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

July 23, 2018 7:00 PM

City Hall, Assembly Chambers
Regular Meeting 2018-22

Submitted By:

_____
Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. **Recognition: Capital Cup Winners**

IV. APPROVAL OF MINUTES

A. **June 25, 2018 Regular Assembly Meeting 2018-18**
B. **June 27, 2018 Special Assembly Meeting 2018-19**
C. **July 11, 2018 Special Assembly Meeting 2018-20**

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 2017-06(AV) An Ordinance Appropriating to the Manager the Sum of $9,387 as Partial Funding for the Industrial Boulevard Capital Improvement Project; Funding Provided by the State of Alaska Department of Transportation.**

The State of Alaska, Department of Transportation (ADOT) has refunded $9,387.37 to the City & Borough of Juneau (CBJ) for matching funds attributed to the ADOT reconstruction of Riverside Drive. The CIP was included in the CBJ's FY13 CIP program, and eventually closed out in FY16.

The refunded amount was originally made available with sales tax funding, and will now be added to the Industrial Boulevard CIP.

This item will be heard by the Public Works and Facilities Committee at its regular meeting on August 6, 2018.

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

b. **Ordinance 2018-11(D) An Ordinance Appropriating to the Manager the Sum of up to $29,492 as Funding for Multiple Training Events for the Juneau Police Department; Grant Funding Provided by the United States Department of Justice, Office of Justice Programs, FY17 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.**

The Juneau Police Department has been awarded up to $29,492 in grant funding for various training opportunities.

The JPD leadership team has identified the following training opportunities to be funded with this grant, including: property and evidence management, information technology, computer forensics, emergency communications professionals, and creating a healthy police agency.

No local match is required for this grant.

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

c. **Ordinance 2018-11(E) An Ordinance Appropriating to the Manager the Sum of $2,245,538 as Funding for various Capital Improvement Projects at the Juneau International Airport; Funding Provided by Passenger Facility Charge Fees.**

This ordinance would appropriate $2,245,538 to various Airport capital improvement projects (CIPs). These funds will reimburse amounts that were forward-funded from the Airport Fund Balance and Airport revolving CIP accounts, and will also provide new match for grants.

Funding is provided by FY18 & FY19 Passenger Facility Charge (PFC9)

collections, for the following CIPs:

Conduct Master Plan Study	$ 61,227
Rehabilitate Taxiways A & E (Design and Construction)	$1,125,000
Rehabilitate Airport Access Road	$ 64,610
Construct NE and NW Apron	$ 228,251
Rehabilitate ARFF Building	$ 50,000
Construct Snow Removal Equipment Building (SREB)	$ 72,750
Construct Sand and Chemical Building	$ 643,700

Total approved collections for PFC9 are over nine-million dollars, and anticipated to take 8 years. They will be appropriated year-to-year; this is the first.

At its July 10, 2018, meeting, the Airport Board approved this action.

This item will be heard by the Public Works and Facilities Committee at its regular meeting on August 6, 2018.

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

d. **Ordinance 2018-11(F) An Ordinance Appropriating to the Manager the Sum of $1,972,000 as Funding for the Juneau International Airport Gate 2 Passenger Boarding Bridge Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Sales Tax Revenue.**

This ordinance would appropriate $1,972,000 to the Airport Gate 2 Passenger Boarding Bridge capital improvement project. Funding is provided as follows:

Federal Aviation Administration (FAA) grant:	$1,801,875
Sales Tax Revenue:	$ 170,125

The FAA funds 93.75% of the project with local match provided by Juneau International Airport from sales tax revenue, which also includes $50,000 contingency funds.

The Airport Board approved this action at its March 13, 2018, meeting. The Assembly approved forward funding this project in the amount of

$1,801,875 via Ordinance 2017-06(AJ) at its meeting on April 4, 2018. If the Assembly adopts Ordinance 2018-11(F), the forward funding of $1,801,875 will be refunded to the Airport Fund's fund balance.

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

e. **Ordinance 2018-11(G) An Ordinance Appropriating to the Manager the Sum of $350,000 as Supplemental Funding for Capital City Fire & Rescue; Funding Provided by General Fund's Fund Balance.**

This supplemental appropriation of $350,000 provides funding to support an immediate need to add additional staffing to Capital City Fire & Rescue (CCFR) operations. The additional staffing is being added for the purpose of providing expanded EMS service and fire response readiness.

This ordinance will appropriate the funds needed to pay for the additional personnel costs within CCFR. The funds will come from the General Fund's fund balance.

This issue was discussed with the Committee of the Whole (COW) at its July 11, 2018, meeting. The COW directed staff to prepare an appropriating ordinance and move it to the full Assembly for introduction and public hearing.

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

f. **Ordinance 2018-28 An Ordinance Amending the Land Use Code Relating to Mining.**

This ordinance would amend the City and Borough's Land Use Code as directed by the City and Borough of Juneau Mining Committee. As instructed by the Committee, Title 49.65 was rewritten and reorganized to improve clarity, without removing any substantive provisions.

The Planning Commission considered the ordinance at its meeting on June 26, 2018, recommending it be forwarded to the Assembly with one substantive change: to require the release of the financial warranty relating to mining exploration to occur within six months. That change is shown by strikethroughs and italics.

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

g. **Ordinance 2018-38 An Ordinance Amending the Sales Tax Code Relating to Transportation Network Companies.**

Alaska Statute 29.35.148(b) was recently amended by SB14, signed by

the governor in June, to allow municipalities the ability to require transportation network companies (TNCs) to collect and pay the municipal sales tax on behalf of transportation network company drivers.

This ordinance would amend the CBJ sales tax code to implement the changes authorized by SB 14.

This issue was presented to the Assembly Finance Committee at its February 7, 2018, meeting, and the draft ordinance presented to the Committee at its June 13, 2018, meeting.

TNC company representatives recently contacted the CBJ with suggestions to improve the tax administration requirement.

The City Manager recommends this ordinance be introduced and set for public hearing at the September 17, 2018, regular Assembly meeting.

h. **Ordinance 2018-39 An Ordinance Increasing the Hotel-Motel Room Tax by Two Percent and Providing for a Ballot Question Ratifying the Increase.**

This ordinance would place the question of increasing the hotel-motel room rental tax from seven to nine percent on the ballot at the next regular municipal election. In accordance with a request proposed by the Assembly Finance Committee at its meeting on June 13, 2018, the increase would be permanent, with an effective date of January 1, 2019.

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 partial funding for the construction of capital improvements for the Juneau Arts & Culture Center and as funding for improvements to Centennial Hall, visitor information, marketing services, and other tourism and visitor services and facilities. Additionally, if approved by the voters, proceeds could be used to help pay for debt service relating to the new JACC or Centennial Hall.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting, and referred to the Finance Committee meeting for discussion on July 25, 2018.

i. **Ordinance 2018-40 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed $12,000,000 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 2, 2018.

This ordinance authorizes placing on the October 2, 2018 general election ballot the question of issuing $12 million in fifteen-year general obligation bonds for the purpose of funding a variety of capital projects. The identified projects include:

· Renovations to Centennial Hall, including upgrading the HVAC system and expanding the lobby area;

· Construction and equipping of a portion of a new arts and culture center; and

· Construction of an enclosed and heated corridor between Centennial Hall and the new arts and culture center.

The temporary 1% sales tax approved by voters during the October 2017 general election will pay for $4.5 million of the debt service. Beginning in FY20 to pay off the remaining $7.5 million of debt and interest would require .15 mills in property taxes for debt service payments for 15 years. This amount of debt service would require an annual property tax levy of approximately $15 (.15 mills) per $100,000 of assessed value or approximately $59 for an average single family home (estimated 2018 value $393,000 per CBJ Assessor). The annual payment funded by property taxes would be about $719,000.

The Assembly Finance Committee will discuss this ordinance at its July 25, 2018, meeting.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting and sent to the Finance Committee for further discussion.

j. **Ordinance 2018-42 An Ordinance Authorizing the Manager to Sell City and Borough of Juneau Property, Located at 9290 Hurlock Avenue, to Alaska Legacy Partners.**

This ordinance would authorize the Manager to sell the 9290 Hurlock Avenue property to Alaska Legacy Partners for $350,000 for the development of a senior assisted living housing project.

After a lengthy committee process, on April 16, 2018, the Assembly Committee of the Whole chose the Alaska Legacy Partners (ALP) proposal. ALP proposes to purchase the property and redevelop it into a senior assisted living facility; this ordinance requires development that conforms with ALP's proposal.

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

2. Resolutions

a. **Resolution 2828 A Resolution Expressing Assembly Support for an Application for Funding from the Alaska Department of Transportation and Public Facilities Through its Municipal Harbor Facility Grant Program in the Amount of $2,000,000 for Phase III of the Aurora Harbor Improvements Project.**

This resolution would affirm the Assembly's support for Docks & Harbors to submit a $2M ADOT Harbor Grant application for the next phase of the Aurora Harbor reconstruction project.

The ADOT Harbor Grant is a 50-50 match program requiring CBJ to provide $2M in match to achieve a $4M project. Docks & Harbors proposes using $1.5M from the 2017 1% sales tax, as approved by the voters, and $500K from the Harbor Fund fund balance. The Docks & Harbors Board reviewed the resolution and recommended adoption at its June 28, 2018, regular meeting.

The City Manager recommends this resolution be adopted.

b. **Resolution 2829 A Resolution Ratifying the Agreement Between the City and Borough and the Public Safety Employee Association, AFSCME Local 83, AFL-CIO.**

This resolution would provide Assembly ratification of the terms of the tentative agreement negotiated between the City and Borough of Juneau and the Public Safety Employees Association (PSEA) for an economic reopener provided for in the current collective bargaining agreement.

The terms of the economic reopener include a 2% general wage increase and retention incentive bonuses for sworn staff. The total cost of these provisions over the life of the contract is projected to be approximately $281,000.

Because this is an economic reopener, there are no adjustments to general operating terms.

The PSEA membership has approved the terms of the tentative agreement. The agreed upon terms are consistent with Assembly direction.

The City Manager recommends this resolution be adopted.

c. **Resolution 2830 A Resolution Ratifying the Agreement Between the City and Borough and the International Association of Fire Fighters.**

This resolution would provide Assembly ratification of the terms of the tentative agreement negotiated between the City and Borough of Juneau and the International Association of Fire Fighters (IAFF) for an economic reopener provided for in the current collective bargaining agreement.

The terms of the economic reopener include a 2% general wage increase, retention incentive bonuses, and an adjustment to the wage rate for captains. The total cost of these provisions over the life of the contract is projected to be approximately $204,000.

Because this is an economic reopener, there are no adjustments to general operating terms.

Ballots for the IAFF membership ratification of the terms of the tentative agreement were counted on Friday, July 20. The agreed upon terms are consistent with Assembly direction.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. **Term Contract for Processing and Disposal of Abandoned Vehicles**

This term contract is for the processing and disposal of vehicles for the Juneau Police Department. For the purposes of this contract, vehicles include, but are not limited to, automobiles, buses, motorhomes, travel trailers, boat trailers, and boats. Vehicle distinctions shall be by Gross Vehicle Weight Rating (GVWR) of either less than or greater than 17,500 pounds.

Bids were opened on the subject project on July 10, 2018; only one bid was received:

Bidder	Total Bid
Channel Construction, Inc.	$114,700.00

The protest period ended on July 17, 2018. Staff recommends award to Channel Construction, Inc., on the basis of having the lowest responsive and responsible bid price in the amount of $114,700.00 based on total bid.

The City Manager recommends award of this bid to Channel Construction, Inc. in the amount of $114,700.00.

4. Transfers

a. **Transfer T-1002 Transfer of $3,312,976 from Cruise Berth Improvement Capital Improvement Project to the Marine Park to Taku Uplands Improvements Capital Improvement Project.**

The CBJ Docks and Harbors director requests a transfer of funds from CIP account H51-101 (Cruise Berth Improvements) to CIP H51-116 (Marine Park to Taku Uplands Improvements).

This transfer will provide funding for the next phase to include a land transaction (purchase and sale with Archipelago Properties, LLC), transportation staging area and expanded open space through a deckover.

The Public Works and Facilities Committee reviewed this transfer at its July 9, 2018, meeting.

The City Manager recommends this transfer be approved.

b. **Transfer T-1003 Transfer of $310,000 from Airport Revolving Capital Reserve Capital Improvement Project to the Snow Removal Equipment Building Capital Improvement Project.**

The transfer provides funding for design of the second phase of the facility, consisting of a sand/chemical building & fueling station. The Airport Revolving Capital Reserve (ARCR) funding is temporary, and will be returned upon receipt of an anticipated Federal Aviation Administration grant for this design work.

At its meeting on July 10, 2018, the Airport Board approved this transfer.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

A. **Ordinance 2017-06(AW) An Ordinance Appropriating to the Manager the Sum of $119,853 as Funding for Various Capital Improvement Projects and Bond Debt; Funding Provided by General Obligation Bond Interest Income.**

This ordinance would appropriate $119,853 in bond interest income that was earned on general obligation bond proceeds. 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.

Funding provided by unexpended bond interest income from ten capital improvement projects.

The City Manager recommends this ordinance be adopted.

B. **Ordinance 2018-11(A) An Ordinance Appropriating to the Manager the Sum**

of $53,000 as Partial Funding for the Treadwell Mine Park Preservation Capital Improvement Project; Grant Funding Provided by the Treadwell Historic Preservation and Restoration Society.

The project is to prepare and paint the exterior and interior of the existing concrete structure known as the Treadwell Office Building. This work continues recent historic preservation work at the Treadwell Mine Historic Park.

The Treadwell Historic Preservation and Restoration Society is contributing $53,000 to this project. Funds were obtained by the Society through private and corporate donations for the purpose of historic preservation activities at the Treadwell Mine site.

The City Manager recommends this ordinance be adopted.

C. **Ordinance 2018-11(B) An Ordinance Appropriating to the Manager the Sum of $126,000 as Supplemental Funding for Waste Management's Fiscal Year 2019 Operating Budget; Funding Provided by the Waste Management Fund's Fund Balance.**

This ordinance would appropriate $126,000 from the Waste Management Enterprise fund balance to the Waste Management operating budget to provide funding for the recycling program envisioned by Ordinance 2018-37. This appropriation would fund, through FY19, the increased contract cost between the existing recycling contract and the expanded contract contemplated by Ordinance 2018-37.

The City Manager recommends this ordinance be adopted.

D. **Ordinance 2018-11(C) An Ordinance Appropriating to the Manager the Sum of $84,479 as Funding for the Parks and Recreation Department; Funding Provided by Hotel Tax Fund's Fund Balance.**

On July 1, 2018, the CBJ entered into an agreement with the Juneau Arts and Humanities Council (JAHC) to manage the operations of Centennial Hall. Because the work of managing the hall will shift from public employees covered by the Public Employees Retirement System (PERS) to employees of a nonprofit organization not subject to PERS, the CBJ will incur a onetime termination cost of up to $84,479.00. This ordinance would appropriate the funds needed to pay for the termination costs to the Parks & Recreation Department. The funds will come from the Hotel Bed Tax Fund's fund balance.

This issue was discussed with the Assembly Finance Committee at its June 13, 2018, meeting. The AFC directed staff to prepare an appropriating ordinance and move it to the full Assembly for introduction and public hearing.

The City Manager recommends this ordinance be adopted.

E. **Ordinance 2018-12(A) An Ordinance Appropriating $40,000 from the Treasury for FY19 School District Operations with the Sole Purpose of**

Funding the Auto Shop Lease Costs.

This ordinance would appropriate $40,000 to the Juneau School District, to be used solely for the rental payment relating to the facility use agreement between the district and the University of Alaska needed for the district's auto shop program.

The issue was discussed by the Assembly Finance Committee at its meetings on April 4, 2018, and May 9, 2018.

The Assembly heard public testimony on the topic at the Assembly meeting on June 25, 2018.

The Assembly directed staff to draft this appropriating ordinance at its meeting on June 4, 2018.

The City Manager recommends this ordinance be adopted.

F. **Ordinance 2018-36 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of USS 2305, Lot 9 Fraction (Northern Portion) and USS 2335 Fraction (Western Portion), Located at 4535 North Douglas Highway, from D-3 to D-15.**

This ordinance would rezone lots on North Douglas Highway from D-3 to D-15.

The two lots (1.64 acres) are under the same ownership and together are currently occupied by one single family dwelling.

