325.

²⁷ R. 465; 518-558; 568-569.

²⁸ R. 568-569.

were recorded August 13, 2018 (Plat 2018-35).²⁹ Harris Homes noted that the revised declarations and covenants were recorded under duress.³⁰

Certificates of occupancy were approved for issue for phase one units 1-9 by August 14, 2018.³¹ The CDD approved the Sunset Meadows developments under the revised condominium declarations on August 16, 2018 and lifted all enforcement action against Sunset Meadows.³² Harris Homes maintained their position that the July 10, 2018 CDD interpretation was incorrect.³³ Subsequently, the CBJ adopted Ordinance 2018-41 in December 2018, effective January 17, 2019, setting out a process for consideration and permitting of alternative residential subdivisions, including unit-lot residential condominiums such as that involved here.

IV. Issues on Appeal.

The appellant asserted that the issues on appeal to the Planning Commission were: 1) Does the CBJ regulate condominiums; 2) Is the Director's interpretation of Subdivision wrong; 3) Does State Law regulate condominiums; 4) Is Sunset Meadows a subdivision or a condominium; and 5) Is the Director's actions a proper way to handle this situation?³⁴ The Issues on Appeal to the Assembly were stated as:

1. The Planning Commission erred in determining the appeal of USE 2011 0015 (herein the Appeal) was moot.

2. The Planning Commission erred in not determining it was reasonably to be expected that the behavior at issue could be expected to occur.

3. The Planning Commission erred in not determining that the public interest exception to mootness applied so that the Appeal should not have been dismissed.

4. The Planning Commission erred in not determining that CDD was estopped to raise the mootness issue because it had already accepted the Appeal before CDD raised the mootness issue.

²⁹ R. 625-627; 1054.

³⁰ R. 325; 1054.

³¹ R. 671.

³² R. 684-685; 689.

³³ R. 325; 696.

³⁴ These are the issues identified at page 2 of Appellant's Brief. See also R. 722; 1054. The actual points on appeal from the January 28, 2019 Planning Commission decision list nine issues on appeal, primarily targeting the issue of mootness.

5. The Planning Commission/Hearing Officer erred in allowing CDDD to file a Reply Brief and refusing to allow Harris Homes, LLC to file a Supplemental Brief addressing the CDDD's Reply Brief.

6. The Planning Commission erred in determining it had no jurisdiction over the Appeal.

7. The Planning Commission erred in determining appeal items 1,2,3, and 5 were advisory.

8. The Planning Commission erred in determining appeal item 4 is moot, there was no public interest in resolving appeal item 4, and a recently passed City ordinance mooted appeal item 4.

9. The Planning Commission erred in determining a recently passed City ordinance mooted appeal item 4 without providing Harris Homes notice and an opportunity to be heard on the issue.³⁵

Appellants Brief addresses mootness, and apparently seeks a ruling both that the appeal is not moot and on the underlying merits not reached by the Planning Commission. If the appeal is not moot, then the remedy would appear to be a remand to the Planning Commission to address the merits of the July 30, 2018 appeal.

V. Standard of Review.

CBJ Code 1.50.070 sets out the standard for review and burden of proof. This section provides that the burden of proof is on the appellant. The hearing officer may set aside a decision only if: 1) The appellant establishes that the decision is not supported by substantial evidence in light of the whole record, as supplemented at the hearing; 2) The decision is not supported by adequate written findings or the findings fail to inform the appeal agency or the hearing officer of the basis upon which the decision appealed from was made; or 3) The appeal agency or the hearing officer failed to follow its own procedures or otherwise denied procedural due process to one or more of the parties.

VI. Discussion.

³⁵ See Appellant's February 11, 2019, Statement of Issues on Appeal.

The form of decision must be in writing, contain findings of fact and a determination as to each issue presented. A decision may affirm, modify, or set aside an agency decision in whole or in part. A decision may be to remand any issue to the agency. The issues to be addressed are those raised in the notice of appeal. Many of the points on appeal are overlapping or interrelated. The primary issue on appeal is whether the Planning Commission's decision to dismiss the appeal as moot was supported by substantial evidence in the record as a whole.

A. *Was the Planning Commission Dismissing the July 30, 2018 Appeal as Moot Supported by Substantial Evidence in the Record?*

Initially, the appellant argues in part that mootness is not jurisdictional and cannot be raised at any time in the proceedings,³⁶ and further that the Planning Commission waived mootness when it accepted the appeal.³⁷ The Alaska Supreme Court has held that, unlike federal law, mootness in Alaska is not jurisdictional, but is a matter of judicial policy.³⁸ Mootness, like ripeness and standing, is a matter of judicial policy. It is a judicial rule of self-restraint³⁹. The judicial policy requires that there is an actual justiciable case or controversy presented. The "actual case in controversy" term encompasses mootness, standing and ripeness⁴⁰. The policy is based upon the principle that courts should not resolve abstract questions or issue advisory opinions.

The Planning Commission determined that:

"Through the filing of Plat 2018-35, both parties are in agreement that Sunset Meadows is a condominium. While there was a dispute regarding Plat 2018-7, this plat has been abandoned. On the

³⁶ Appellant's Brief at 12.

³⁷ See Appellant's Brief at 11-12, arguing, without citation to authority, that the CBJ is estopped from arguing mootness.

³⁸ See **Regulatory Commission of Alaska v. Matanuska Electric Ass'n.**, 436 P.3d 1015, 1027 (Alaska 2019).