The requested rezone would be an expansion of an existing D-15 zone immediately to the north. The large lot to the north was rezoned from RR(T)D-3 to D-15 in 2014. The 2013 Comprehensive Plan identifies the immediate area around and including the lots as Medium Density Residential (MDR). This designation supports lots which have zoning with dwelling densities between five to twenty units per acre. The Comprehensive Plan notes that rural lands and lands in the North Douglas Subarea should be rezoned to higher densities when public water and sewer are provided to them. The subject lots were connected to public water in 1987 and public sewer in 2011.

The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request is for less than 2 acres, but if approved will expand an existing D-15 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.

On April 18, 2018, a public meeting was held at the Douglas Library. On May 22, 2018, the Planning Commission recommended that the Assembly approve the rezone.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Senior Citizen and Hardship Late-File Application Extension Requests

The following listed property owners are requesting that the Assembly authorize the Assessor to consider a late-filed appeal of their property assessment: Hutchins, McVey, Rasmussen, Morgan, Roldan, Ware, and Knapp. The action required by the Assembly is to determine whether or not the late-filed tax assessment appeal will be heard. Evidence on the assessment itself or the merit of the appeal 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.

2018 Hardship Exemptions

1) Applicant: Hutchins Parcel ID: 3B44010000093
Physical Address: 34200 Glacier Hwy.
Legal Description: Yankee Cove LT1

2) Applicant: McVey Parcel ID: 4B1801030170
Physical Address: 1650 Fritz Cove Road
Legal Description: USS 1547 FR

3) Applicant: Rasmussen Parcel ID: 4B1701140030
Physical Address: 2741 Engineers Cutoff
Legal Description: USS 3260 LT 13

2018 Senior Citizen/Disabled Veteran Exemptions

1) Applicant: Rasmussen Parcel ID: 4B1701140030
Physical Address: 2741 Engineers Cutoff
Legal Description: USS 3260 LT 13

2) Applicant: Morgan Parcel ID: 6D0701100090
Physical Address: 5700 N. Douglas Hwy.
Legal Description: USS 3159 LT 6 TR 3

3) Applicant: Roldan Parcel ID: 5B1301120540

Physical Address: 6590 Glacier Hwy SP 54
Legal Description: Switzer Village MH Park SP 54

4) Applicant: Ware Parcel ID: 1D050L260070
Physical Address: 3155 Pioneer Ave
Legal Description: Channel Heights II BL A LT 12

5) Applicant: Knapp Parcel ID: 1C060U04B030
Physical Address: Parkshore Unit B-3
Legal Description: Parkshore Condo B-3

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.

B. **Seventh Day Adventist Christian School vs. CBJ Assessor - Appeal #2018-03**

On July 13, 2018, the Clerk's office received an appeal of the Assessor's decision regarding the tax exemption status of the property owned by Juneau Seventh-day Adventist Christian School.

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

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

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

As this is a quasi-judicial matter, the City Manager makes no recommendation.

C. **Archipelago Land Deal**

XI. STAFF REPORTS

A. **CCFR Staffing Update**

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. **City Manager and City Attorney Evaluations**

B. **Gastineau Apartments Update**

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

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - June 25, 2018

MEETING NO. 2018-18 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 Ken Koelsch.

I. FLAG SALUTE

II. ROLL CALL

Assembly Present: Mary Becker, Rob Edwardson, Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis (telephonic), and Beth Weldon.

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk; Di Cathcart, Deputy Clerk; Tricia Everson, Executive Assistant II; Patty Wahto, Airport Manager; Carl Uchytil, Port Director; Bob Barthlomew, Finance Director; Dallas Hargrave, HRRM Director.

III. SPECIAL ORDER OF BUSINESS

A. Special Recognition: Laurie Sica

Mr. Watt thanked Ms. Sica for her service as Municipal Clerk and said CBJ would miss her institutional knowledge upon retirement. Mayor Koelsch read a proclamation honoring Ms. Sica for 22 years of public service to the citizens of CBJ, including time as Environmental Zoning Inspector, Municipal Clerk, as a volunteer for Litter Free, Inc. and as an active member of the Alaska Association of Municipal Clerks. Mayor Koelsch presented Ms. Sica with a set of minutes from the first Assembly meeting she attended as clerk and an "edited version" with his humorous corrections. He then read a recognition of the Clerk profession entitled "Why City Clerks are like Ducks," and said that Clerks are cool, calm and collected - calm on the surface, but underneath their feet are going a hundred miles an hour to stay afloat. Ms. Becker presented Ms. Sica with a miniature treasure chest, loaded with cash booty and a plaque honoring Ms. Sica's years of service. Ms. Sica thanked the Assemblymembers for providing her with a chair during this portion of the meeting and for the beautiful send off, wishing her "Aloha" in their Hawaiian shirts and flower leis.

Ms. Sica honored three people who had made a large contribution to the clerks office and said that although the Clerk Division is small, it is able to accomplish much thanks to the service of many businesses, volunteer board members and election workers. At the

risk of selecting only a representative few, she presented awards to Brian Trudo of Juneau Courier for 17 years of service, delivering information packets to the Assembly and other board members; Jaimie Rountree for 22 years of service as Chair of the Animal Hearing Board; and Tami Burgett for 27 years of service as an election worker on the Absentee and Questioned Ballot Review Board and at the polls. Ms. Sica welcomed and "introduced" incoming Municipal Clerk Beth McEwen and Deputy Clerk Di Cathcart and wished them well in their work.

IV. APPROVAL OF MINUTES

A. June 4, 2018 Regular Assembly Meeting 2018-15

Hearing no objection, the minutes of the June 4, 2018 Regular Assembly Meeting 2018-15 were approved.

B. June 11, 2018 Special Assembly Meeting 2018-16

Hearing no objection, the minutes of the June 11, 2018 Special Assembly Meeting 2018-16 were approved.

C. June 13, 2018 Special Assembly Meeting 2018-17

Hearing no objection, the minutes of the June 13, 2018 Special Assembly Meeting 2018-17 were approved.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Cathy Boutin said that when she and her husband, Tom, retired, they did so on the assumption that the senior sales tax exemption in effect at the time would continue, and had based their budget accordingly. She said that the changes to the exemption had an ill effect on their finances and many seniors were choosing to shop on-line rather than buy local goods, which had caused damage to local businesses that were suffering due to the loss of revenues. She spoke about the increases to CBJ's saving accounts and encouraged the Assembly to re-evaluate the decision made regarding the senior citizen sales tax exemption.

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 Kiehl, to adopt the consent agenda. Hearing no objection, the consent agenda was adopted.

1. Ordinances for Introduction

a. Ordinance 2017-06(AW) An Ordinance Appropriating to the Manager the Sum of $119,853 as Funding for Various Capital Improvement Projects and Bond Debt; Funding Provided by General Obligation Bond Interest Income.

This ordinance would appropriate $119,853 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.
Funding provided by un-expended bond interest income from ten capital improvement projects.

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

b. Ordinance 2018-11(A) An Ordinance Appropriating to the Manager the Sum of $53,000 as Partial Funding for the Treadwell Mine Park Preservation Capital Improvement Project; Grant Funding Provided by the Treadwell Historic Preservation and Restoration Society.

The project is to prepare and paint the exterior and interior of the existing concrete structure known as the Treadwell Office Building. This work continues recent historic preservation work at the Treadwell Mine Historic Park.

The Treadwell Historic Preservation and Restoration Society is contributing $53,000 to this project. Funds were obtained by the Society through private and corporate donations for the purpose of historic preservation activities at the Treadwell Mine site.

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

c. Ordinance 2018-11(C) An Ordinance Appropriating to the Manager the Sum of $84,479 as Funding for the Parks and Recreation Department; Funding Provided by Hotel Tax Fund's Fund Balance.

On July 1, 2018, the CBJ will enter into an agreement with the Juneau

Arts and Humanities Council (JAHC) to manage the operations of Centennial Hall. Because the work of managing the hall will shift from public employees covered by the Public Employer Retirement System (PERS) to employees of a nonprofit organization not subject to PERS, the CBJ will incur a onetime termination cost of up to $84,479.00. This ordinance would appropriate the funds needed to pay for the termination costs to the Parks & Recreation Department. The funds will come from the Hotel Bed Tax Fund's fund balance.

This issue was discussed with the Assembly Finance Committee at its June 13, 2018, meeting. The AFC directed staff to prepare an appropriating ordinance and move it to the full assembly for introduction and public hearing.

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

d. Ordinance 2018-12(A) An Ordinance Appropriating $40,000 from the Treasury for FY19 School District Operations with the Sole Purpose of Funding the Auto Shop Lease Costs.

This ordinance would appropriate $40,000 to the Juneau School District, to be used solely for the rental payment relating to the facility use agreement between the district and the University of Alaska needed for the district's auto shop program.

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

e. Ordinance 2018-36 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of USS 2305, Lot 9 Fraction (Northern Portion) and USS 2335 Fraction (Western Portion), Located at 4535 North Douglas Highway, from D-3 to D-15.

This ordinance would rezone lots on North Douglas Highway from D-3 to D-15.

The two lots (1.64 acres) are under the same ownership and together are currently occupied by one single family dwelling.

The requested rezone would be an expansion of an existing D-15 zone immediately to the north. The large lot to the north was rezoned from RR(T)D-3 to D-15 in 2014. The 2013 Comprehensive Plan identifies the immediate area around and including the lots as Medium Density Residential (MDR). This designation supports lots which have zoning with dwelling densities between five to twenty units per acre. The

Comprehensive Plan notes that rural lands and lands in the North Douglas Subarea should be rezoned to higher densities when public water and sewer are provided to them. The subject lots were connected to public water in 1987 and public sewer in 2011.

The CBJ Land Use Code provides minimum restrictions for zone change requests. This proposal conforms to these restrictions as follows:

1. The request is for less than 2 acres, but if approved will expand an existing D-15 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.

On April 18, 2018, a public meeting was held at the Douglas Library. On May 22, 2018, the Planning Commission recommended that the Assembly approve the rezone.

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

f. Ordinance 2018-37 An Ordinance Authorizing an Alternative Procurement Method Related to the City and Borough's Recycleworks Program.

This ordinance authorizes the Manager to complete an alternative procurement that would allow the CBJ to locate all of its waste programs at the privately owned and operated Waste Management landfill.

Under this authorization the Manager intends to complete a number of activities. First, the Manager intends to execute a ten-year contract with four five-year renewals that will result in the construction of a purpose-built recycling building. The Assembly will annually be asked to appropriate funds for the recycling program. Appropriation Ordinance 2018-11 (b) will appropriate supplemental FY19 funding for the recycling program. Waste Management will operate the recycling program.

Second, the Manager intends to lease land from Waste Management at the landfill at fair market value and construct a purpose-built household hazardous waste (HHW) collection center on that land. At a future date the Assembly will be asked to approve an appropriating ordinance to fund the land lease and construction costs of the building. The HHW program services will be competitively bid by CBJ.

Third, the Manager and staff intend to develop a composting or other organics management program that could also be located at the landfill, also on leased land. The program details have not yet been developed. The Assembly will have the opportunity to consider funding this program through a future appropriation process.

The City Manager recommends this ordinance be introduced and set for public hearing at a special Assembly meeting on July 11, 2018.

g. Ordinance 2018-11(B) An Ordinance Appropriating to the Manager the Sum of $126,000 as Supplemental Funding for Waste Management's Fiscal Year 2019 Operating Budget; Funding Provided by the Waste Management Fund's Fund Balance.

This ordinance would appropriate $126,000 from the Waste Management Enterprise Fund Balance to the Waste Management Operating Budget to provide funding for the recycling program envisioned by Ordinance 2018-37. This appropriation would fund, through FY19, the increased contract cost between the existing recycling contract and the expanded contract contemplated by Ordinance 2018-37.

The City Manager recommends this ordinance be introduced and set for public hearing at a special Assembly meeting on July 11, 2018.

2. Resolutions

a. Resolution 2825 A Resolution of the City and Borough of Juneau in Support of the Juneau Fisheries Terminal Expansion.

This resolution affirms Assembly support for Docks & Harbors to submit a $25M Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant application. This grant, formerly called TIGER, provides the opportunity for municipalities to compete for $1.5B in US Department of Transportation investments to improve road, rail, transit, and port projects that achieve national objectives.
In March 2017, Docks & Harbors completed a master planning document, the Juneau Downtown Harbors Uplands Master Plan: Bridge Park to Norway Point. This document, adopted with public input, described elements desired at the Juneau Fisheries Terminal which are contained in the BUILD grant application.

The Docks & Harbors Operations-Planning Committee reviewed the resolution and recommended adoption at its June 20, 2018, meeting.

The City Manager recommends this resolution be adopted.

3. Liquor License

a. Liquor Licenses

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

Renewals:
Package Store AMCO License # 2066: Fred Meyer Stores Inc. d/b/a Fred Meyer #158
Location: 8181 Glacier Hwy., Juneau, AK 99801.

Package Store AMCO License # 4742: Glacier Hwy, LLC d/b/a Glacier Hwy LLC
Location: 6525 Glacier Highway, Juneau, AK 99801.
This is an application for a license renewal as well as an application for their first waiver since they did not operate for a minimum of 30 days within the preceding license year.

License Transfer & Application for a Restaurant Designation Permit
Beverage Dispensary Tourism License #2541: MGO Inc., d/b/a Juneau Airport Travelodge
Location: 9200 Glacier Highway, Juneau, AK 99801.
This is an application for a license renewal as well as an application for a Restaurant Designation Permit.

New License& Application for a Restaurant Designation Permit
Beverage Dispensary Tourism License 5649: Tailwind JNU LLC d/b/a Tailwind Concessions
Location: 1873 Shell Simmons Drive, Suite 220, Juneau, AK 99801. (Juneau Airport outside security.) This is an application for a new license as well as an application for a Restaurant Designation Permit.

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 applications.

4. Transfers

a. Transfer T-1000 Transfer of $250,000 from Cruise Berth Improvement Capital Improvement Project to the Dock Cathodic Protection Capital Improvement Project.

The CBJ Docks and Harbors director requests a transfer of funds from CIP account H51-101 (Cruise Berth Improvements) to CIP H51-104 (Dock Cathodic Protection).

This transfer will provide funding to move forward with contracting the third and final phase of the Dock Cathodic Protection Project - preparing and painting the waterside of the Marine Park retaining wall.

The Docks and Harbors Board reviewed this transfer at its May 23, 2018, Operations/CIP Committee meeting.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

A. Ordinance 2017-06(AX) An Ordinance Appropriating to the Manager the Sum of $250,000 as Supplemental Funding for Harbors' Fiscal Year 2018 Operating Budget; Funding Provided by Harbors' Fund Balance.

Docks & Harbors anticipates exceeding its FY18 authorized spending authority by $250K in the Harbor Enterprise. The increase is attributable to extraordinary expenditures including personnel costs, infrastructure improvements and resolving abandoned and derelict vessels. The additional request is an increase of 5% of the total authorized expenditures in FY18. Sufficient revenues in excess of the budget are available in the current fiscal year.

The Assembly Finance Committee reviewed this request at its meeting on June 13, 2018.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Edwardson, to adopt Ordinance 2017-06(AX). Hearing no objection, it was so ordered.

B. Ordinance 2018-20 An Ordinance Authorizing the Manager to Sell Four City and Borough of Juneau Parcels, Located at 5436 Commercial Drive and 5433 Shaune Drive, to AKBev Group LLC.

This ordinance would authorize the CBJ to sell four parcels to the Alaskan Brewing Company. The CBJ currently uses two of the parcels for its Household Hazardous Waste program and uses the other two parcels for part of its Water Utility program. With the consolidation of the Engineering and Public Works departments and the desire to move the HHW program to a more efficient location, the public would benefit from selling these parcels instead of continuing to operate the existing programs on them.

The Planning Commission recommended the CBJ sell the four lots at its meeting on January 23, 2018. This transaction was also discussed at the following Assembly Committee meetings: April 10, 2017 Lands, January 29, 2018 Committee of the Whole, May 8, 2018 Public Works and Finance, and May 21, 2018 Committee of the Whole.

The City Manager recommends this ordinance be adopted.

Public Comment:

Geoff Larsen, representing Alaskan Brewing Company, said the business's footprint has grown over the past 32 years by moving Eastward. The brewhouse is on the Western boundary and typically breweries of this nature utilize about 33% of the footprint of the property for building, equipment, truck staging and the rest is for truck traffic and parking. The brewery utilizes the footprint of the land by 75%. This property under discussion is on the western boundary and would alleviate the tightness of operations and would allow the business to continue to thrive.

Assembly Action:

MOTION, by Gregory, to adopt Ordinance 2018-20. Hearing no objection, it was so ordered.

C. Ordinance 2018-32 An Ordinance Amending Title 72 of the City and Borough of Juneau Code Relating to Driving Without a License.

This is a housekeeping ordinance clarifying that the operation of a vehicle without a license is an offense, not only when one's license has expired, but also when a license has never been obtained. (Consistent with state law, the CBJ code provides for a lesser penalty for operating a motor vehicle when one's license has been expired for less than one year.)

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Weldon, to adopt Ordinance 2018-32. Hearing no objection, it was so ordered.

D. Ordinance 2018-35 An Ordinance Authorizing the Manager to Execute Permits for City and Borough of Juneau Road Reconstruction and Maintenance Projects in State Rights-of-Way with the Alaska Department of Transportation and Public Facilities.

This ordinance would allow the Manager to execute approach road permits that include indemnification provisions with the Alaska Department of Transportation and Public Facilities to allow the CBJ to reconstruct municipal roads and other approaches when the access points are located within the State's rights-of-way as required by 17 AAC 10.020(c).

ADOT&PF's boilerplate access road permits contains an indemnification provision. CBJ Charter 9.13(a) generally prohibits the CBJ from indemnifying others. However, Charter 9.13(c) allows the CBJ to indemnify the State when the CBJ would not otherwise be able to participate. This ordinance would allow the Manager to execute ADOT&PF access road permits required by state law.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gladziszewski, to adopt Ordinance 2018-35. Hearing no objection, it was so ordered.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

A. UAF Cooperative Extension Service Lease in Public Safety Building

On April 23, 2018, the Assembly unanimously authorized the Manager to purchase the former Public Safety Building located at 450 Whittier Street in the Willoughby District; closing is scheduled to occur on or about June 29, 2018. Presently, the University of Alaska Fairbanks Cooperative Extension Service leases space in this building from the current owner, the State through the Alaska Mental Health Trust. It has been determined that it is in the CBJ's best interests to retain UAF as a tenant after the property has transferred to CBJ ownership. There is no mechanism in code that specifies how such a rental should proceed. It is my intent to utilize a

process similar to the process used for leasing office space in the CBJ Water Utility Building, given the similarities between the two (non-consumptive, short-term use). A lease for a non-exclusive, non-consumptive use of CBJ property may be granted by the manager for a term not to exceed one year.

I propose to proceed with a rental agreement for the use of office space in the already-existing building located at 450 Whittier Street. The rental amount will be for $3,603.86 per month and the rental term shall not exceed one year. As there are no other CBJ departments that have a property interest in the space being rented, I do not intend to circulate the rental agreement for review to other CBJ departments or the planning commission (as is the process provided for by CBJ 53.09.310 for use permits).

No action by the Assembly is required and this topic was on the agenda to provide information to the Assembly.

Ms. Weldon asked how the rental amount was determined. Mr. Watt said that it was the same amount presently charged to the UAF Cooperative Extension Service by the State, through the Alaska Mental Health Trust, and was based on a calculation of the market value and square footage rate.

There were no further comments or questions on the matter.

B. Appeal - Juneau Church of the Nazarene v CBJ Assessor

On June 1, 2018, the CBJ Assessor denied a request from the Juneau Church of the Nazarene for religious use exemption status for property located at 3220 Mendenhall Loop Road, Juneau, AK 99801. On June 5, 2018, an appeal of the Assessor's decision was filed.

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

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

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

The City Manager makes no recommendation in quasi-judicial matters before the Assembly.

MOTION, by Jones, to accept the appeal. Hearing no objection, it was so ordered.

MOTION, by Jones, to assign the appeal to a hearing officer.

Mr. Jones said that similar matters had been assigned to hearing officers.

Ms. Mead said that different hearing officers had determined the matters, including the Office of Administrative Hearings and the former attorney of the Ketchikan Gateway Borough, and this matter would not be assigned to the same hearing officer, so there may not be a consistency of review if that is what the Assembly is seeking.

Ms. Gladziszewski asked the cost and Ms. Mead said that the hearing had ranged from $3,000 to $5,000.

Hearing no objection, the matter was assigned to an outside hearing officer.

C. Best Starts Resolution

MOTION, by Jones, to forward the resolution to the Assembly for a public hearing in order that it could be through its review process in a timely manner to be placed upon the October ballot.

The Assembly discussed its interest in discussing the matter in committee before a public hearing, either in Finance or the Committee of the Whole.

There was no objection to allowing the manager to select an appropriate committee, date and agenda for discussion of the matter.

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch said he attended the National Field Day of the Amateur Radio Club on the past Saturday. On the past Friday he welcomed Governor and Mrs. Davide of Cebu, Phillipines and attended a signing by Governor Walker of SB14 - sales tax on transportation network companies. He welcomed the C-Span bus and exhibits to Juneau. He and Mrs. Koelsch flew to Whitehorse, Yukon, Juneau's Sister City, on the inaugural run of Alaska Seaplanes. He toured the Norwegian Bliss, honored Molly Smith on her lifetime of work in Alaskan arts, and attended and spoke at Celebration 2018.

Mayor Koelsch said the evaluations were due for the Municipal Attorney and the City Manager and asked for feedback on the process. The Assembly suggested that the same

process be used for both, and the "easiest route," along with a memo from both. All agreed that the benefit of the review was in the discussion between the Assembly and the employee.

Mayor Koelsch said he had been asked to take a position on the "Stand for Salmon" initiative, and stated that he would take no position without concurrence by the Assembly. It was noted there are two initiatives on similar subjects. Mr. Jones said that there is a Supreme Court decision pending on the matter and did not want to take any action until the court rendered its decision. Mr. Watt said that he is not completely familiar with the initiative but there may be some raising of the bar on some municipal activities such as storm water drainage and treatment plan discharge. There was no objection to the Assembly becoming educated on the matter.

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

Lands and Resources Committee: Chair Becker said the committee met and discussed Indian Point, the Douglas Cemeteries and the Land Management Plan, and the next meeting was set for July 9.

Ms. Becker said she had attended the Airport Board, Alaska Committee, and Chamber of Commerce meetings and had met with the JAHC Board a number of times. She attended the Filipino Community reception and praised the meal provided.

Finance Committee: Chair Kiehl said the committee met and heard a presentation from Eagle Rock Venture (2nd and Franklin), discussed financing tools for large residential developments, discussed the supplemental for Docks and Harbors, heard an issue regarding non-profit status for property tax regarding veterans service organizations which can be fixed by a staff action, received an update on the new Juneau Arts and Culture Center project and heard a funding request from that group, and discussed operation of Centennial Hall by the Juneau Arts and Humanities Council and directed staff to move forward on the PERS termination study and management agreement. The committee reviewed implementation of SB14.

Mr. Kiehl said the Alaska Municipal League has a new Executive Director, Nils Andreassen, who is busy getting up to speed and if any Assemblymembers are interested in attending the AML summer meeting in Healy, AK, to talk with Ms. Phillips as soon as possible. The UAS Campus Advisory Council will meet August 6. Mr. Kiehl attended several events, including the welcome of Governor Davide of Cebu, the Filipino Community Picnic, JAMHI's opening of the health clinic in Forget-Me-Not Manor, the Pioneers of Alaska Picnic, Gold Rush Days, Celebration, the raising of the totem pole in Douglas, the Pride Picnic, and a public meeting in Douglas about the work at the former "Douglas Depot," in which staff and the owner of the property presented information above an beyond what was required by code. Mr. Kiehl thanked Mr. Watt for creating an informal group to address the issue of street artists and crosswalks.

Public Works and Facilities Committee: Chair Jones said the Assembly address issues before the committee at this meeting and received information about seawalk Franklin Dock to AJ Dock master planning effort, the downtown wayfinding and interpretive signs, advertising by businesses on Capital Transit buses, and the next meeting was set for July 9.

Mr. Jones said the School Board met on June 12, while he was in attendance at the Marijuana Control Board meeting in Anchorage and the next meeting is August 14 when he is in Fairbanks for the MCB. There is no school board meeting in July. He attended DBA,which is working on the contracts for the Downtown Ambassadors and the contract with JEDC. The Commission on Aging will hold its next meeting on July 10. He said the evaluation of the manager and attorney last year included a wage increase July 1. Mr. Jones checked with HR to ensure that happened. The Airport Board held a meeting on the North Terminal Planning and said this would be a good topic for a joint meeting between the Assembly and Airport Board.

Human Resources Committee: Chair Gladziszewski said the HRC met and recommended the following appointments. Hearing no objection, the Assembly appointed:

Historic Resources Advisory Committee
Reappointment of John Fox and Donald Harris for terms ending June 30, 2021

Juneau Commission on Sustainability
Appointment of Iura Leahu to a term ending June 30, 2019
Appointment of Jim Powell to a term ending June 30, 2020
Reappointment of Steve Behnke and Jim Rehfeldt to terms ending June 30, 2021

Treadwell Arena Advisory Board
Appointment of Josh Fortenbery and Alexander Smith to terms ending May 31, 2021

Utility Advisory Board
Reappointment of Andrew Campbell to a term ending June 30, 2021

Wetlands Review Board
Appointment of Claude "Chip" McMillan to a term ending December 31, 2020

Ms. Gladziszewski reminded the Assembly of a full Assembly as HRC meeting on Wednesday, June 27, at 5:30 p.m. to consider applications for the Eaglecrest Board.

Ms. Gladziszewski provided updated statistics relayed at the Affordable Housing Commission. In 2018, an income of $2742 per month is needed to afford a two bedroom rental, and in the nation the average wage is $2210. Vacancy rates are currently 4.15%

and a desirable rate is between 5 - 7% for assisting renters find affordable housing. Ms. Gladziszewski said she had observed some inconsistency between signs downtown and along the waterfront and felt some signs were not clear. She hoped for professional review and clarity in the signage. She attended several events, including Gold Rush Days, Filipino Picnic, Douglas Totem Pole raising, and many more.

Committee of the Whole: Ms. Weldon said that Mr. Nankervis had listened in to the meeting from his boat but was unable to talk. The next COW meeting is set for July 11.

Ms. Weldon said the Aquatics Board is providing answers to the City Manager about an empowered board for the pools. The Planning Commission reviewed sale of the Hurlock property to Alaska Legacy Partners and would be taking testimony on the mining code on Tuesday, June 26. She said the grand exit of Celebration was a site to behold and she participated in the "How to Run for Local Office" workshop. Her family made a trip up the Taku River recently.

Ms. Weldon said she had heard many comments about the senior sales tax exemption and asked for Assembly permission to work with the Finance Director on possible scenarios involving changes to the senior sales tax exemption, such as raising the age of eligibility to 70 or putting bar codes on the cards to track spending. Following Assembly discussion, there was no objection to Ms. Weldon gathering information to add to a future Finance Committee meeting. Mr. Kiehl said he would schedule the matter.

Mr. Gregory said he attended the Parks and Recreation Advisory Committee which heard a presentation on Pickle Ball, a fast growing sport, which is becoming popular in Juneau and P&R has created temporary lines on the tennis court in Cope Park. The Eaglecrest Board met and he noted the retirement of Jeffra Clough, long time ski school director. He thanked outgoing board members Kayla Harmon, Sam Buck and Lee Henry. Eaglecrest is working on the Ptarmigan ramp, brushing ski trails, working on the upper loop cabin, preparing for the new snow making equipment and fundraising for the cabin. He attended the JAMHI opening of the "mid-town clinic" which is being operated in conjunction with NCADD. He also attended Celebration and the Only Fools Run at Midnight events.

Mr. Edwardson said he attended Celebration and gave the Haida welcome to the visitors. The Totem Pole raising and the canoe landings were held at the same time, and he said one canoe came down the Taku River from Canada, one from Yakutat and one from Ketchikan. He also attended Gold Rush Days and "Glitz" - a growing, entertaining event. He encouraged people to attend LEPC meetings and reported on all this large group does, including assisting Hawaiians during the volcano and monitoring the water levels in Suicide Basin. He said that resiliency training is available to organizations in the community. On July 10, an F35 fighter, may be on static display at the airport as well as a C-17 Cargo plane, a C-130 Cargo plan and a KC - 135 tanker. Docks and Harbors met on June 7 to discuss the Archipelago property with Mr. Morris and other owners.

C. Presiding Officer Reports

None.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

MOTION, by Kiehl, to enter into executive session, to discuss matters, the immediate knowledge of which could have a detrimental effect on city finances, specifically, an update on pending litigation and an update on collective bargaining. Hearing no objection, the assembly entered into executive session at 8:46 p.m.

A. Litigation Update

B. Collective Bargaining Update

The Assembly reconvened at 9:36 p.m. Mr. Kiehl reported that during executive session, the Assembly heard updates from the Municipal Attorney on several issues of pending litigation and gave direction on some, and heard collective bargaining updates from staff.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 9:37 p.m.

Signed:_____ Signed:_____
Laurie Sica, Municipal Clerk Kendell D. Koelsch, Mayor

SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - June 27, 2018

MEETING NO. 2018-19: The Special Meeting of the City and Borough of Juneau Assembly, held in Conference Room 224 of the Municipal Building, was called to order at 7:33 p.m. by Mayor Ken Koelsch.

I. CALL TO ORDER / ROLL CALL

Assemblymembers present: Mayor Ken Koelsch, Deputy Mayor Jerry Nankervis, Maria Gladziszewski, Mary Becker, Jesse Kiehl, Loren Jones, Beth Weldon, Norton Gregory, and Rob Edwardson

Members absent: None.

Staff present: Deputy Clerk Beth McEwen

II. AGENDA TOPICS

A. Board Appointments for Eaglecrest Ski Area Board

The Full Assembly sitting as the Human Resources Committee (HRC) is scheduled to interview applicants for the Eaglecrest Ski Area Board immediately preceding this Special Assembly meeting. The HRC Chair will then forward the recommendations HRC's for appointment to the Eaglecrest Board for the following seats:

The **Eaglecrest Ski Area Board** has three open seats: 1 vacant seat for a term beginning immediately and expiring June 30, 2019 and 2 seats for full terms beginning July 1, 2018 and expiring June 30, 2021.

The City Manager has no recommendations regarding these appointments.

Assembly Human Resources Committee (HRC) Chair Maria Gladziszewski reported that the HRC interviewed applicants for the Eaglecrest Ski Area Board and forwarded the following recommendations:

MOTION by Ms. Gladziszewski for the Assembly to appoint Jonathan Dale to the Eaglecrest Board for a term ending June 30, 2019, and to appoint Megan Gregory and Mike Satre to the Eaglecrest Board for terms ending June 30, 2020. *Hearing no objection, the motion carried.*

Ms. Gladziszewski reported that they received a resignation notice from a Docks

and Harbors Board Member, David Seng, effective the end of July. She stated that although they just interviewed for the Docks & Harbors Board, all the Assemblymembers' application packets and notes were destroyed in a confidential destruction and she would prefer to re-open the advertisement and set up new interviews with the Full Assembly sitting as the HRC. Members were encouraged to submit their unavailability dates to the Clerk who will then try to determine the best available date to hold the meeting.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

IV. ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 7:37 p.m.

Signed:_____ Signed:_____
Elizabeth J. McEwen, Municipal Clerk Kendell D. Koelsch, Mayor

SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - July 11, 2018

MEETING NO. 2018-20: 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 Ken Koelsch.

I. CALL TO ORDER / ROLL CALL

Assembly Present: Ken Koelsch, Mary Becker, Jerry Nankervis, Maria Gladziszewski, Beth Weldon, Norton Gregory, Jesse Kiehl (teleconference), Loren Jones (teleconference), and Rob Edwardson (teleconference)

Assembly Absent: None.

Staff Present: City Manager Rorie Watt; Deputy City Manager Mila Cosgrove; Municipal Attorney Amy Mead; Municipal Clerk Beth McEwen; Finance Director Bob Bartholomew; CCFR Fire Chief Rich Etheridge; Recycleworks Manager Michele Elfers; Port Director Carl Uchytil; CCFR Assistant Chief Ed Quinto; CCFR Assistant Chief Chad Cameron; Port Engineer Gary Gillette; and many CCFR staff and volunteers in the audience.

II. AGENDA TOPICS

A. Public Hearing: Ordinance 2018-37 An Ordinance Authorizing an Alternative Procurement Method Related to the City and Borough's Recycleworks Program.

This ordinance authorizes the Manager to complete an alternative procurement that would allow the CBJ to locate all of its waste programs at the privately owned and operated Waste Management landfill.