³⁹ See **Bowers Office Products v. University of Alaska**, 755 P.2d 1095, 1096 (Alaska 1988); See Also **State v. Alaska Civil Liberties Union of Alaska**, 204 P.3d 364, 368 (Alaska 2009) (holding that The "actual case in controversy" requirement encompasses standing, mootness and ripeness.) And See **Hahn v. GEICO Choice Insurance Co.**, 420 P.3d 1160, 1167 (Alaska 2018) (holding that the "actual controversy" limitation in the statute giving courts power to render declaratory judgments "reflects a general limitation on the power of courts to entertain cases...and encompasses a number of more specific reasons for not deciding cases, including lack of standing, mootness, and lack of ripeness.")

⁴⁰ **Ruckle v. Anchorage School District**, 85 P.3d 1030, 1034 (Alaska 2004).

surface, therefore, the dispute regarding Plat 2018-7 appears to be moot. A more thorough investigation verifies this conclusion".⁴¹

The Planning Commission's decision that the appeal of the July 10, 2018 letter regarding Plat 2018-7 is moot is supported by substantial evidence in the record as a whole.

An appeal may be moot when there is no relief the appellant would be entitled to even if the appellant prevailed in the appeal.⁴² Here, even if the July 10, 2018 letter were reversed, subsequent events have occurred such that the appellant would not be entitled to relief if they prevailed. The appellant would have to take further action beyond simply prevailing to achieve its desired remedy.

It is undeniable that with the withdrawal of the administrative enforcement action there is no live case in controversy regarding the July 10, 2018 enforcement letter and the appeal is moot. The appellant has argued that if it prevails, it will act to modify the declarations and Covenants for Phase II and Phase III so that it can proceed with its original plan to have site condominiums with land and separate structures without CBJ planning oversight of the condominium boundaries. Appellant argues that AS 34.08.730 preempts regulation of the form of ownership of real estate, and thereby precludes the CBJ from regulating site condominiums differently than it would apartment buildings which may have identical physical attributes apart from the boundaries of ownership.⁴³

The potential to either amend the condominium declarations for Sunset Meadows, or even the potential for a separate development proposing site condominiums, does not establish a cure for mootness. Such a change would present a new factual circumstance. The dispute as to the validity of the July 10, 2018 letter is moot on its facts. There is no pending actual case in controversy over the withdrawn letter. The facts of the present case do not present a live case in the mootness doctrine calls for dismissal of this appeal unless the appeal falls within an exception to the mootness doctrine.

⁴¹ R. 1058.

⁴² See O'Callaghan v. State, 920 P.2d 1387, 1388 (Alaska 1996).

⁴³ Appellant's Brief at 8-10.

The Alaska Supreme Court has recognized two exceptions to the mootness doctrine: the public interest exception and the collateral consequences exception.⁴⁴ The appellant has not argued or discussed the collateral consequences exception, and the facts in the record do not establish collateral consequences meeting the exception.

The appellant has argued that the public interest exception applies. The public interest exception allows a court, or administrative agency, to continue to hear a case where the underlying case is moot, but the issue is capable of repetition evading review. The appellant argues that the issues are not moot under the doctrine that the allegedly wrong behavior could be reasonably expected to re-occur,⁴⁵ and that the public interest justifies review because the issues are capable of repetition and the mootness doctrine may circumvent review.⁴⁶ A third prong looks at whether the issues presented are so important to the public interest as to justify overriding mootness.⁴⁷ The appellant has argued that the CDD requirements precluding land associated with condominiums is capable of repetition because other developers may be under the same economic pressure to change their plat in order to be able to proceed rather than appealing.⁴⁸

I find this argument unconvincing for at least three reasons. First, the amendment to the CBJ Code, which occurred after Harris Homes recorded its revised Declarations August 3, 2018, changed the rules to be applied by the CDD in situations of this type, effectively rendering the underlying situation not reasonably capable of repetition since any new effort to create site condominiums by Harris Homes would not be outright denied certificates of occupancy based upon being an illegal subdivision, but it would be reviewed under the new ordinance. If a new application were submitted, it would be reviewed under the standards in Ordinance 2018-41, not under the standards applied by the CDD in the July 10, 2018 notice of violation letter. A case seeking review under the new ordinance is not yet ripe, and the underlying appeal here does not present such a case as it was not decided by the CDD or the Planning Commission under the new ordinance, nor does appellant seek to challenge the new ordinance in this appeal.

⁴⁴ See In Re Necessity for Hospitalization of Mark V., 324 P.3d 840, 843 (Alaska 2014).

⁴⁵ Appellant's Brief at 6-7 citing Alaska Trustee, LLC, v. Ambridge, 372 P.3d 207, 225 note 106 (Alaska 2016).

⁴⁶ Appellant's Brief at 8 citing Alpine Energy LLC v. Matanuska Electric Ass'n, 369 P.3d 245, 257 (Alaska 2016).

⁴⁷ See Copeland v. Ballard, 210 P.3d 1197, 1204 (Alaska 2009).

⁴⁸ Appellant's Brief at 8.

Second, appellant argues that Harris Homes could or would seek to amend the declarations and pursue its original development plan. However, it has not done so. Although it would be very difficult now that units have been sold, assuming it could convince the affected owners to consent, there is nothing preventing it from doing so and having the issue decided as a live case in controversy. However, were it to do so, the new declarations would be subject to the law at that time. Any rights to completion of a non-conforming development outside of Ordinance 2018-41 have been waived by Harris Homes by the filing of the August 13, 2018 declarations and cannot now be revived exempt from Ordinance 2018-41. The new development would need to meet the standards then in place, or establish an exemption from such standards. The dispute would be evaluated based upon the facts of that case, not the generic question of whether the CBJ lacks authority to regulate site condominiums. Until there are specific facts creating a case in controversy, the issues appellant seeks to have decided are not ripe, and a decision based upon the former law and former application would provide no relief to appellant.