Under this authorization the Manager intends to complete a number of activities. First, the Manager intends to execute a ten-year contract with four five-year renewals that will result in the construction of a purpose-built recycling building. The Assembly will annually be asked to appropriate funds for the recycling program. Appropriation Ordinance 2018-11 (b) will appropriate supplemental FY19 funding for the recycling program. Waste Management will operate the recycling program.

Second, the Manager intends to lease land from Waste Management at the landfill at fair market value and construct a purpose-built household hazardous waste (HHW) collection center on that land. At a future date the Assembly will

be asked to approve an appropriating ordinance to fund the land lease and construction costs of the building. The HHW program services will be competitively bid by CBJ.

Third, the Manager and staff intend to develop a composting or other organics management program that could also be located at the landfill, also on leased land. The program details have not yet been developed. The Assembly will have the opportunity to consider funding this program through a future appropriation process.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Ms. Weldon, to adopt Ordinance 2018-37. *Hearing no objection,the motion passed.*

B. Resolution 2826 A Resolution of the City and Borough of Juneau in Support of the Juneau Marine Services Center.

This resolution would affirm the Assembly's support for Docks & Harbors to submit a $25M Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant application. This grant, formerly called TIGER, allows municipalities to compete for $1.5B in US Department of Transportation investments to improve road, rail, transit, and port projects that achieve national objectives.

In March 2017, Docks & Harbors completed a master planning document, the Juneau Downtown Harbors Uplands Master Plan: Bridge Park to Norway Point. This document, adopted with public input, described elements desired at the Juneau Marine Service Center that would be included in the BUILD grant application. The Docks & Harbors Board reviewed the resolution and recommended adoption at its June 28, 2018 meeting.

The City Manager recommends this resolution be adopted.

Public Comment:

None.

Assembly Action:

MOTION by Mr. Gregory to adopt Resolution 2826 and asked for unanimous consent.

Assemblymembers asked about the need for any local matching funds, how it fits in with the Master Plan for the Marine Service Yard.

Port Director Carl Uchytil answered the Assembly's questions noting that a local match was not required at this grant level for rural communities. He noted that that the $31 Million in the Land Use Master Plan relative to the Bridge Park to Norway Point section, is phase-able so they could build to a smaller foot print if needed.

Additional discussion took place regarding the siting of the location with an alternate location being the "Little Rock Dump" as a potential location for the Marine Services Center. Mr. Uchytil went into more detail about the project elements as well as the siting locations they may or may not use for this project.

Mr. Jones asked that since this resolution supports a project for the same funding source as the next Resolution (2827), if the Docks and Harbors Board had provided any prioritization for these resolutions.

Mr. Uchytil answered that they have met with CBJ's Washington D.C. lobbyist about this project and he was informed that the best chance of obtaining any of the grants is going to be for the Juneau Marine Service Yard that the Assembly approved at its June 25 meeting. He said that he would still like to submit the applications for all three grant projects to see if any of them will get awarded. He said they may not be successful for all three but he feels it is important to continue to apply for consistency purposes. He thinks the most likely one to be awarded is the one that was the subject of the resolution adopted at the June 25 meeting [Resolution 2825].

Hearing no objection, the motion passed.

C. Resolution 2827 A Resolution of the City and Borough of Juneau in Support of the Auke Bay Non-Motorized Coastal Transportation Link.

   This resolution would affirm the Assembly's support for Docks & Harbors to submit a $12M Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant application. This grant, formerly called TIGER, allows municipalities to compete for $1.5B in US Department of Transportation investments to improve road, rail, transit, and port projects that achieve national objectives.

In January, the federal government transferred two acres of the former NOAA Auke Bay Laboratory to the CBJ. Docks & Harbors, in its planning efforts, has envisioned this location to be a portal to a new wave attenuator which would eventually replace the existing Statter Breakwater. Additionally, Docks & Harbors believes it would be advantageous to have a connecting elevated 1400 foot-long "bay walk" connecting the Statter Harbor parking lot to the newly acquired CBJ Auke Bay Marine Station and future portal. The Docks & Harbors Board reviewed the resolution and recommended its adoption at its June 28, 2018, meeting.

The City Manager recommends this resolution be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Ms. Gladziszewski to adopt Resolution 2827 and asked for unanimous consent.

Assemblymembers asked the Port Director to ensure there would be room available for the Coast Guard or NOAA should they choose to make a home port for one of their vessels there in the future. Mr. Uchytil said while there are no current plans for basing one of those vessels in Juneau at this time, there will be space available if they should choose to place vessels there.

Hearing no objection, the motion passed.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

IV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 5:42 p.m.

Signed:_____ Signed:_____
Elizabeth J. McEwen, Municipal Clerk Kendell D. Koelsch, Mayor

Presented by: The Manager
Introduced: July 23, 2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(AV)

An Ordinance Appropriating to the Manager the Sum of $9,387 as Partial Funding for the Industrial Boulevard Capital Improvement Project; Funding Provided by the State of Alaska Department of Transportation.

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 $9,387 as partial funding for the Industrial Boulevard CIP.

Section 3. Source of Funds

Alaska Department of Transportation Refund	$9,387

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

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Beth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: July 23, 2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(D)

An Ordinance Appropriating to the Manager the Sum of up to $29,492 as Funding for Multiple Training Events for the Juneau Police Department; Grant Funding Provided by the United States Department of Justice, Office of Justice Programs, FY17 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

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

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

Section 2. Appropriation. There is appropriated to the Manager the sum of up to $29,492 as funding for multiple training events for the Juneau Police Department.

Section 3. Source of Funds

U.S. Department of Justice	$29,492

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

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 7/23/2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(E)

An Ordinance Appropriating to the Manager the Sum of $2,245,538 as Funding for various Capital Improvement Projects at the Juneau International Airport; Funding Provided by Passenger Facility Charge Fees.

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

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

Section 2. Appropriation. There is appropriated to the Manager the sum of $2,245,538 as reimbursement for forward funding previously provided for the following Juneau International Airport Capital Improvement Projects.

Conduct Master Plan Study	$ 61,227
Rehabilitate Taxiways A&E (Design & Construction)	$1,125,000
Rehabilitate Airport Access Road	$ 64,610
Construct NE & NW Apron	$228,251
Rehabilitate ARFF Building	$ 50,000
Construct Snow Removal Equipment Building (SREB)	$ 72,750
Construct Sand, Chemical & Fueling Facility	$643,700
Total	**$2,245,538**

Section 3. Source of Funds

FY18/FY19 Passenger Facility Charge (PFC9) collections:	$2,245,538

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

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 7/23/2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(F)

An Ordinance Appropriating to the Manager the Sum of $1,972,000 as Funding for the Juneau International Airport Gate 2 Passenger Boarding Bridge Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Sales Tax Revenue.

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 $1,972,000 as Funding for the Juneau International Airport Gate 2 Passenger Boarding Bridge Capital Improvement Project.

Section 3. Source of Funds

Federal Aviation Administration (FAA) grant:	$1,801,875
Sales Tax Revenue	$ 170,125

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

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 7/23/2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(G)

An Ordinance Appropriating to the Manager the Sum of $350,000 as Supplemental Funding for Capital City Fire & Rescue; Funding Provided by General Fund's Fund Balance.

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

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

Section 2. Appropriate. There is appropriated to the Manager the sum of $350,000, as supplemental funding to Capital City Fire & Rescue for additional staffing.

Section 3. Source of Funds.

General Fund's Fund Balance	$ 350,000

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

Adopted this __ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-28

An Ordinance Amending the Land Use Code Related to Mining.

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 Article. CBJ 49.65 Article I Exploration and Mining, is repealed in its entirety and reenacted to read:

ARTICLE I EXPLORATION AND MINING

49.65.110 Purpose.

(a) The purpose of this article is to foster the development of a safe, healthy, and environmentally sound mining industry while protecting the overall interests of public health, safety, and the general welfare and minimizing the environmental and surface effects of mining projects for which an exploration notice or mining permit is required. To the extent the City and Borough is not preempted from doing so under state or federal law, this article:

(1) Establishes the review and permit procedures necessary to conduct exploration, to gain approval to open a mine, to conduct mining operations, and to provide for final

reclamation and financial warranty release at the conclusion of exploration and mining operations and reclamation of affected surface;

(2) Reasonably regulates areas of local concern, reserving to the City and Borough all regulatory powers not preempted by state or federal law;

(3) Authorizes the commission to condition a mining permit to the extent necessary to mitigate external adverse impacts and for the protection of the environment and public health, safety, and general welfare.

(b) This article does not regulate surface or subsurface water; geothermal resources; sand or gravel; common varieties of construction aggregate; or natural oil, gas, coal, or peat or their associated byproducts, except to the extent that such substances are developed or extracted as a mining byproduct in a mining operation of a large or small mine.

(c) The director may require a permit to be obtained or notice given for federally approved activities on federal lands, including unpatented mining claims, to allow for the director's review, so long as the purpose of the review process is not to deny use or expressly prohibit mining.

(d) To minimize the burden on the applicant to provide duplicative information required by this article, at the applicant's request, the director may rely on information provided in permit applications submitted to state or federal agencies for the proposed mining operation.

49.65.115 General applicability.

(a) For the purpose of identifying those areas within the City and Borough within which surface disturbance or subsidence in support of exploration or mining activities is prohibited,

the Mining and Exploration Surface Activities Exclusion District Maps A—F, dated June 5, 2006, as may be amended by the assembly by ordinance, is adopted. Except as otherwise provided, mining and related activities may be conducted elsewhere within the City and Borough subject to the provisions of this article.

(b) This article does not regulate subsurface mining within or outside of the district except that subsidence within the district is prohibited. It is not the intent of this article to unreasonably limit or nullify private property rights.

(c) For the purpose of regulating exploration and mining activities within the City and Borough, the Urban/Rural Mining District Map, dated June 5, 2006, as may be amended by the assembly by ordinance, is adopted.

(d) Mines located in the Rural Mining District that will undergo environmental review by state agencies, federal agencies, or both, shall be permitted as allowable uses pursuant to CBJ 49.15.320 and shall not be subject to this article. In permitting such mines, the commission may impose conditions under CBJ 49.15.320(f)(1)—(8) and any additional conditions relating to traffic, lighting, safety, noise, dust, visual screening, surface subsidence, avalanches, landslides, and erosion deemed necessary by the commission.

(e) For the purposes of this article:

(1) *Exploration* means the process of advanced mineral commodity investigation subsequent to prospecting and prior to development.

(2) *Large mine* means a mining operation involving more than 20 acres of affected surface disturbance; or having 75 or more personnel employed at the mining operation in the City and Borough, whether direct employees or employees of independent contractors,

in any consecutive three-month period; or a mining operation that a federal agency has determined would involve a major federal action significantly affecting the quality of the human environment so that the preparation of an environmental impact statement in accordance with NEPA is required.

(3) *Mining operation* means the development, construction or reclamation of a mine, including associated infrastructure, or the exploitation or extraction of a mineral commodity from its occurrence on or in the earth, or the operation of a mine. The term "mining operation" includes open pit mining, placer mining and underground mining, and the disposal of refuse, tailings or waste rock from any such operation. The term "mining operation" also includes transporting, concentrating, milling, evaporating and other on-site processing. The term "mining operation" does not include off-site smelting, refining, cleaning, preparing, transportation or other surface operations not conducted on the affected surface.

(4) *Small mine* means a mining operation other than a large mine.

49.65.120 Exploration notices and procedures.

(a) In order to ensure that mining exploration is conducted in accordance with the environmental, health, safety, and general welfare concerns of the City and Borough, mining exploration activities are prohibited except as provided in this section.

(b) Any applicant intending to conduct exploration operations must submit to the director a notice of mining exploration application, on a form specified by the director, and the processing fee specified in CBJ 49.85.100.

(c) A notice of mining exploration application must include the following information:

(1) A map identifying the area of the intended exploration activities on a scale no smaller than a scale of 1: 1,000, where one inch equals one mile;

(2) The proposed exploration schedule;

(3) The plan for reclamation of the area to be disturbed by the exploration activities, including information about the methodology and cost of such reclamation sufficient to enable the director to determine an appropriate financial warranty; and

(4) Copies of any prospecting permits, notices of intent to conduct exploration, or operating plans filed with any federal or state agency. An applicant shall supplement this information as needed with all modifications, revisions, and amendments to any permit application or plan submitted to any federal or state agency by the applicant, or with copies of any amended permits or plan approvals received by the applicant from any state or federal agency.

(d) Upon determining that the exploration application is complete and that the required processing fee has been paid, the director shall determine whether a financial warranty will be required in accordance with CBJ 49.65.140, unless preempted by state or federal law. The director shall notify the applicant within 20 days after receiving the applicant's notice of intent whether a financial warranty will be required or waived. The requirement of a financial warranty may be waived if the director determines that a financial warranty is not necessary to ensure compliance with the requirements of this article. The waiver shall be in writing and shall set for the reasons for the waiver.

(e) When the applicant has either submitted the required financial warranty or the director has notified the applicant that the financial warranty requirement is waived or the CBJ preempted from requiring a warranty, the applicant shall be authorized to conduct exploration activities in accordance with the exploration notice. In conducting exploration operations, the applicant shall comply with all applicable federal, state and City and Borough laws, rules, and regulations.

(f) Upon completion of exploration activities and all necessary reclamation, the applicant shall notify the director that exploration and reclamation are complete and shall submit a map on a scale no smaller than a scale of 1: 1,000, where one inch equals one mile, showing the location of the exploration and reclamation activities.

(g) *Procedure for release of financial warranty*.

(1) Unless preempted by state or federal law, the director shall ~~may~~ inspect the area of exploration to determine whether reclamation has been completed in accordance with CBJ 49.65.149. ~~within 60 days of receiving notification of completion, or as soon as weather conditions permit.~~ If the director finds that the reclamation satisfies the standards of CBJ 49.65.149(b), either by the director's own review or in reliance upon a state or federal reclamation inspection or both, the financial warranty shall be ~~promptly~~ released. If the director finds that the standards have not been satisfied, the director shall notify the applicant of the additional steps necessary to achieve compliance with CBJ 49.65.149. The director shall give the applicant a reasonable time to complete reclamation and request another inspection. If the director, after re-inspection or review, is not satisfied that the standards of CBJ 49.65.149(b) have been met, the director may declare so much of the financial warranty as

necessary forfeited and, after notice and an opportunity for the applicant to appeal pursuant to CBJ 49.65.176, apply the financial warranty to complete reclamation.

(2) Release of the financial warranty or notice to the applicant that the reclamation standards have not been met shall be given to the applicant no later than six months after the applicant has provided notice that exploration and reclamation are complete, as required by subsection (f) of this section.

49.65.125 Permit application requirements for all mines.

(a) Except as provided in CBJ 49.65.115(c), no new mine shall commence mining operations unless the applicant has obtained a conditional use permit pursuant to Chapter 49.15, Article III, as modified by this article.

(b) Applications, on a form specified by the director, shall be submitted to the director along with the fee required by CBJ 49.85.100, unless modified as provided in this section, and the following information:

(1) Information establishing the right to use the affected surface;

(2) A map showing the location of the mine site and the affected surface for that mine on a scale no smaller than a scale of 1: 1,000, where one inch equals one mile;

(3) A description and timetable of the proposed mining operation, including:

(i) The anticipated duration of the mining operation;

(ii) A description of all roads, buildings, processing, and related facilities or proposed infrastructure;

(iii) The mining plan;

(iv) The plan for reclamation;

(v) The potential environmental, health, safety, and general welfare impacts of the proposed operation, including neighboring property impacts, and a description of the measures to be taken to mitigate the adverse effects of such impacts; and

(vi) A description of the methods to be used to control, treat, transport, and dispose of any hazardous substances, sewage, and solid waste;

(4) Certification that there will be no affected surface or significant subsidence within the boundaries of the Mining and Exploration Surface Activities Exclusion District;

(5) Any additional information determined by the director to be necessary to allow the director, after reviewing the application, to evaluate the proposed mining operation's compliance with CBJ 49.15.330 and 49.65.145;

(6) Any other information requested by the director in relation to the pre-application conference held under CBJ 49.15.330(b); and

(7) Copies of any state or federal permits issued in relation to the proposed mining operation, including the reclamation plan approved by the state under AS 27.19.030 and information related to any financial assurance required by the state under AS 27.19.040.

(c) In addition to the materials required by subsection (b), permit applications for large mines must include the following additional information:

(1) The mining operations labor force characteristics and timing;

(2) Payroll projections; and

(3) Unless waived by the director, the socioeconomic impact assessment required by CBJ 49.65.130, and any additional information determined by the director to be necessary to complete the assessment.

(d) To the extent that the information required by this section has been provided by the applicant as part of any application submitted by the applicant to a state or federal agency, the applicant may rely on that application. The applicant shall provide the director with a copy of each state or federal application being relied upon, a cross-reference to the relevant portions of those applications, and a report on the current status of the applications.

(e) The requirement to provide information under this section is continuing throughout the duration of the application process, and supplemental information regarding any changes in the information reasonably requested must be provided to the director.

(f) *Processing fee*. The fee for processing the application shall be as specified in CBJ 49.85.100, and is in addition to any fee required by CBJ 49.65.130 for the socioeconomic impact assessment, or any fee for a professional consultant as provided by CBJ 49.65.135. While this fee is intended to cover the City and Borough's reasonable costs of review, after receipt of the application the director may determine that the cost of review is likely to substantially exceed the fee specified in CBJ 49.85.100. In that case, the director may, after consultation and discussion with the applicant, recommend an additional fee to the assembly. Such additional fee shall be approved by the assembly by motion and shall be set in an amount that will, as far as can be determined, cover the cost of reviewing the application, including reasonable administrative and overhead expenses. In recommending the additional fee, the director may consider any factors deemed relevant, including: the amount of staff effort required to

adequately review the application; the involvement in the review process of other governmental agencies, either through a federal environmental review process or other procedure; the necessity for extraordinary travel and transportation costs that may be incurred by the director during review; the potential benefit of information generated by the application review to other mining operations or to the City and Borough; and the necessity for extraordinary communication, duplication, or publication costs arising from the review.

49.65.130 Socioeconomic impact assessment for large mines.

(a) A socioeconomic impact assessment evaluating the reasonable and foreseeable beneficial and adverse impacts, both direct and indirect, of the proposed mining operation on existing and future local conditions, facilities, and services shall be prepared by the director, or a consultant retained by the director for that purpose, unless waived. The director may waive all or part of the socioeconomic impact assessment when the director determines either that the information is not essential to evaluate the impacts the mining operation will have on the City and Borough, or that the proposed mining operation will cause no meaningful or significant impacts. A waiver shall be in writing and shall set forth the reasons for the waiver.

(b) The impact assessment should include an evaluation of all reasonable, foreseeable, and demonstrable impacts of the proposed mining operation on transportation and traffic; sewer and water; solid waste; public safety and fire protection; education, native history and culture; health; recreation; housing; employment; local businesses; the rate, distribution, and demographic characteristics of any population changes induced by the mining operation; and

the fiscal impacts of the mining operation on public facilities and services, including general government functions.

(c) If information necessary to conduct the assessment is contained in a final Environmental Impact Statement (EIS) prepared pursuant to the National Environmental Policy Act, the director shall rely on the EIS and may require the applicant to provide such supplemental information deemed necessary by the director to complete the assessment.

(d) All reasonable costs and expenses required to prepare the assessment shall be paid to the director by the applicant prior to the initiation of the assessment.

(e) The purpose of the impact assessment is to provide information to the director concerning possible beneficial and adverse impacts of the proposed mining operation for use in the preparation of the mitigation agreement required by CBJ 49.65.155.

49.65.135 Director's review procedures.

(a) The director shall review the application in accordance with CBJ 49.15.330(d), as modified by this article.

(b) The director's recommendation for approval or denial, with or without conditions, as required by CBJ 49.15.330(d)(3) or 49.65.145, shall be forwarded to the commission within the timelines specified below:

(1) *Small mines*. In the case of small mine applications, the recommendation shall be forwarded to the commission within thirty-five days after the application has been accepted as complete by the director.

(2) *Large mines*.

(A) The director shall conduct a preliminary review of an application for a large mine within 20 days of its submission to determine whether the application is complete. The director shall then promptly schedule a meeting with the applicant for the following purposes:

(i) To notify the applicant if the application is complete, and if not, to notify the applicant what additional information is needed to make the application complete.

(ii) The director and the applicant shall establish the procedures for coordinating the review of the application with any review being undertaken by other agencies as part of a state or federal permit process.

(B) Unless an Environmental Impact Statement (EIS) is required by the National Environmental Policy Act (NEPA), or unless the applicant agrees to an extension, the director shall complete the review of the application within 90 days after the director has determined that the application is complete. If an EIS is required, then the timing of the review of the application shall be in accordance with the provisions of subsection (C), below.

(C) If an EIS for the proposed mining operation is required under NEPA, then the application will not be considered complete until the draft environment impact statement (DEIS), the final environment impact statement (EIS), and all comments and testimony have been submitted to the director. The director may begin review of the application at any time after the filing of the DEIS with the director, but the recommendation may not be presented to the commission until the department has

considered the final EIS. The applicant shall advise the department immediately at any time during the application process or thereafter if NEPA is involved so that the City and Borough may participate in the NEPA process.

(c) The director's recommendation must consider whether the proposed mining operation will mitigate adverse environmental, health, safety, and general welfare impacts. The director's recommendation must include consideration of the following:

(1) Whether air and water quality standards will be maintained in accordance with federal, state, and local laws, rules, and regulations;

(2) Whether sewage, solid waste, hazardous and toxic materials will be properly contained and disposed of in accordance with federal, state, and local laws, rules, and regulations;

(3) Whether the mining operation will be conducted in such a way as to minimize safety hazards to the extent reasonably practicable and to mitigate adverse impacts on the public and on neighboring properties such as those from traffic, noise, dust, unsightly visual aspects, surface subsidence, avalanches, landslides, and erosion; and

(4) Whether historic sites designated by the City and Borough as significant will be protected; and

(5) The sufficiency of the proposed reclamation plan.

(d) In making the determinations under subsection (c), the director shall find that the proposed mining operation will comply with state and federal law as to any standard or subject addressed by an applicable state or federal permit issued to the applicant for the proposed mining operation. However, the issuance of a state or federal permit shall not prohibit the

director from recommending more stringent conditions on the proposed operation to the extent the City and Borough is not preempted by state or federal law, or from making a recommendation for denial if the director deems it is warranted in accordance with this article.

(e) The director's recommendation for approval may include any conditions or stipulations the director deems to be reasonably necessary to mitigate adverse environmental, health, safety, or general welfare impacts that may result from the proposed mining operation. If the director makes a recommendation for approval, the director shall also make a recommendation on the amount of any financial warranty required by CBJ 49.65.150.

(f) If the director determines that the proposed mining operation does not meet the standards required by CBJ 49.65.145 and 49.15.330, the director shall notify the applicant. The applicant may then withdraw the application, amend and resubmit the application, or allow the director's recommendation to be forwarded to the commission as written. If the application is resubmitted within 180 days of the initial submission, no new application fee will be required but the applicant shall pay any additional processing fee determined by the director to be reasonably necessary to defray the cost of reviewing the revised application to the extent that it is different from the original submittal.

(g) If the director determines that proper review of the application will require the department to retain outside professional assistance, the director may, in the director's discretion, obtain an outside professional consultant. The fee for the consultant shall be borne by the applicant.

49.65.140 Commission review.

(a) Once complete, the director's recommendations shall be provided to the applicant and placed on the agenda for the next regularly scheduled meeting after public notice has been given as required by CBJ 49.15.230.

(b) The commission shall hear the application as a conditional use permit application as provided in chapter 49.15, article III, as modified by this article.

(c) If the commission determines that the application, with stipulations or conditions as appropriate, satisfies the standards of CBJ 49.65.145 and 49.15.330, it shall approve the application, including the reclamation plan or any cooperative management agreement with the state under 11 AAC 97.700, and set the amount of the financial warranty under CBJ 49.65.150. When the applicant has submitted a financial warranty in the amount set by the commission in a form satisfactory to the municipal attorney, and executed any mitigation agreement required by CBJ 49.65.155, the permit shall be promptly issued by the director.

49.65.145 Required conditions for all conditional use mining permits.

(a) The commission shall impose as a condition of any permit issued by the commission the following requirements:

(1) The mining operation must be conducted in accordance with this article, CBJ 49.15.330, and any other applicable provisions of the City and Borough Code in such a way as to mitigate adverse environmental, health, safety, and general welfare impacts;

(2) Air and water quality must be maintained in accordance with any applicable federal, state, and local laws, rules and regulations, or permits;

(3) Hazardous and toxic materials, sewage, and solid waste shall be properly contained and disposed of in accordance with applicable federal, state, and local laws, rules and regulations;

(4) All mining operations shall be conducted according to the standards of the City and Borough as contained in this article, CBJ 49.15.330, the conditional use mining permit, and any other applicable provisions of the City and Borough Code, so as to minimize to the extent reasonably practicable safety hazards, and to control and mitigate adverse impacts on the public and neighboring properties, such as from traffic overloading, noise, dust, unsightly visual aspects, surface subsidence, avalanches, landslides and erosion;

(5) Appropriate historic sites designated as significant by the City and Borough shall be protected;

(6) Reclamation of all affected surfaces, imposed as part of a conditional use permit in accordance with CBJ 49.65.149 or as set by the state under AS 27.19.030, be completed as soon as is reasonable after affected surface areas are no long being used in exploration and mining operations; and

(7) In the case of large mines, that the applicant comply with the mitigation agreement required by CBJ 49.65.155;

(8) The applicant will maintain the financial warranty in the amount approved by the director or the commission, including any amendments to the required financial warranty amount under CBJ 49.65.150(g); and

(9) The loss of any applicable state or federal permit may result in the revocation of the conditional use permit.

(10) In the event mining operations violate or threaten to violate this article, CBJ 49.15.330, or a permit issued under this article, the applicant shall notify the director of such fact and of the steps to be taken to return to compliance, or to resolve the potential noncompliance.

49.65.149 Reclamation.

(a) As required by CBJ 49.65.145, and to the extent not preempted by state or federal law, it shall be a condition of all permits issued under this article that reclamation of all affected surfaces, imposed as part of a conditional use permit issued under this article or as set by the state under AS 27.19.030, be completed as soon as is practicable after affected surface areas are no longer being used in exploration and mining operations. The reclamation plan shall be submitted with the mining application, as required by CBJ 49.65.125(b)(3)(iv).

(b) If not addressed in a reclamation plan approved by the state under AS 27.19.030, and to the extent not preempted by state or federal law, reclamation required under this article shall include the following requirements:

(1) Cleanup and disposal of dangerous, hazardous or toxic materials;

(2) Regrading of steep slopes of unconsolidated material to create a stable slope;

(3) Backfilling underground shafts and tunnels to the extent appropriate;

(4) Adequate pillaring or other support to prevent subsidence or sloughing;

(5) Plugging or sealing of abandoned shafts, tunnels, adits or other openings;

(6) Adequate steps to control or avoid soil erosion or wind erosion;

(7) Control of water runoff;

(8) Revegetation of tailings and affected surface areas with plant materials that are capable of self-regeneration without continued dependence on irrigation and equipment where appropriate;

(9) Rehabilitation of fisheries and wildlife habitat; and

(10) Any other conditions imposed by the commission to prevent unnecessary or undue degradation of land and water resources. For the purposes of this subsection, "unnecessary and undue degradation" has the same meaning as defined by AS 27.19.100.

(c) Subsequent to the issuance of a permit or the grant of authority under an exploration notice, the applicant's compliance shall be measured against the requirements contained in that permit or the conditions of the exploration notice and the applicant's plans submitted with the permit application or the notice.

(d) If a reclamation plan has been required by the state under AS 27.19.030, and upon approval by the state, the City and Borough may enter into a cooperative management agreement as provided by 11 AAC 97.700 to coordinate oversight and implementation of reclamation activities required of the applicant with other agencies.

49.65.150 Financial warranty.

(a) The purpose of the financial warranty is to ensure that, if the applicant fails to comply with any obligation, requirement, or condition imposed by any permit or exploration notice issued under this article, there will be sufficient funds available to the City and Borough to

enable it to complete the required work.

(b) To the extent not preempted by state or federal law, no permit shall be issued or exploration authorized pursuant to this article until any required financial warranty has been submitted by the applicant, approved by the municipal attorney, and accepted by the director.

(c) The director reserves the right to seek forfeiture of the financial warranty, in whole or in part, in the interest of protecting the environmental, health, safety and general welfare requirements of the City and Borough if the director determines that the applicant has violated the obligations, requirements, or conditions imposed by any permit or exploration notice issued under this article. The forfeiture shall be limited to the extent necessary to satisfy the obligations, requirements, or conditions that the applicant has violated.

(d) The amount of the financial warranty for an exploration notice shall be set by the director. The amount of the financial warranty for small mines and large mines shall be determined by the commission. The financial warranty shall be set in the amount necessary to ensure the completion of all work required by any permit or exploration notice issued under this chapter that the City and Borough may require to the extent not preempted by state or federal law. In recommending and setting the amount of the financial warranty, the director and the commission, respectively, shall take into consideration the amount and scope of any financial warranties that have been submitted to other agencies. When the performance of such obligations is guaranteed by financial warranties that have been submitted to other agencies, the applicant may be required to post a separate financial warranty with the City and Borough if the municipal attorney determines that the financial warranty submitted to another agency does not create a lien or interest sufficient to protect the interests of the City and Borough.

Examples of obligations to be covered by the financial warranty required under this section may include but are not limited to:

(1) Construction of berms, dikes, spillways, channels, or other facilities to control, detain, retain, or reduce runoff, soil erosion, and siltation, or to divert water around waste, tailings, stockpiles or other facilities or disturbed areas;

(2) Installation and maintenance of landscaping, including berming, tree planting and other required grading or planting to provide visual and sound barriers and to eliminate or reduce the appearance of scarring;

(3) Installation and maintenance of road or highway improvements to mitigate the impact of increased traffic or heavy trucking that is measurable and directly attributable to the mining operation; such facilities may include speed access ramps or lanes, turn lanes, intersection improvements, traffic-control devices or private haulage ways where necessary to avoid the use of public roads or highways. The cost of installation or maintenance described in this subsection shall be shared by the applicant and the City and Borough in relation to the proportion of the directly attributable and measurable impact on traffic of the applicant's activities or the facilities being maintained, installed or improved;

(4) Reclamation of affected surfaces during and following exploration and mining operations;

(5) Regrading of steep slopes of unconsolidated materials to create a stable slope;

(6) Installation of facilities required to prevent or reduce degradation of air or water quality or to contain or control toxic or hazardous wastes;

(7) Removal of buildings, structures or equipment where appropriate;

(8) Any other obligations as necessary to conform to the commission's determinations under CBJ 49.15.330 and 49.65.145.

(d) The financial warranty required under this article for a large or small mine permit or an exploration notice may be in any one or a combination of the following forms at the option of the applicant, provided that the cumulative amount is equal to the amount provided in subsection (b) of this section:

(1) Cash;

(2) Certificate of deposit;

(3) An irrevocable standby letter of credit from a United States bank; or

(4) A surety bond from a bonding company licensed to do business in Alaska that is satisfactory to the director for credit worthiness. Interest on cash deposits or certificates of deposit will accrue to the credit of the applicant.

(e) In addition to the forms of financial warranty set forth in this section, with respect to a small mine permit or an exploration notice, the applicant may elect to use a property bond as a form of financial warranty; provided, that at least ten percent of the total amount of the financial warranty shall be cash or a certificate of deposit; and provided further, that the commission determines that the value of the property is equivalent to the amount required to be generated for satisfaction of the obligation and the municipal attorney determines that the bond creates a lien with sufficient priority to permit its collection should such become necessary.

(f) The form of financial warranty shall provide that the funds may be used by the City and Borough to satisfy the obligations described in this section when there has been a

determination by the director that the applicant has not completed its obligations in a timely manner or has otherwise violated the terms of its permit or conditions of its exploration notice, and after notice and opportunity to perform the obligation has been given to the applicant.

(g) The amount of the financial warranty shall be reviewed annually by the director, and a determination shall be made whether the amount should be increased or decreased, taking into account changes in the obligations of the applicant to be undertaken during the ensuing year, cost of current obligations of final reclamation, and changes due to inflation of deflation.

(h) If the amount of financial warranty is to be increased or decreased by the determination made in subsection (g) of this section, then the actual increase or decrease shall be made according to the procedure in subsection (d) of this section.

49.65.155 Mitigation agreements for large mines.

(a) With respect to a large mine permit application, the applicant shall negotiate and enter into a mitigation agreement with the City and Borough.