Third, there is no showing that the review would be repeatedly circumvented. The argument about pressure on other developers to “knuckle under” is not supported by evidence. There is no evidence presented, nor argument providing reason to believe that other developers will commit resources in a manner which put them under coercive pressure without first determining whether their development requires CBJ approval, or which would cause them to abandon preserving their rights and seeking review of the CBJ CDD determination. Any land use permitting issue carries some economic pressure to resolve in a timely manner, but that normal circumstance is not the sort of situation which renders CDD decisions likely to repeatedly evade review.

This is distinguishable from the potential for evading review from amendments to salmon regulations in Vanek⁴⁹ or expiring permits in DNR v. Greenpeace⁵⁰ because the underlying rights do not expire in the same way. With land use rights, rights generally are fixed in time by a permit or plat and are not subject to substantial variation after that point.⁵¹ Thus, such rights are not as

⁴⁹ Vanek v. Board of Fisheries, 193 P.3d 283 (Alaska 2008).

⁵⁰ 96 P.3d 1056 (Alaska 2004).

⁵¹ See, for example, CBJ Code 49.30.800 allowing completion of developments for which a permit has been issued prior to the effective date of an ordinance which renders the development non-conforming.

likely to evade review simply from the passage of time. The Planning Commission also discussed the voluntary nature of the change, and the significance that the mootness was caused not by the party whose actions were being challenged, but by the appellant's own actions.⁵² Had the appellant not voluntarily changed the facts relating to the appeal by revising the plat, its rights would have been vested and not modified by Ordinance 2018-41.⁵³

Further, the issues here are not so important to the public interest that they would justify overriding the mootness doctrine. The interests at issue here are a single developer, and there is no evidence that the public at large is significantly impacted by an interpretation under a former law.

The appellant argues that the new ordinance is an ex post facto law and therefore unconstitutional if applied to Sunset Meadows.⁵⁴ "An ex post facto law is a law passed after the occurrence of a fact or commission of an act, which retrospectively changes the legal consequences or relations of such fact or deed."⁵⁵ Ordinance 2018-41 applies prospectively only. As it stands, the current state of Sunset Meadows has been determined by the CDD to be in compliance. In order for the application of Ordinance 2018-41 to be an ex post facto fact pattern would require that the CBJ seek to prosecute an existing development as being in non-compliance. In the land use arena, pre-existing non-compliant lots or subdivisions rendered non-compliant due to a change in the law are regulated as non-conforming lots.⁵⁶ There is no ex post facto prosecution present on these facts.

This does not mean that the issues raised by the appellant regarding the preemptive effect of state statutes relating to condominiums may not be a valid point, just that this appeal is not the proper forum to decide an issue which is not a case in controversy on the facts of this case. Perhaps Harris Homes could seek a declaratory judgment that Ordinance 2018-41 is invalid because the CBJ is preempted by AS 34.08.730 from regulating site condominiums. However,

⁵² Slade v. State, Dept. of Transp. & Public Facilities, 336 P.3d 699, 700 (Alaska 2014), *see also* Parents Involved in Community Schools v. Seattle School Dist. No. 1, 551 U.S. 701, 719 (2007) (*citing* Friends of Earth v. Laidlaw Environmental Services (TOC), Inc., 528 U.S. 167, 189 (2000)).

⁵³ See CBJ Code 49.30.800. However, the issue of expiration of the 2011 permit could impact the scope of rights preserved.

⁵⁴ Appellant's Brief at 11.

⁵⁵ Doe v. State, 189 P.3d 999, 1003 (Alaska 2008).

⁵⁶ See CBJ Code 49.30.300. And see CBJ Code 49.300.800.

the present forum and procedural posture is not the proper proceeding to address these arguments in the abstract. The Planning Commission decision that there is no live case in controversy is supported by substantial evidence in the record.

B. *The Planning Commission Did Not Err When It Determined that the Circumstances Were Unlikely to be Repeated.*

The appellant's second point on appeal argued that the Planning Commission erred in not determining it was reasonably to be expected that the behavior at issue could be expected to occur. This issue is addressed above in the context of the discussion of whether the appellant showed the likelihood of repetition necessary to meet the public interest exception to mootness. The Planning Commission found that repetition was unlikely and the change in the law makes the likelihood even more remote.⁵⁷ This finding is supported by substantial evidence.

C. *The Planning Commission Properly Applied the Public Interest Exception to Mootness.*

The appellant's third point on appeal argued that Planning Commission erred in not determining that the public interest exception to mootness applied so that the Appeal should not have been dismissed. This argument was also discussed above in the context of the public interest exception to the mootness doctrine. The Planning Commission's finding that none of the factors of the public interest exception were presented in evidence⁵⁸ is supported by the record.

D. *The Planning Commission Did Not Err in Determining that Estoppel did not Bar Raising the Mootness Issue.*

Appellant's fourth point on appeal argued that the Planning Commission erred in not determining that CDD was estopped to raise the mootness issue because it had already accepted the Appeal before CDD raised the mootness issue. Appellant's argument that mootness is somehow waived if a case is accepted for appeal is illogical because often mootness is not present at the outset of a case, and only arises during the course of a matter based upon facts as they develop. The facts giving rise to mootness, such as the repeal of a statute being challenged or the return of a piece of personal property the recovery of which is the purpose of the suit, often only occur during the course of a case.