(b) The mitigation agreement shall establish responsibility for the mitigation of reasonably foreseeable and demonstrable adverse impacts of the mining operation not addressed by the reclamation plan, including direct impacts and indirect impacts. The applicant shall be responsible for mitigating the direct impacts. The City and Borough shall be responsible for mitigating indirect impacts except where the costs of mitigating specific indirect impacts are found by the manager to:

(1) Exceed the amount of any City and Borough nonproprietary revenue increase attributable to the mining operation; and

(2) Require a direct and significant increase in local taxes or fees to adequately mitigate the impact.

(c) Highly speculative impacts shall not be included in the mitigation agreement. Taxes and nonproprietary revenues generated as a result of the proposed mining operation shall be a factor considered in negotiating the mitigation agreement. This agreement shall be incorporated as part of the permit, as required by CBJ 49.65.145.

(d) This subsection does not limit or otherwise affect the authority of the director or the commission to condition or place stipulations on a permit pursuant to this article or the conditional use process as provided in chapter 49.15, article III.

49.65.160 Term of notices and permits; temporary cessation.

(a) Exploration notices and permits for mining operations shall remain in effect for the duration of the operation identified in the notice or in the application, subject to the conditions of this section and providing that the following conditions are met:

(1) The financial warranty must remain in full force and effect;

(2) The operator must not be found to be in substantial violation of this article; and

(3) With respect to a large or small mine permit, mining operations must be continued in accordance with the plan contained in the application for at least 90 days in each year as to a large mine, and for at least 30 days in each year as to a small mine.

(b) During the term of any exploration notice or permit, the director may, pursuant to CBJ 49.65.150(g), revise the amount of the financial warranty. If the amount of the financial

warranty is increased, the operator shall submit the appropriate amount of additional financial warranty within 60 days of the director's determination.

(c) The operator shall advise the director within ten days of the date upon which the applicant receives notice that a financial warranty that has been submitted to any other agency is reduced or released.

(d) If at any time during the term of a permit the operator determines that it will not conduct mining operations for the applicable time minimums established in CBJ 49.65.160(a)(3), the operator shall notify the director and request that the mining operation be placed in an inactive status. In conjunction with this notification, and as a condition to granting a request for inactive status, the operator shall advise the director of the measures it will employ to prevent hazardous or dangerous conditions, erosion, or other environmental damage that may result from the operator's activities, and the security measures it will employ at the mining operation during the inactive period. An applicant may continue in inactive status for a five-year period and may, with the permission of the director, obtain successive five-year extensions of that status. At the conclusion of inactive status, the operator shall either resume operations or commence final reclamation in accordance with the approved reclamation plans. If an operator ceases operations for more than one year but does not request inactive status, the director may require the operator to commence final reclamation in accordance with its plans.

(e) Throughout the duration of a large mine permit, the operator of a large mine shall also notify the director not less than 60 days prior to requesting placement on inactive status. The operator and the City and Borough shall maintain a process to exchange information regarding

the impact on the City and Borough that may result from a change in mining operations. In addition, the operator shall provide the director with copies of any notification it may be required to provide to federal agencies under federal law concerning proposed personnel layoffs at its mining operation. The director may waive any of these notification requirements in the event of an unforeseen act of God or disaster.

49.65.165 Annual reports; monitoring; monitoring fee.

(a) During the term of each exploration notice, the operator shall submit annual progress reports to the director on or before March 31 of each year. The progress report must describe the areas in which exploration was conducted during the preceding year, the amount of acreage that was disturbed by such exploration, and the nature and extent of associated reclamation activities.

(b) During the term of each small mine permit or large mine permit, including any inactive period, the operator shall submit an annual progress report to the director on or before March 31 of each year describing the status of the mining operation in relation to the approved mining plan and timetable, and describing reclamation activities during the year.

(c) The director shall have ongoing authority to monitor any mining operation for which a permit has been issued in order to ascertain whether the mining operation is in compliance with the requirements, terms, conditions and mitigation measures in the permit. The operator shall, upon reasonable notice, provide the director with access, at reasonable times, to the premises and to the records of the mining operation to the extent such access is necessary to ascertain whether the mining operation is in compliance.

(d) Throughout the duration of the term of a small mine permit or a large mine permit, the operator shall pay to the director an annual monitoring fee to defray the costs of inspecting and reviewing the affected surface and compliance with the permit. The annual monitoring fee shall be such amount as may be established by the commission as necessary to cover the reasonable costs of inspection and review.

49.65.170 Technical revisions, summary approval, and amendments.

(a) During the term of a permit, the operator shall notify the director of all technical revisions to its operations. As used in this section a "technical revision" is a change in operations that does not, in the judgment of the director, have more than a minor effect on reclamation and that does not change the total amount of disturbance or the overall environmental or socioeconomic impact of the mining operation. After the technical revision is submitted to the director, the director shall within 30 days determine and notify the operator whether a permit amendment or summary approval of the change is necessary or whether the technical revisions may be accomplished under the operator's existing permit.

(b) If the operator or the director determines that the change to the mining operations are more than a technical revision, or if the changes will require preparation of a new or supplemental environmental impact statement, the permit shall be amended unless summary approval of the change is granted pursuant to (b)(2) of this section.

(1) Except as provided in subsection (2) of this section, the operator shall file with the director an application for amendment to its original permit, together with an application with the same content as required for an original application, except that no

operator will be required to resubmit any information that duplicates applicable previous submittals. The permit amendment application shall be processed in accordance with the same procedure as established for processing permits under CBJ 49.65.125, 49.65.135 and 49.65.140. The operator shall not commence changes requested in its amendment application until the permit amendment has been approved and, if appropriate, additional financial warranties submitted.

(2) Summary approval.

(A) Upon request of the operator, the director may summarily approve a proposed change in mining operations not constituting a new land use or separate development upon a written determination that:

(i) The mine is located entirely outside the roaded service area established in CBJ 01.30.320;

(ii) The application is complete, providing all of the information necessary for the director to make the summary approval determinations set forth in subsections (i)—(iv);

(iii) The proposed change in mining operations will have no significant impact within the roaded service area on habitat, sound, screening, drainage, traffic, lighting, safety, dust, surface subsidence, avalanches, landslides, or erosion; and

(iv) The proposed change in mining operations has undergone or is undergoing environmental review and approval by one or more federal agencies, state agencies, or both.

(B) The director shall make the determination required by this subsection (2) within 45 days unless additional information is required. If the director requires additional information to make the determination, upon written notification to the operator, the time for determination may be extended for up to 20 additional days after submittal by the operator of the additional information. If an environmental impact statement is required by one or more federal agencies, completion of the draft environmental impact statement is necessary for summary approval.

(C) Planning commission review.

(i) The director shall promptly forward the proposed summary approval to the planning commission after the determination is completed. The planning commission may ratify or reject the proposed summary approval.

(ii) If the commission rejects the proposed summary approval, it may:

(a) Return the matter to the director for further consideration of whether the director, in consultation with the operator, can address issues identified by the commission through imposition of conditions or changes in the proposed mining operation; or

(b) Direct that the proposed change be processed by the director as an application for an allowable use permit for which the commission may impose conditions under CBJ 49.15.320(f)(1)—(8) and such additional conditions as are necessary to reduce to non-significant any impacts in the roaded service area on habitat, sound, screening,

drainage, traffic, lighting, safety, dust, surface subsidence, avalanches, landslides, or erosion.

49.65.175 Enforcement.

This article shall be enforced in accordance with chapter 49.10, article VI and CBJ 49.65.195.

49.65.176 Appeal.

Any person who is aggrieved by a decision of the director or the commission with respect to this article, other than one under CBJ 49.65.175, may appeal that decision to the commission or the assembly, as applicable, as provided in chapter 49.20, article I.

49.65.180 Release of warranties for mining operations.

(a) Upon completion of mining operations, the operator shall file a written notice of completion with the director when it believes it has completed any or all requirements of this article, CBJ 49.15.330 and its permit with respect to any or all of its affect surfaces. The director shall, within 90 days after receiving the notice, or as soon thereafter as weather conditions permit, inspect the lands and reclamation described in the notice to determine whether the operator has complied with all applicable requirements.

(b) If the director determines that the operator has successfully complied with all the requirements of this article, CBJ 49.15.330 and the permit, it shall release all financial warranties applicable to said requirements. Release shall be in writing and shall be delivered to the operator promptly after the date of such filing.

(c) If the director finds that the operator has not complied with the requirements of this article, CBJ 49.15.330 or the permit, it shall so advise the operator not more than 90 days after the date of the inspection. The operator shall be given a reasonable time to comply with requirements before a second inspection. If the operator does not complete the requirements, or if after reinspection the director is not satisfied that the operator has complied with all the requirements of this article, CBJ 49.15.330 or the permit, the financial warranty shall be subject to forfeiture to the extent necessary to satisfy any outstanding requirements.

49.65.185 Successor operators.

(a) Any operator desiring to transfer its rights under an exploration notice or a conditional use mining permit shall submit a request for transfer to the director, on a form specified by the director.

(b) The director may approve the request for transfer if the director finds:

(1) The proposed operator will conduct the operations covered by the notice or permit in accordance with the requirements of this article and any additional requirements set by the director;

(2) The proposed operator has submitted a financial warranty at least equivalent to the financial warranty of the original operator and such other amount as may be determined using the procedures in CBJ 49.65.140;

(3) The proposed operator will continue to conduct the operations involved in full compliance with the terms and conditions of the original notice or permit; and all

obligations and responsibilities undertaken by the original operator shall be accepted and assumed by the proposed operator.

(c) The director may deny approval of the request for transfer if the original operator has any existing notice or permit violations at the time of the request until such time as the violations have been remedied. If the director approves the transfer, the financial warranty submitted by the original operator shall be released.

(d) Director decisions on transfer requests must be in writing.

49.65.190 Confidentiality.

Upon request of any applicant or operator, information in any application or report relating to the location, size, grade, geology or geochemistry of any ore deposit, proprietary process information, or information as to cost of mine construction or operation shall be kept confidential to the extent permitted by law. Information to be maintained as confidential must be separately presented to the director and must be marked "Confidential."

49.65.195 Suspension or revocation of notices and permits.

(a) Subject to the procedures of this section, the commission may suspend or revoke a permit issued under this article, or the authority to operate under an exploration notice pursuant to CBJ 49.65.120, upon a determination by the commission that:

(1) The exploration of mining operations are not in material and substantial compliance with the requirements of the exploration notice or permit issued under this chapter or by any state or federal agency, and such material and substantial

noncompliance remains unremedied after issuance of a compliance order issued pursuant to CBJ 49.10.620; or (2) The exploration of mining operations under the notice or permit have a history or pattern of intentional or grossly negligent noncompliance and compliance orders have previously been issued for such past events of noncompliance. Good faith efforts to remedy events of noncompliance shall create an inference that such noncompliance is not a cause for suspension or revocation.

(b) The director shall provide the operator with written notification that the director is recommending that the commission consider the entry of a suspension or revocation order under subsection (a) of this section. The written notification shall set forth the reasons for the director's recommendation and the operator's right to a hearing before the commission. The commission shall schedule a hearing within 30 days after the operator has received the written notification. At the hearing, the director shall have the burden of establishing that the operator is not in material and substantial compliance with the permit or authority to operate under an exploration notice, or that there is a past history or pattern on noncompliance sufficient to justify suspension or revocation.

(c) Upon written notification of the entry of a suspension or revocation order to the operator or to any person operating under the authority of the permit or exploration notice, all exploration or mining operations shall cease except those specifically authorized by the commission in the order or if the assembly stays the order pending appeal.

(d) A suspended notice or permit may be reinstated by the commission upon a determination that the exploration or mining operations have been brought into compliance with the conditions of the notice or permit. A notice or permit that has been revoked may not be

reissued by the commission until the commission determines that the exploration or mining operation has been brought into compliance with the terms and conditions of the notice or permit, and the operator has clearly and convincingly demonstrated that preventative measures have been taken to ensure that those conditions giving rise to the revocation will not reoccur.

(e) A suspension or revocation order may be appealed to the assembly in accordance with chapter 49.20, article I. Pending appeal, the assembly may in its discretion stay an order of suspension or revocation.

(f) The rights of suspension or revocation provided for in this section are in addition to any rights or powers vested in the City and Borough in CBJ 49.65.175 or chapter 49.10, article VI.

49.65.196 Effect of article on operations in annexed territory.

Large mine, small mine, and exploration operations occurring in territory annexed by the City and Borough that have been issued the federal and state permits or approvals necessary for the operation, including, if applicable, permits or approvals necessary to operate in accordance with the National Environmental Policy Act (NEPA) process, shall be deemed to have been issued a large mine permit, a small mine permit, or an exploration notice, as applicable, under this article and to otherwise be eligible to operate pursuant to this article upon the effective date of annexation; provided, that all such federal and state permits or approvals are currently valid. With the exception of the initial permit application and exploration notice filing requirements, the operator shall be subject to all of the requirements of this article in effect upon the effective date of annexation, including the technical revisions and permit amendment requirements, and

the monitoring fee enforcement and revocation or suspension provisions, in the same manner as any other operator. The terms of the City and Borough permit or notice shall be deemed to be the terms of the state and federal permits or approvals, unless and until a permit amendment is required. The operator shall be required to execute documentation acknowledging that the permit or notice deemed to be issued under this article shall have the same terms as the federal and state permits or approvals unless and until a permit amendment is required, and that the operator, and the permit or notice deemed issued, shall be subject to all of the requirements of this article in effect upon the effective date of annexation with the exception of the initial permit application and exploration notice filing requirements.

49.65.197 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this article is for any reason held unlawful or otherwise invalid, such holding shall not affect the remaining portions of the article. The City and Borough declares that it would have enacted this article and each and every part thereof, irrespective of the fact that any one or more parts might be held unlawful or otherwise invalid.

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

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Planning Commission

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION
NOTICE OF RECOMMENDATION

Date: July 3, 2018

Case No.: AME2018 0008

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a text amendment to revise Title 49.65, Article 1, the Exploration and Mining Code.

Hearing Date: June 26, 2018

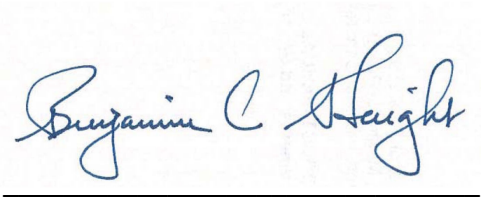
The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 14, 2018, and recommended that the City and Borough Assembly adopt staff's recommendation for a text amendment to revise Title 49.65, Article 1, the Exploration and Mining Code. The Commission suggested one substantive change: to require release of the financial warranty related to mining exploration within six months.

Attachments: June 14, 2018 memorandum from Laura Boyce, Community Development, to the CBJ Planning Commission regarding AME2018 0008.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

Project Planner: _____

Laura Boyce, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission

_____

Filed With Municipal Clerk

7/6/2018

Date

cc: **Plan Review**

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: June 14, 2018

TO: Planning Commission

FROM: Laura A. Boyce, AICP, Senior Planner
Community Development Department

CASE NO.: AME2018 0008

PROPOSAL: A text amendment to revise Title 49.65, Article 1, the Exploration and Mining Code

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

ATTACHMENTS

Attachment A Law Department Memo from Amy Mead, dated May 31, 2018

Attachment B Draft Ordinance No. 2018-28 (P.C. v. 1)

SUMMARY

The proposed ordinance would amend Title 49 regarding mining. The Law Department was tasked with amending the existing mining ordinance. The resulting ordinance reorganizes and clarifies the existing mining ordinance with no substantive changes. Please see the Law Department's memo in Attachment A describing the changes in the ordinance. The Draft Ordinance is included as Attachment B.

BACKGROUND

The City and Borough of Juneau first adopted a mining ordinance, Ordinance 86-43, in July, 1986. The ordinance resulted from the work of the Ad Hoc Mining Ordinance Committee which was established by the Assembly in January, 1985. The ordinance's stated purposes was "to foster the development of a safe, healthy and environmentally sound mining industry while protecting the overall interest of public health, safety and the general welfare…."

The original mining ordinance was then amended in 1989 to include a requirement for socio-economic impact assessments. Two additional ordinances in 2003 were adopted that amended the mining ordinance. Ordinance 2003-26 provided for summary approval of mining operations in existing mines outside of the roaded service area. Ordinance 2003-27 created urban and rural mining districts and also provided that large mines located in the rural mining district be permitted through the Allowable Use Permit process.