⁵⁷ R. 1061.

⁵⁸ R. 1061.

The record clearly shows that the underlying decision from which an appeal was taken, the July 10, 2018 letter refusing to issue certificates of occupancy and providing notice of the violation, has been resolved and the enforcement lifted from Sunset Meadows.⁵⁹ Treating the case as an appeal from a notice of violation, this is functionally a dismissal by the prosecution. When a charge is dismissed by the prosecution, the case is moot, and the defendant cannot go through with the criminal trial seeking to prove that they never should have been charged. The remedy would need to be sought in a separate case.

Mootness is not waived or one which parties are estopped from asserting when it becomes apparent. Mootness can be raised sua sponte.⁶⁰ The appellant has offered no authority to support the illogical position that failure to raise mootness waives or estops a party from later asserting mootness as a basis for dismissal. The Planning Commission found that Harris Homes presented no legal authority to support the argument that mootness was waived, nor could it.⁶¹ The Planning Commission characterized it as an issue of subject matter jurisdiction. The more accurate description is that it is a matter of judicial policy. To the extent that the Planning Commission erred by calling mootness jurisdictional rather than prudential, that error is not material because there is no live case in controversy over the July 10, 2018 letter, and therefore dismissal for mootness is supported by substantial evidence in the record.

E. *The Planning Commission did not Err when it Denied Harris Homes, LLC Permission to File a Sur-Reply Reply Brief.*

The appellant asserts a violation of due process from the failure of the Planning Commission to grant the appellant's request to file a sur-reply to the CDD's Motion to dismiss for mootness. Appellant does not identify any procedural rule or other provision which was allegedly violated by the denial of the request to file a sur-reply. Appellant also fails to identify any facts or argument which appellant was prevented for making which could have prejudiced the appellant. On this record, the appellant has not met its burden to show that the Planning Commission failed to follow its procedures or denied appellant its due process rights. The Planning Commission followed its procedures in this case.

F. *The Appellant Abandoned the Argument that the Planning Commission Erred in Dismissing the Appeal on Jurisdictional Grounds.*

⁵⁹ R. 689-691.

⁶⁰ See **Bowers Office Products v. University of Alaska**, 755 P.2d 1095, 1096 n.3 (Alaska 1988).

⁶¹ R. 1057.

This point on appeal was not pursued apart from the discussion of mootness, which is addressed above. Where a point on appeal is not given more than a cursory statement in the argument portion of a brief it should not be considered.⁶² Failure to argue a point constitutes abandonment of it.⁶³ As discussed above, the Planning Commission erred in characterizing mootness as depriving them of jurisdiction. Mootness is not jurisdictional, but is a doctrine of judicial restraint where there is no case of controversy. Regardless, the Planning Commission conclusion that the case is moot is supported by substantial evidence in the record.

G. *The Planning Commission Properly Concluded that Appeal Items 1,2,3, and 5 were Advisory.*

The appellant argues that issues 1,2,3 and 5 from the appeal to the Planning Commission were not advisory because they went to the heart of whether Sunset Meadows is a condominium. The Planning Commission decision found that quasi-judicial bodies may not issue advisory opinions or resolve abstract questions of law as part of the appeal process.⁶⁴ The appellant does not dispute this rule of law, rather appellant argues that the four questions are essential to determining whether Sunset Meadows is a condominium.⁶⁵

I find that whether the CBJ regulates condominiums or whether the state regulates condominiums does not bear on whether a particular development is a condominium. These are abstract questions which need context. Both entities regulate condominiums with respect to the building code and other matters. The other two questions are mooted by the rescission of the enforcement letter. Whether the CDD director's interpretation of the former law was correct or whether the director acted appropriately in July 2018 are both moot questions, and are not justiciable. The Planning Commission did not err by failing to address the four issues it determined were advisory.

H. *The Planning Commission properly declined to decide whether the April 2018 declarations and covenants for Sunset Meadows represented a condominium or a subdivision.*

⁶² See Shepherd v. Haralovich, 170 P.3d 643, 651 (2007).

⁶³ Associate Engineers and Contractors Inc v. H & W Const. Co. 438 P.2d 224 (Alaska 1968).

⁶⁴ R. 1055 citing State v. American Civil Liberties Union of Alaska, 204 P.3d 364, 368-369 (Alaska 2009) (quoting Bowers Office Products, Inc. v. Univ. of Alaska, 755 P.2d 1095, 1097-98 (Alaska 1988)).

⁶⁵ Appellant's Brief at 8.

This point on appeal asserted that “the Planning Commission erred in determining appeal item 4 is moot, there was no public interest in resolving appeal item 4, and a recently passed City ordinance mooted appeal item 4.” This point on appeal addresses the mootness question from a slightly different angle, but represents essentially the same argument. As discussed above, there is not a ripe case in controversy regarding application of Ordinance 2018-41. The facts presented in the Harris Homes appeal did not present a case in controversy regarding Ordinance 2018-41. The challenge to the July 10, 2018 determination is moot due to withdrawal of that letter. The claim is further mooted by the independent event that the facts here were changed by appellant’s voluntary acts before adoption of Ordinance 2018-41. Those actions surrendered any vested non-conforming right. The Planning Commission decision that the question of whether Plat 2018-7 was a condominium or subdivision was moot is supported by substantial evidence in the record.