The most recent amendment to the mining ordinance was in 2006. Ordinance 2006-15 adopted maps to include with Title 49. The Mining and Exploration Surface Activities Exclusion District Maps and the Urban and Rural Mining District Map were adopted as part of this ordinance. This amendment did not include any policy changes.

The current amendment was requested by the Assembly Mining Committee. The committee met in January, 2018, through March, 2018. At the April 16, 2018, Committee of the Whole meeting, the Assembly moved the proposed ordinance to the Planning Commission. The draft ordinance in Attachment B incorporates the committee's work.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan and the Juneau Economic Development Plan, adopted as an addition to the Comprehensive Plan (CBJ 49.05.200(b)(1)(M)) recognize and discuss the importance of mining to the City and Borough of Juneau. The following goals, policies, and actions discuss mining and are relevant to the proposed mining ordinance.

Comprehensive Plan Contents

The following discussions, policies, and objectives in the 2013 Comprehensive Plan are relevant to the proposed amendment:

POLICY 5.11. TO ENCOURAGE THE LOCATION AND GROWTH OF LOCALLY-BASED BASIC SECTOR INDUSTRIES THAT PROVIDE YEAR-ROUND, FULL-TIME EMPLOYMENT AND PROVIDE TAX REVENUES THAT SUPPORT PUBLIC SERVICES.

POLICY 5.13. TO SUPPORT THE EXTRACTION AND PROCESSING OF MINERAL RESOURCES IN AN ENVIRONMENTALLY-SOUND MANNER, GIVING PROPER RECOGNITION TO THE UNIQUE VALUES OF THIS COMMUNITY.

Standard Operating Procedure

5.13 – SOP1 Utilize the socioeconomic impact assessment required at CBJ 49.65.130(c) to ensure that capital improvements are scheduled so as to support and be relevant to relieving the impacts of large mines.

Development Guidelines

5.13 - DG1 Consult and coordinate with appropriate state and federal permitting agencies to review mining permit applications submitted under the provisions of the CBJ Mining Ordinance.

5.13 - DG2 Encourage coordination and cooperation among the mining, tourism, fishing and recreation industries in both development and operation of mining activities. Mining operations should not operate in a manner that would be detrimental to the natural environment needed by these other industries or to human and wildlife neighbors.

5.13 - DG3 Where gravel resources have been depleted by extraction activities, utilize these land resources to the most efficient extent possible by filling open pits with construction debris or other non-toxic materials and engineering the lands to be suitable for other uses, such as habitat mitigation, public facilities, recreation resources or residential, commercial, or industrial development.

Juneau Economic Development Plan – 2015:

The 2015 Economic Development Plan discusses mining. Mines are one of the largest private sector employers in Juneau and have one of the highest average wage jobs. The mines are two of the largest property tax payers, according to the Plan, and they have an above average dependence on non-resident labor. The mining industry in Juneau was one of the fastest growing industries in the past decade. Mining jobs are high paying, averaging twice the local average salary. "Juneau has a rich mining heritage and continues to enjoy the economic benefits of a rich natural endowment of mineral resources. Making the most of that natural endowment, in terms of direct, indirect, and induced economic benefits, is Juneau's challenge and opportunity."

One of the elements in the Economic plan is:

1. Support, retain, and expand Juneau's existing 'economic pillars' - our traditional, proven mainstay sectors and businesses.

• This element focuses on the top economic sectors and activities that comprise Juneau's economy today. These sectors include the existing businesses and industries that provide the bulk of today's jobs and wages in the community. State and federal government, the visitor industry, commercial fishing and seafood processing, mining, construction, education, and health care are among Juneau's economic pillars, along with local government and other key support sector service and supply providers.

Goal: Building on our strengths to expand business opportunities where we have natural/competitive advantages.

Objective 4: Enhance mining's role in Juneau's economy.

Goal: Prepare and attract the professional, technical, skilled, entrepreneurial, and creative labor force that Juneau's diverse employers, businesses, and non-profits need.

Objective 5: Take steps to covert the non-resident workforce to a resident workforce.

Discussion

Mining, both in general and at specific locations in the borough, has been addressed in the Comprehensive Plan and the Juneau Economic Development Plan. It is an activity that is both anticipated and supported in the Plans. The proposed changes to the existing mining ordinance re-order and clarify existing language, as well as remove duplicative state requirements. No substantive changes are made that result in the existing mining ordinance being inconsistent with existing plans.

Findings

Based on the discussion above, staff finds that the proposed Ordinance 2018-28 is consistent with the Comprehensive Plan.

COMPLIANCE WITH CBJ LAND USE CODE

Title 49 Contents

The following sections of Title 49 have been examined to determine whether or not the proposed ordinance is in compliance with the Code:

49.70. Article IX. Coastal Management.

49.80.120 Definitions, specifically "Affected surface and surface disturbance", "direct impact", "impact", "indirect impact", "large mine", "large mine permit", "mining", "mining development", "mining operation", "operator", "other agency", "other regulatory program", "separate development", "small mine", "small mine permit", and "socioeconomic impact assessment".

49.70.210 (Hillside development) Applicability and scope.

Discussion

The above sections of Title 49 were reviewed for consistency with the proposed ordinance. The proposed changes to the existing mining ordinance re-order and clarify existing language, as well as remove duplicative state requirements. No substantive changes are made that result in the existing mining ordinance being inconsistent with existing plans.

Findings

Based on the discussion above, staff finds that the proposed Ordinance 2018-28 is consistent with Title 49.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan and Title 49. Additionally, this change would not create any internal inconsistencies within any plans or codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation for approval to the Assembly.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Law Department
City & Borough of Juneau

MEMORANDUM

TO: CBJ Planning Commission

FROM: Amy Gurton Mead, Municipal Attorney

DATE: May 31, 2018

SUBJECT: Ordinance 2018-28, amending 49.65, Article I, the Exploration and Mining Code

---

The CBJ Mining Committee directed me to reorganize the current mining code for clarity, without removing any substantive provisions. That draft was used by the Committee as a starting point for its discussion and was vetted by the Assembly, which forwarded the draft to the Commission with one anticipated change. The Assembly authorized me to add language recognizing the state's reclamation plan and financial warranty requirements, and the ability to enter into cooperative management agreements with the state to oversee reclamation efforts.

Given the extensive reorganization, it wasn't possible to provide you with a "strikethrough and underline" ordinance that was readable. Instead, the draft is annotated, explaining the changes made. As to the reclamation and financial warrant sections, the following information may be helpful.

State law chapter on reclamation applies to municipal land subject to mining operations. AS 27.19.010(b). The state requires, and will review, reclamation plans for mining to be conducted on municipal land. AS 27.19.030. State law, however, "does not alter or diminish the authority of . . . a municipality under its laws and regulations." AS 27.19.010(d). *See also* 11 AAC 97.100(c) stating:

> Nothing in AS 27.19 precludes a federal or state agency (including the Department of Natural Resources), a state corporation, the University of Alaska, a municipality, or a private landowner, acting under its own regulatory or proprietary authority, from establishing and enforcing additional requirements or higher standards for reclamation. Compliance with this chapter does not waive or excuse compliance with those additional requirements or higher standards.

All mining operations, regardless of size, are required to reclaim the land disturbed under state law (AS 27.19.020):

> A mining operation shall be conducted in a manner that prevents unnecessary and undue degradation of land and water resources, and the mining operation shall be reclaimed as contemporaneously as practicable with the mining operation to leave the site in a stable condition.

Under AS 27.19.100, "unnecessary and undue degradation":

> (A) means surface disturbance greater than would normally result when an activity is

> being accomplished by a prudent operator in usual, customary, and proficient operations of similar character and considering site specific conditions;
>
> (B) includes the failure to initiate and complete reasonable reclamation under the reclamation standard of AS 27.19.020 or an approved reclamation plan under AS 27.19.030(a).

Although they are required to reclaim the land after mining operations cease, state law (AS 27.19.050) exempts small mines from needing to file a reclamation plan or from submitting the "reclamation financial assurance" (the "financial warranty" under CBJ code). State statute defines a "small mine" as being one:

> (1) where less than five acres are mined at one location in any year and there is a cumulative unreclaimed mined area of less than five acres at one location; or
>
> (2) where less than five acres and less than 50,000 cubic yards of gravel or other materials are disturbed or removed at one location in any year and there is a cumulative disturbed area of less than five acres at one location.

Current code requires all mining operations to file a reclamation plan. For purposes of comparison, a small mine under CBJ code is defined as anything that isn't a large mine:

> *(CBJ) Large mine* means a mining operation involving more than 20 acres of affected surface disturbance; or having 75 or more personnel employed at the mining operation in the City and Borough, whether direct employees or employees of independent contractors, in any consecutive three-month period; or a mining operation that a federal agency has determined would involve a major federal action significantly affecting the quality of the human environment so that the preparation of an environmental impact statement in accordance with NEPA is required.

As noted above, under state law, municipalities may provide their own rules and requirements for reclamation and financial warranties (or financial assurances) to the extent not preempted by state (or federal) law. There are provisions in our code that we would arguably be preempted from enforcing. For example, the requirement that the CBJ reclamation plan require rehabilitation of fisheries or wildlife habitat. (*See, Jacko v. State of Alaska, Pebble Lt. Partnership, and Pebble Mines Corp.,* 353 P.3d 337 (Alaska 2015), where the Supreme Court invalided a Lake and Peninsula Borough initiative prohibiting mining activities that would have a significant adverse impact on anadromous waters within the borough, finding that the initiative impermissibly gave the borough "veto power" over mining projects on state land within borough borders.) Without removing any of the potential overreach, I qualified both the reclamation and financial warranty sections[1] to make clear that the CBJ could exercise its authority only to the extent not preempted by state or federal law.

Lastly, if the state finds it's in the state's best interest, it can enter into a cooperative management agreement with a municipality with respect to reclamation oversight. 11 AAC 97.700. A reference to this process was also included.

[1] Tied to the reclamation plan is the financial warranty (or, as the state refers to it, the financial assurance). The CBJ's financial warranty section is much broader, tied to more than just reclamation efforts. The draft ordinance includes a reference to the state and any cooperative management agreement, but otherwise is unchanged.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-28 (P.C. v. 1a)

An Ordinance Amending the Land Use Code Related to Mining.

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 Article. CBJ 49.65 Article I Exploration and Mining, is repealed in its entirety and reenacted to read:

ARTICLE I EXPLORATION AND MINING

49.65.110 Purpose.

No changes to the original purpose section (49.65.110) except reorganizing for clarity, and adding the language at subsection (d), as requested by the committee.

(a) The purpose of this article is to foster the development of a safe, healthy, and environmentally sound mining industry while protecting the overall interests of public health, safety, and the general welfare and minimizing the environmental and surface effects of mining projects for which an exploration notice or mining permit is required. To the extent the City and Borough is not preempted from doing so under state or federal law, this article:

(1) Establishes the review and permit procedures necessary to conduct exploration, to gain approval to open a mine, to conduct mining operations, and to provide for final

reclamation and financial warranty release at the conclusion of exploration and mining operations and reclamation of affected surface;

(2) Reasonably regulates areas of local concern, reserving to the City and Borough all regulatory powers not preempted by state or federal law;

(3) Authorizes the commission to condition a mining permit to the extent necessary to mitigate external adverse impacts and for the protection of the environment and public health, safety, and general welfare.

(b) This article does not regulate surface or subsurface water; geothermal resources; sand or gravel; common varieties of construction aggregate; or natural oil, gas, coal, or peat or their associated byproducts, except to the extent that such substances are developed or extracted as a mining byproduct in a mining operation of a large or small mine.

(c) The director may require a permit to be obtained or notice given for federally approved activities on federal lands, including unpatented mining claims, to allow for the director's review, so long as the purpose of the review process is not to deny use or expressly prohibit mining.

(d) To minimize the burden on the applicant to provide duplicative information required by this article, at the applicant's request, the director may rely on information provided in permit applications submitted to state or federal agencies for the proposed mining operation.

49.65.115 General applicability.

Edited for clarity; nothing substantively removed from original 49.65.115. At the request of the committee, a definition section was added at subsection (e) for convenience. All four definitions are currently found in CBJ 49.80.120 Definitions.

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(a) For the purpose of identifying those areas within the City and Borough within which surface disturbance or subsidence in support of exploration or mining activities is prohibited, the Mining and Exploration Surface Activities Exclusion District Maps A—F, dated June 5, 2006, as may be amended by the assembly by ordinance, is adopted. Except as otherwise provided, mining and related activities may be conducted elsewhere within the City and Borough subject to the provisions of this article.

(b) This article does not regulate subsurface mining within or outside of the district except that subsidence within the district is prohibited. It is not the intent of this article to unreasonably limit or nullify private property rights.

(c) For the purpose of regulating exploration and mining activities within the City and Borough, the Urban/Rural Mining District Map, dated June 5, 2006, as may be amended by the assembly by ordinance, is adopted.

(d) Mines located in the Rural Mining District that will undergo environmental review by state agencies, federal agencies, or both, shall be permitted as allowable uses pursuant to CBJ 49.15.320 and shall not be subject to this article. In permitting such mines, the commission may impose conditions under CBJ 49.15.320(f)(1)—(8) and any additional conditions relating to traffic, lighting, safety, noise, dust, visual screening, surface subsidence, avalanches, landslides, and erosion deemed necessary by the commission.

(e) For the purposes of this article:

(1) *Exploration* means the process of advanced mineral commodity investigation subsequent to prospecting and prior to development.

(2) *Large mine* means a mining operation involving more than 20 acres of affected surface disturbance; or having 75 or more personnel employed at the mining operation in the City and Borough, whether direct employees or employees of independent contractors, in any consecutive three-month period; or a mining operation that a federal agency has determined would involve a major federal action significantly affecting the quality of the human environment so that the preparation of an environmental impact statement in accordance with NEPA is required.

(3) *Mining operation* means the development, construction or reclamation of a mine, including associated infrastructure, or the exploitation or extraction of a mineral commodity from its occurrence on or in the earth, or the operation of a mine. The term "mining operation" includes open pit mining, placer mining and underground mining, and the disposal of refuse, tailings or waste rock from any such operation. The term "mining operation" also includes transporting, concentrating, milling, evaporating and other on-site processing. The term "mining operation" does not include off-site smelting, refining, cleaning, preparing, transportation or other surface operations not conducted on the affected surface.

(4) *Small mine* means a mining operation other than a large mine.

49.65.120 Exploration notices and procedures.

Clarified original 49.65.120 in the following ways:
1. Reorganized section.
2. Added statement in subsection (a) making clear that compliance with this section is required in order to conduct exploration.
3. Added requirement that form specified by director be used, which is consistent with current CDD practice (form is already posted on CDD website).

4. Added language to this section requiring operator to supplement information as necessary (this is a condition in existing code; added here for clarity purposes).

(a) In order to ensure that mining exploration is conducted in accordance with the environmental, health, safety, and general welfare concerns of the City and Borough, mining exploration activities are prohibited except as provided in this section.

(b) Any applicant intending to conduct exploration operations must submit to the director a notice of mining exploration application, on a form specified by the director, and the processing fee specified in CBJ 49.85.100.

(c) A notice of mining exploration application must include the following information:

(1) A map identifying the area of the intended exploration activities on a scale ono larger than 1:63,360;

(2) The proposed exploration schedule;

(3) The plan for reclamation of the area to be disturbed by the exploration activities, including information about the methodology and cost of such reclamation sufficient to enable the director to determine an appropriate financial warranty; and

(4) Copies of any prospecting permits, notices of intent to conduct exploration, or operating plans filed with any federal or state agency. An applicant shall supplement this information as needed with all modifications, revisions, and amendments to any permit application or plan submitted to any federal or state agency by the applicant, or with copies of any amended permits or plan approvals received by the applicant from any state or federal agency.

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(d) Upon determining that the exploration application is complete and that the required processing fee has been paid, the director shall determine whether a financial warranty will be required in accordance with CBJ 49.65.140, unless preempted by state or federal law. The director shall notify the applicant within 20 days after receiving the applicant's notice of intent whether a financial warranty will be required or waived. The requirement of a financial warranty may be waived if the director determines that a financial warranty is not necessary to ensure compliance with the requirements of this article. The waiver shall be in writing and shall set for the reasons for the waiver.

(e) When the applicant has either submitted the required financial warranty or the director has notified the applicant that the financial warranty requirement is waived or the CBJ preempted from requiring a warranty, the applicant shall be authorized to conduct exploration activities in accordance with the exploration notice. In conducting exploration operations, the applicant shall comply with all applicable federal, state and City and Borough laws, rules, and regulations.