- I. *The Planning Commission properly concluded that Ordinance 2018-41 mooted the appeal.*

The final point on appeal asserted that the Planning Commission erred in determining Ordinance 2018-41 appeal item 4 without providing Harris Homes notice and an opportunity to be heard on the issue. This point on appeal was not addressed in the briefing. Failure to argue a point constitutes abandonment of it.⁶⁶ Regardless, it was not error for the Planning Commission to take judicial notice of the adoption of Ordinance 2018-41 and how that altered the facts in relation to any future appeal. The Planning Commission’s conclusion was supported by substantial evidence in the record.

VI. Conclusion.

The Planning Commission decision is supported by substantial evidence in the record. Additionally, the Planning Commission decision clearly sets out the basis for its conclusions. The appellant has failed to meet its burden to prove that the Planning Commission erred or failed to follow its procedures.

I make the following specific findings:

⁶⁶ Associate Engineers and Contractors Inc v. H & W Const. Co. 438 P.2d 224 (Alaska 1968).

1. The CBJ Director of CDD issued a notice to Harris Homes on July 10, 2018 advising them that the Sunset Meadows Condominium development did not comply with CBJ development code, and certificates of occupancy could not be issued until it was brought into compliance.

2. Harris Homes appealed from the Director's decision on July 30, 2018.

3. Harris Homes voluntarily amended its declarations for the Sunset Meadows Condominium development sufficiently to come into compliance with the CBJ CDD Directors' July 10, 2018 notice on August 13, 2018.

4. The Director of CDD rescinded the violation notice on August 16, 2018 due to the now compliant circumstances, and allowed the issuance of certificates of occupancy.

5. The CBJ adopted an ordinance dealing specifically with "unit lot" developments which became effective January 17, 2019.

6. The Planning Commission dismissed the July 30, 2018 appeal on January 28, 2019 based upon mootness.

7. Substantial evidence in the record supports the conclusions that as of January 28, 2019 there was no live case in controversy regarding the CDD Director's July 10, 2018 determination.

8. The appeal here was rendered moot in two independent ways, first by appellant's voluntary action August 13, 2018 changing the underlying subdivision which resulted in rescission of the letter of July 10, 2018, and second by the adoption of Ordinance 2018-41 which changed the applicable law.

9. Due to the changed circumstances, the exceptions to the mootness doctrine do not apply here.

10. The collateral impacts exception to mootness does not apply, and was not argued.

11. The public interest exception does not apply as this fact pattern is unlikely to be repeated, and if repeated was not shown to be likely to evade review.

12. The controversy here is not one which significantly impacts the public interest. The issues here are not so important to the public interest to justify overriding mootness.

13. Harris Homes was not entitled to file a sur-reply to the Motion to Dismiss. The Planning Commission followed its procedures when it denied the request for a sur-reply. Further, the appellant has not presented evidence of prejudice from the denial.

14. Dismissal for mootness, while not strictly jurisdictional, is appropriate where, as here, there is no live case in controversy and a decision would afford no relief to the appellant even if they prevailed.

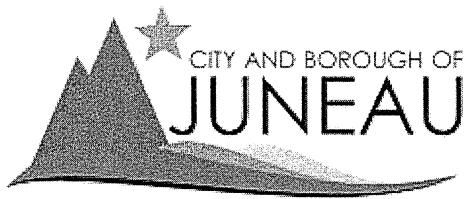
15. Issues 1,2,3 and 5 from the July 30, 2018 appeal do not present justiciable questions.

16. Issue 4 from the July 30, 2018 appeal is moot.

Submitted this 26th day of July, 2019.



Scott A. Brandt-Erichsen
Hearing Officer



OFFICE OF THE ASSESSOR

155 SOUTH SEWARD ST.
JUNEAU, AK 99801

NORMAN L CUSTARD
17670 POINT LENA LOOP RD
JUNEAU, AK 99801

RE: LATE FILES – SENIOR CITIZEN/DISABLED VETERAN (SC/DV) TAX EXEMPTION
ASSESSOR SUMMARY
PARCEL ID: 8B3501000061
LOCATION: 17670 POINT LENA LOOP RD

The SC/DV exemption application's annual filing deadline is **March 31**. Norman Custard applied late by submitting his application on **July 11**. 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. Custard prepared a letter of explanation as to why he was unable to meet the filing deadline and requests that the SC/DV property tax exemption be granted. Please see attached letter.

Assessor's Office
JUL 11 2019

July 12, 2019

City and Borough of Juneau
155 South Seward St
Juneau, AK 99801

Subject: Disabled Veteran Real Property Tax Late Exemption

Request approval of late Disabled Veteran Real Property Tax Exemption for 2019. I missed the deadline to due to simply inattention. I'm a qualified disabled veteran and have received the exemption over the past several years.

Attached is a copy of the VA letter certifying I'm receiving service-connected disability compensation that qualifies as a disabled veteran for 2019.

Property:

- Parcel Number: 8B3501000061
- Property Location: 17670 Point Lena Loop Road
- Legal Description: USS 3264 LT B1

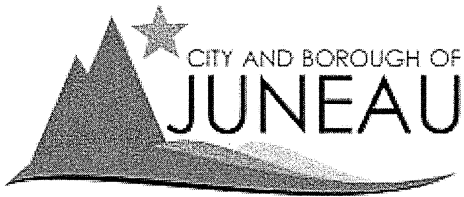
Thank you for considering this request.

Very Respectfully,



Norman Custard, CAPT, USCG (Retired)

Norman L. Custard
Patricia T Custard
17670 Point Lena Loop Road
Juneau, AK 99801



OFFICE OF THE ASSESSOR

155 SOUTH SEWARD ST.
JUNEAU, AK 99801

SARAHANN JACKSON
1825 MARK ALAN ST
JUNEAU, AK 99801

RE: LATE FILES – SENIOR CITIZEN/DISABLED VETERAN (SC/DV) TAX EXEMPTION
ASSESSOR SUMMARY
PARCEL ID: 5B1201210200
LOCATION: 1825 MARK ALAN ST

The SC/DV exemption application's annual filing deadline is **March 31**. Sarahann Jackson applied late by submitting her application on **July 9**. 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. Jackson prepared a letter of explanation as to why she was unable to meet the filing deadline and requests that the SC/DV property tax exemption be granted. Please see attached letter.

July 8, 2019

Packet Page 243 of 251

City and Borough of Juneau
Office of the Assessor
Jenna Malinger
155 south Seward St.
Juneau, Alaska 99801

CBJ-Assessor's Office

JUL 09 2019

Parcel ID# - 5B1201210200
1825 Mark Alan
Juneau, Alaska 99801
780-5160

Please accept my CBJ senior citizen tax exemption application. I paid off my 30 year mortgage property in March of 2019. I have lived here all my life and am a real property owner.

My oldest brother, Larry Jackson who was the postmaster in Southeast Alaska passed away on January 27, 2019 in Wasilla. Another brother - Ivan Jackson passed away June 29, 2019 in Portland, Oregon. I have been grieving and have sought care to deal with these tragedies.

I am applying for the senior tax exemption with a late application. Please find it within your heart to forgive my grief in this difficult time.

Thank you for your consideration in this matter. I pray I can get a decision soon, as property taxes are due by 9/30/19.

Birthdate: 1/8/53

Sarahann M Jackson
Sarahann M. Jackson

1825 Mark Alan

Juneau, Alaska 99801



August 2, 2019

Mayor Beth Weldon
City and Borough of Juneau
155 So. Seward Street
Juneau, Alaska 99801

Dear Mayor Weldon,

On July 26 the Juneau Community Foundation held a meeting with over 20 agencies that provide health and social services in our community. This meeting was the beginning of a conversation to determine the effects that drastic cuts to state funding through grants, Medicaid, and federal matching funds would have on this sector of Juneau's nonprofit organizations and the people they serve.

If the current State cuts continue, the most direct and immediate impact to health and social services in Juneau will be the elimination of Head Start and a reduction in programs that serve the homeless. Reduced funding for substance use disorder treatment will result in scaled-back programs and assistance. More homeless people will be on the streets, more people will seek care at the hospital emergency department, many young children will not have the benefit of a successful pre-K program, and community members will lean more heavily on food bank programs that have already seen a tremendous increase in food needs this year.

Some impacts may not be very noticeable to the general public at first or even this fiscal year. Several agencies are staving off some of the immediate impacts of state budget cuts this fiscal year through carryover grants, reserves, and delayed decisions. But this is a short-term respite and it is also possible that there may be additional reductions in state funds next year and in the years ahead, which will make the apparent effects even greater.

The 5% Medicaid reduction will first be felt at those agencies delivering health care. Bartlett Regional Hospital may lose as much as \$1.5 million in revenue. SEARHC is also estimating a possible impact from the general Medicaid reduction, and is already planning to slow down their expansion of adult dental care which has been covered by Medicaid, but is affected by the vetoes. And, of course, State general fund reductions in Medicaid also result in losses of Federal matching funds so the program effects are larger than they first appear. The Medicaid reductions may be felt in higher health insurance rates as costs for uncompensated hospital care are spread to insurance and in reductions in health care provider jobs.

Agencies with state funding at risk are already leaving positions vacant as people leave or retire, and considering decreasing full-time positions to part-time, and layoffs. All of these solutions reduce the care available to clients of the agencies, but also directly impact the employees, as well with losses of income and health benefits.

Many agencies are trying to hold out to see the final budget outcome before implementing measures to reduce spending that cannot be easily undone, although this strategy comes with the risk that absorbing the cuts, if they occur, will mean even deeper reductions. As mentioned above, some are using reserves to cover a deficit for this fiscal year, however even they fear the impact of the cuts this year since the other support services their clients rely on will be less available. The reduction and elimination of programs will continue unless cuts are reinstated. Reallocation of Juneau Hope Endowment and CBJ Social Service grants may help a little, but the existing grants will not offset the current cuts.

Based on preliminary estimates from organizations at the meeting, \$2.25 - \$2.5 million will be lost from social service providers in fiscal year 2020; an additional \$1.5 million reduction in funding for Bartlett Regional Hospital; and, further reductions for SEARHC programs. In addition, in the SE Alaska region the cuts reduce funding for Senior Centers by \$2 million and include a 30% reduction for Substance Abuse Programs. In 2021 the hole from current state cuts could increase to \$3.5 - \$4 million, as reserves and existing grants are used, and currently anticipated state funding does not come through.

The loss of qualified people serving in these agencies will have a lasting impact on Juneau. Getting a clear picture on what levels of local service will be sustainable going forward is critical to the well-being of many residents and our economy. The loss of Medicaid, other federal benefits, housing subsidies, federal grants, jobs, qualified providers will all adversely affect our economy. Based on research from Rain Coast Data the Southeast nonprofit economy as a whole provides 11.5% of all jobs, 8% of all wages, and \$470 million in income, which is nearly 75% of what tourists spent in the region last year.

As a 2018 Foraker report notes: “[Nonprofits] *play a critical role in the state’s economy both as major employers and as revenue generators. No industry in Alaska can prosper without the nonprofit sector. We provide both a financial and social return on investment by leveraging public and private resources. ... Every Alaskan is the beneficiary of a nonprofit because nonprofits are woven into the fabric of our communities.*”

Some of the health and social service reductions that will occur if the current cuts in programs and budgets is maintained are listed here:

- Alaska Legal Services will lose one of its two Juneau attorneys responsible for covering all of SE Alaska.
- Big Brothers, Big Sisters will have fewer kids in their program.
- AWARE will have shorter operating hours and discontinue long-term services.
- Head Start in Juneau will be closed.
- Polaris House may have to reduce programs.
- Juneau Youth Services will focus only on those children that come with Medicaid funds.
- SEARHC will lose revenue for adult dental care patients on Medicaid.
- The Glory Hall will reduce daytime services, including breakfast and lunch.
- Juneau Suicide Prevention Coalition will cut its outreach program.

- Association for the Education of Young Children will reduce or cut Parents as Teachers program and scale back the Imagination Library program.
- Housing First operations will feel the effects in 2021.
- Juneau School District will lose partnership programs with local non-profits.
- Catholic Community Services will lose revenue from Medicaid, adversely affecting hospice and Senior Centers throughout SE Alaska; Meals on Wheels will experience a reduction in funding.
- St. Vincent de Paul will lose housing and client care funding.
- SAIL will have to reduce Senior Disability Services next year.
- Gastineau Human Services will serve fewer people and no longer be able to subsidize living expenses.

This is a very difficult time for Juneau's health and social service organizations, which already do more with less, and stretch their funds by limiting salaries and benefits, and relying heavily on volunteers; while, at the same time effectively leveraging donations, grants, and income from fundraisers that bring in additional dollars.

Every reduction has a ripple effect. Not only will Juneau residents of all ages have fewer services available, but problems we have worked hard to manage will reemerge with all the costs that accompany them. Homelessness leads to disruptions that affect the business community and increase emergency hospitalizations, as well as the incidence of crime, which leads to increased costs for policing, State and local prosecutors, the court system, and the jails. Cuts in services to seniors increase the likelihood of those seniors requiring hospitalizations and earlier admission to nursing home care, which further depletes the Medicaid resources. Cuts in services to young children and families lead to longer term, but certain negative outcomes for the children, their families, and ultimately the community as a whole.

As the fiscal year 2020 state budget is still fluid, we anticipate bringing these organizations together again after the final actions by the governor and the legislature, to obtain a clearer picture of how state funding will affect their programs. It is important that the City and Borough of Juneau is aware of and considers these pending impacts on the young, old, and most vulnerable in our community

Sincerely,



Amy Skilbred
Executive Director

cc. Assembly Members
Rory Watt, City Manager
Legislative Delegation



City and Borough of Juneau
 City & Borough Manager's Office
 155 South Seward Street
 Juneau, Alaska 99801
 Telephone: 586-5240 | Facsimile: 586-5385

DATE: July 8, 2019

TO: Maria Gladziszewski, Chair, Assembly Committee of the Whole

FROM: Mila Cosgrove, Deputy City Manager

RE: Potential Impact of Governor's Vetoes

DRAFT

Direct Impacts in FY20:

The following vetoes will have a direct impact on CBJ finances in FY20.

Veto	Fiscal Impact	Response Strategy
50% veto on School Bond Debt reimbursement Veto Confirmed 8/19/19	\$3,700,000	Short Term: recommend Protected Budget Reserve with a plan to increase mil rate to pay back the fund. Should look at remaining debt obligations in considering overall plan.
Medicaid Cuts - BRH Veto Confirmed 8/19/19	\$1,500,000	BRH may need to raise service fees to cover loss of funding.
Medicaid Cuts – CCFR Veto Confirmed 8/19/19	Undetermined	Medicaid is 30% of ambulance revenues. Reductions will likely result in needing additional general fund support.
OWL/Live homework help - Library Funding Restored by Legislature, Governor Declined to Veto 8/19/19	\$10,000	Program would likely have to be cut.
State Travel cuts Veto Confirmed 8/19/19	Undetermined	Airport: reduced state travel will impact AIP (annual entitlement dollars) and Passenger Facility Charges (PFC).
Local Emergency Planning Council	\$16,000	The LEPC coordinates local and regional emergency preparedness.
Total Direct Impact	\$5,226,000+	

Immediate Indirect Impacts:

The following vetoes have the potential to impact the community through job losses, economic contraction and/or reduction or elimination of services. The financial impact on CBJ is harder to predict but could result in lower sales and property tax revenues as well as increased grant requests to CBJ to provide baseline services.

Veto	Anticipated Impacts
41% cut to the University of Alaska UAA, UAF and Statewide operations Partial Veto Only 8/19/19	While funding for UAS remained intact, the Juneau campus is home to UAF and UAA faculty and Statewide employees. Loss of jobs will impact the economy. Loss of statewide educational

July 8, 2019
 Assembly Committee of the Whole
 Impact of Governor's Vetoes

	opportunities will impact workforce readiness and ability to recruit and retain workforce from out of state.
Cuts to Homelessness and Housing services Partial Veto Only 8/19/19 AHFC is offsetting some impact	Three key programs were cut - Homeless Assistance Program (HAP), Human Services Community Matching Grants (HSCMG), and Community Initiative Matching Grant Program (CIMBP). Glory Hall is reporting that 25% of their operating funds come from the areas that have been vetoed. They are looking at service cuts to accommodate. Other providers will likely follow suit. Total impact to community is \$913,918. See Table A below for more detail.
Senior Benefits Funding Restored by Legislature, Governor Declined to Veto 8/19/19	There are 321 senior citizens in Juneau that qualify for this
Early Childhood Education (See Table B) Funding Restored by Legislature, Governor Declined to Veto 8/19/19	Up to 100 children may lose early learning support, an estimated 10 jobs, plus 600 children with less literacy support. This will further adversely impact the existing childcare capacity issue in Juneau. We are still trying to verify if there will be a \$150,000 by program.
Behavioral Health Treatment and Recovery Grants Veto Confirmed 8/19/19	The following are local Juneau organizations that receive these grant funds: • Gastineau Human Services • Hope Community Resources • Juneau Alliance for Mental Health, Inc. (JAHMI Health and Wellness) • Juneau Youth Services, Inc. • Rainforest Recovery Center • Southeast Alaska Regional Health Consortium With the proposed reduction in Medicaid funding, the housing and homelessness cuts and the 5% overall reduction of behavioral health rates, it is likely there will be significant adverse impact on local providers and the clientele they serve.
Cuts to Public Broadcasting – Radio and T.V. Veto Confirmed 8/19/19	Total extent of impact unknown at this time, has potential to
DEC Air Quality Monitoring Veto Confirmed 8/19/19	seely impact legislative coverage through gavel to gavel.
Staffing for Public Defender Agency Veto Confirmed 8/19/19	Cuts to the DEC Air Quality program could compromise CBJ's ability to administer the Mendenhall Valley Air Quality Monitoring program. DEC maintains the air quality sensor that our program uses to determine when to call an Air Emergency. Without DEC's monitoring station, we won't be able to manage the program. But since the descriptions of the cuts are general, it's hard to tell what the proposed cuts will mean for the program
Eliminate Law Office Assistant Veto Confirmed 8/19/19	Veto of increment for Public Defender Agency leaving current staffing in place.
Alaska Legal Services Funding Restored by Legislature, Governor Declined to Veto 8/19/19	This position was proposed to assist with the backlog of work on the DA's office. Continued triage and backlog of cases is anticipated.
Eliminate State Council on the Arts Funding Restored by Legislature, Governor Declined to Veto 8/19/19	Reduces funding for legal services to low income and other
	Program elimination will reduce arts programing in Juneau.

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 Impact of Governor's Vetoes

Repeal Ocean Rangers Program	Veto Confirmed 8/19/19	al monitoring on cruise ships.
Civil Air Patrol	Veto Confirmed 8/19/19	readiness in the community.
State Records Office in Juneau Closing	Veto Confirmed 8/19/19	revisions to Title 49

FY21 Impacts:

The following vetoes should be monitored to understand the impact on the community.

Veto	Anticipated Impacts
Capitalize Community Assistance Fund	Will not impact FY20 funding but may impact FY21 funding. Veto Confirmed 8/19/19, no impact in FY20, but potentially FY21
K12 Education	No immediate impact, may cause difficulties for school district in FY21 funding.

Table A

Program	BHAP	HSCMG/CIMGP	AHFC Match	Total
Alaska Coalition on Housing and Homelessness			\$133,711	\$133,711
AWARE		\$50,000	\$18,919	\$68,919
Gastineau Human Services, Glory Hall, AWARE, Alaska Housing Development Corporation, St. Vincent DePaul	\$636,450			\$636,450
Juneau Cooperative Christian Ministry		\$50,000		\$50,000
St. Vincent De Paul SRA			\$24,838	\$24,838
Totals				\$913,918

Table B

Notes from Joy Lyon at AEYC

Head Start:

Based on statewide projections, Southeast Alaska could potentially lose 3 classrooms, 50 children, and 9 jobs. Tlingit and Haida serves 10 communities in Southeast, so it is unknown yet which communities would see reduced services.

PreK:

1.2 million cut. There is some question about whether the upcoming year will still be paid to 9 grantees including Juneau for a final year. Bridget Weiss would be the best person to know about Juneau School District impacts, but potentially 2 Kinder Ready classrooms, 30 children, 4-5 jobs. The local CBJ investment will really help buffer the impacts this year.

Parents As Teachers:

\$474,700 cut eliminates all state funding for the program. For Juneau that is a reduction of \$90,000 for home visiting support for 35 children, 1.5 jobs. AEYC will continue to offer reduced services through the STEPS grant with Association of Alaska School Boards, and an Alaska Children's Trust grant.

Best Beginnings:

AEYC receives an annual matching grant to serve nearly 1200 Juneau children on the Imagination Library. We will need to raise an additional \$15,000 per year to continue enrollments, at \$25 per child per year for this all volunteer run program. Or we would need to reduce enrollment to 600 Juneau children (7,200 fewer books delivered per year).

Child Care Assistance and thread Alaska services are primarily federal pass through funds. Since there was a federal funding increase last year, the State Child Care Program Office has proposed increases in child care assistance rates and increased parent eligibility that will hopefully be implemented by October. Parents will then be better able to afford the cost of licensed child care. Many, if not most, states supplement the federal child care assistance funds to increase services, but Alaska only contributes the minimum match to draw down the funds. In spite of the federal increase, AEYC still received a 5% reduction of thread funds this year, and we eliminated a half time position for the child care assistance program.