(f) Upon completion of exploration activities and all necessary reclamation, the applicant shall notify the director that exploration and reclamation are complete and shall submit a map on a scale no larger than1:63,360, showing the location of the exploration and reclamation activities.

(g) *Procedure for release of financial warranty*. The director may inspect the area of exploration to determine whether reclamation has been completed in accordance with CBJ 49.65.145 within 60 days of receiving notification of completion, or as soon as weather conditions permit. If the director finds that the reclamation satisfies the standards of CBJ

49.65.145(b), either by the director's own review or in reliance upon a state or federal reclamation inspection or both, the financial warranty shall be promptly released. If the director finds that the standards have not been satisfied, the director shall notify the applicant within 30 days of the additional steps necessary to achieve compliance with CBJ 49.65.145. The director shall give the applicant a reasonable time to complete reclamation and request another inspection. If the director, after re-inspection or review, is not satisfied that the standards of CBJ 49.65.145(b) have been met, the director may declare so much of the financial warranty as necessary forfeited and, after notice and an opportunity for the applicant to appeal pursuant to CBJ 49.65.165, apply the financial warranty to complete reclamation.

While no substantive changes were made to the following sections, I did do some major reorganization of current code. Current code has one ordinance addressing the process (application, review, commission procedure) for small mines, and a separate code section addressing the process for large mines that, in large part, repeats the same information (application, review, commission procedure). I revised these sections using the same organizational structure used in the article addressing cell towers. First, I organized the current requirements into three new code sections that apply to both large and small mines: a general application section; a general review section; and a general section on commission process. I then added new code sections to cover those specific additional requirements imposed under current code for large mines.

Other changes:
1. I specified that the application should be on a CBJ form – which already exists and is consistent with CDD practice for all other permits.
2. I adding language specifying how the CBJ uses permit or application information from other agencies (see 49.65.125(d)).
3. The following paragraph is from current code – 49.65.130(b), middle of paragraph – and requires large mine applicants to provide information normally provided as part of a mining plan or "feasibility" study. My notations in red explain where these requirements are now found:

> The application shall also contain additional information normally prepared by the operator for its feasibility studies and mining plans, including information establishing the right to use the affected surface ***(this was information that was actually required of both small and large mines so is now in the general application subsection (b))***,

labor force characteristics and timing, payroll projections ***(see subsection (c) identifying additional information required of large mines)*** , anticipated duration of the mining operation, construction schedules, infrastructure description, and other information reasonably requested by the department in the pre-application conference held pursuant to subsection 49.15.330(b). ***(This was information that was actually required of both small and large mines so is now in the general application subsection (b).)***

49.65.125 Permit application requirements for all mines.

(a) Except as provided in CBJ 49.65.115(c), no new mine shall commence mining operations unless the applicant has obtained a conditional use permit pursuant to Chapter 49.15, Article III, as modified by this article.

(b) Applications, on a form specified by the director, shall be submitted to the director along with the fee required by CBJ 49.85.100, unless modified as provided in this section, and the following information:

(1) Information establishing the right to use the affected surface;

(2) A map showing the location of the mine site and the affected surface for that mine on a scale no larger than 1:63,360;

(3) A description and timetable of the proposed mining operation, including:

(i) The anticipated duration of the mining operation;

(ii) A description of all roads, buildings, processing, and related facilities or proposed infrastructure;

(iii) The mining plan;

(iv) The plan for reclamation;

(v) The potential environmental, health, safety, and general welfare impacts of the proposed operation, including neighboring property impacts, and a

description of the measures to be taken to mitigate the adverse effects of such impacts; and

(vi) A description of the methods to be used to control, treat, transport, and dispose of any hazardous substances, sewage, and solid waste;

(4) Certification that there will be no affected surface or significant subsidence within the boundaries of the Mining and Exploration Surface Activities Exclusion District;

(5) Any additional information determined by the director to be necessary to allow the director, after reviewing the application, to evaluate the proposed mining operation's compliance with CBJ 49.15.330 and 49.65.145;

(6) Any other information requested by the director in relation to the pre-application conference held under CBJ 49.15.330(b); and

(7) Copies of any state or federal permits issued in relation to the proposed mining operation, including the reclamation plan approved by the state under AS 27.19.030 and information related to any financial assurance required by the state under AS 27.19.040.

Current code recognizes reclamation plans from the state; this citation to the state code section was added for clarity.

(c) In addition to the materials required by subsection (b), permit applications for large mines must include the following additional information:

(1) A description of the proposal for the sealing of open shafts, adits, and tunnels upon the completion or temporary cessation of mining operations;

(2) The mining operations labor force characteristics and timing;

(3) Payroll projections; and

(4) Unless waived by the director, the socioeconomic impact assessment required by CBJ 49.65.130, and any additional information determined by the director to be necessary to complete the assessment.

(d) To the extent that the information required by this section has been provided by the applicant as part of any application submitted by the applicant to a state or federal agency, the applicant may rely on that application. The applicant shall provide the director with a copy of each state or federal application being relied upon, a cross-reference to the relevant portions of those applications, and a report on the current status of the applications. ***(Note: this section clarifies that operators can rely on permits or applications submitted to other agencies.)***

(e) The requirement to provide information under this section is continuing throughout the duration of the application process, and supplemental information regarding any changes in the information reasonably requested must be provided to the director.

(f) *Processing fee*. The fee for processing the application shall be as specified in CBJ 49.85.100, and is in addition to any fee required by CBJ 49.65.130 for the socioeconomic impact assessment, or any fee for a professional consultant as provided by CBJ 49.65.135. While this fee is intended to cover the City and Borough's reasonable costs of review, after receipt of the application the director may determine that the cost of review is likely to substantially exceed the fee specified in CBJ 49.85.100. In that case, the director may, after consultation and discussion with the applicant, recommend an additional fee to the assembly. Such additional fee shall be approved by the assembly by motion and shall be set in an amount that will, as far as can be determined, cover the cost of reviewing the application, including reasonable

administrative and overhead expenses. In recommending the additional fee, the director may consider any factors deemed relevant, including: the amount of staff effort required to adequately review the application; the involvement in the review process of other governmental agencies, either through a federal environmental review process or other procedure; the necessity for extraordinary travel and transportation costs that may be incurred by the director during review; the potential benefit of information generated by the application review to other mining operations or to the City and Borough; and the necessity for extraordinary communication, duplication, or publication costs arising from the review.

This next section is from the current code section on large mines (49.65.130(c)). No substantive deletions made, primarily just amended for readability and reorganized. Although the proposed code already specifies that documents provided to another federal or state agency can be resubmitted in lieu of duplication, a new subsection (c) specifies that if information contained in an EIS would cover any of the material needed for a socioeconomic impact statement, the CDD director will rely on the EIS. Conceptually, this report is tied to the mitigation agreement (see 49.65.155, below).

49.65.130 Socioeconomic impact assessment for large mines.

(a) A socioeconomic impact assessment evaluating the reasonable and foreseeable beneficial and adverse impacts, both direct and indirect, of the proposed mining operation on existing and future local conditions, facilities, and services shall be prepared by the director, or a consultant retained by the director for that purpose, unless waived. The director may waive all or part of the socioeconomic impact assessment when the director determines either that the information is not essential to evaluate the impacts the mining operation will have on the City and Borough, or that the proposed mining operation will cause no meaningful or significant impacts. A waiver shall be in writing and shall set forth the reasons for the waiver.

(b) The impact assessment should include an evaluation of all reasonable, foreseeable, and demonstrable impacts of the proposed mining operation on transportation and traffic; sewer and water; solid waste; public safety and fire protection; education, native history and culture; health; recreation; housing; employment; local businesses; the rate, distribution, and demographic characteristics of any population changes induced by the mining operation; and the fiscal impacts of the mining operation on public facilities and services, including general government functions.

(c) If information necessary to conduct the assessment is contained in a final Environmental Impact Statement (EIS) prepared pursuant to the National Environmental Policy Act, the director shall rely on the EIS and may require the applicant to provide such supplemental information deemed necessary by the director to complete the assessment.

(d) All reasonable costs and expenses required to prepare the assessment shall be paid to the director by the applicant prior to the initiation of the assessment.

(e) The purpose of the impact assessment is to provide information to the director concerning possible beneficial and adverse impacts of the proposed mining operation for use in the preparation of the mitigation agreement required by CBJ 49.65.155.

49.65.135 Director's review procedures.

Current code uses "director" and "department" interchangeably. I use director exclusively in this rewrite. Current code defines "director" at 49.80.100 to mean either the director or the director's designee, which includes staff or the "department."

(a) The director shall review the application in accordance with CBJ 49.15.330(d), as modified by this article.

(b) The director's recommendation for approval or denial, with or without conditions, as required by CBJ 49.15.330(d)(3) or 49.65.145, shall be forwarded to the commission within the timelines specified below:

(1) *Small mines*. In the case of small mine applications, the recommendation shall be forwarded to the commission within thirty-five days after the application has been accepted as complete by the director.

(2) *Large mines*.

(A) The director shall conduct a preliminary review of an application for a large mine within 20 days of its submission to determine whether the application is complete. The director shall then promptly schedule a meeting with the applicant for the following purposes:

(i) To notify the applicant if the application is complete, and if not, to notify the applicant what additional information is needed to make the application complete.

(ii) The director and the applicant shall establish the procedures for coordinating the review of the application with any review being undertaken by other agencies as part of a state or federal permit process.

(B) Unless an Environmental Impact Statement (EIS) is required by the National Environmental Policy Act (NEPA), or unless the applicant agrees to an extension, the director shall complete the review of the application within 90 days after the director has determined that the application is complete. If an EIS is

required, then the timing of the review of the application shall be in accordance with the provisions of subsection (C), below.

(C) If an EIS for the proposed mining operation is required under NEPA, then the application will not be considered complete until the draft environment impact statement (DEIS), the final environment impact statement (EIS), and all comments and testimony have been submitted to the director. The director may begin review of the application at any time after the filing of the DEIS with the director, but the recommendation may not be presented to the commission until the department has considered the final EIS. The applicant shall advise the department immediately at any time during the application process or thereafter if NEPA is involved so that the City and Borough may participate in the NEPA process.

(c) The director's recommendation must consider whether the proposed mining operation will mitigate adverse environmental, health, safety, and general welfare impacts. The director's recommendation must include consideration of the following:

(1) Whether air and water quality standards will be maintained in accordance with federal, state, and local laws, rules, and regulations;

(2) Whether sewage, solid waste, hazardous and toxic materials will be properly contained and disposed of in accordance with federal, state, and local laws, rules, and regulations;

(3) Whether the mining operation will be conducted in such a way as to minimize safety hazards to the extent reasonably practicable and to mitigate adverse impacts on the

public and on neighboring properties such as those from traffic, noise, dust, unsightly visual aspects, surface subsidence, avalanches, landslides, and erosion; and

(4) Whether historic sites designated by the City and Borough as significant will be protected; and

(5) The sufficiency of the proposed reclamation plan.

The following subsection was added to clarify that if a state or federal permit has been granted to the applicant, the CBJ will accept the permit as a statement of the state/federal law requirements the mining operator must comply with for purposes of state/federal law. I read current code language to say the same thing, but this says it more directly. (See for example, current code section 49.65.130(b), specifically the last third of paragraph.)

(d) In making the determinations under subsection (c), the director shall find that the proposed mining operation will comply with state and federal law as to any standard or subject addressed by an applicable state or federal permit issued to the applicant for the proposed mining operation. However, the issuance of a state or federal permit shall not prohibit the director from recommending more stringent conditions on the proposed operation to the extent the City and Borough is not preempted by state or federal law, or from making a recommendation for denial if the director deems it is warranted in accordance with this article.

(e) The director's recommendation for approval may include any conditions or stipulations the director deems to be reasonably necessary to mitigate adverse environmental, health, safety, or general welfare impacts that may result from the proposed mining operation. If the director makes a recommendation for approval, the director shall also make a recommendation on the amount of any financial warranty required by CBJ 49.65.150.

(f) If the director determines that the proposed mining operation does not meet the standards required by CBJ 49.65.145 and 49.15.330, the director shall notify the applicant. The applicant may then withdraw the application, amend and resubmit the application, or allow the director's recommendation to be forwarded to the commission as written. If the application is resubmitted within 180 days of the initial submission, no new application fee will be required but the applicant shall pay any additional processing fee determined by the director to be reasonably necessary to defray the cost of reviewing the revised application to the extent that it is different from the original submittal.

The following concept is already in current code but with one change. Because the group proposing changes to the code have stated they agree that obtaining outside consultants at the cost of the applicant should be available to the CBJ, I removed the requirement that approval for that process go through a code process. (See current code section 49.65.130(e).)

(g) If the director determines that proper review of the application will require the department to retain outside professional assistance, the director may, in the director's discretion, obtain an outside professional consultant. The fee for the consultant shall be borne by the applicant.

One small addition in subsection (c) to specify that the commission approves the reclamation plan or cooperative management agreement (to implement a reclamation plan jointly with the state). It isn't clearly stated in current code that the reclamation plan must be approved prior to mining.

49.65.140 Commission review.

(a) Once complete, the director's recommendations shall be provided to the applicant and placed on the agenda for the next regularly scheduled meeting after public notice has been given as required by CBJ 49.15.230.

(b) The commission shall hear the application as a conditional use permit application as provided in chapter 49.15, article III, as modified by this article.

(c) If the commission determines that the application, with stipulations or conditions as appropriate, satisfies the standards of CBJ 49.65.145 and 49.15.330, it shall approve the application, including the reclamation plan or any cooperative management agreement with the state under 11 AAC 97.700, and set the amount of the financial warranty under CBJ 49.65.150. When the applicant has submitted a financial warranty in the amount set by the commission in a form satisfactory to the municipal attorney, and executed any mitigation agreement required by CBJ 49.65.155, the permit shall be promptly issued by the director.

The next section addresses permit requirements. Current code section addressing permit requirements is at 49.65.135. I amended the language to clarify that these are required permit conditions, and then in the sections above on director and commission review, clarified that in evaluating applications, these concepts have to be considered.

49.65.145 Required conditions for all conditional use mining permits.

(a) The commission shall impose as a condition of any permit issued by the commission the following requirements:

(1) The mining operation must be conducted in accordance with this article, CBJ 49.15.330, and any other applicable provisions of the City and Borough Code in such a way as to mitigate adverse environmental, health, safety, and general welfare impacts;

(2) Air and water quality must be maintained in accordance with any applicable federal, state, and local laws, rules and regulations, or permits;

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(3) Hazardous and toxic materials, sewage, and solid waste shall be properly contained and disposed of in accordance with applicable federal, state, and local laws, rules and regulations;

(4) All mining operations shall be conducted according to the standards of the City and Borough as contained in this article, CBJ 49.15.330, the conditional use mining permit, and any other applicable provisions of the City and Borough Code, so as to minimize to the extent reasonably practicable safety hazards, and to control and mitigate adverse impacts on the public and neighboring properties, such as from traffic overloading, noise, dust, unsightly visual aspects, surface subsidence, avalanches, landslides and erosion;

(5) Appropriate historic sites designated as significant by the City and Borough shall be protected;

(6) Reclamation of all affected surfaces, imposed as part of a conditional use permit in accordance with CBJ 49.65.149 or as set by the state under AS 27.19.030, be completed as soon as is reasonable after affected surface areas are no long being used in exploration and mining operations; and

(7) In the case of large mines, that the applicant comply with the mitigation agreement required by CBJ 49.65.155;

(8) The applicant will maintain the financial warranty in the amount approved by the director or the commission, including any amendments to the required financial warranty amount under CBJ 49.65.145(f) and (g); and

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(9) The loss of any applicable state or federal permit may result in the revocation of the conditional use permit.

The following language is now clearly incorporated as a condition to be specified in the permit. It currently resides in 49.65.135(c).

(10) In the event mining operations violate or threaten to violate this article, CBJ 49.15.330, or a permit issued under this article, the applicant shall notify the director of such fact and of the steps to be taken to return to compliance, or to resolve the potential noncompliance.

Reclamation is now proposed as its own code section. It's currently found in 49.65.135, which combines permit requirements and staff review requirements. I've separated those issues for clarity in this draft. It's been amended to recognize the reclamation provisions under AS 27.19, as well as the possibility of entering into cooperative agreements with the state.

49.65.149 Reclamation.

(a) As required by CBJ 49.65.145, and to the extent not preempted by state or federal law, it shall be a condition of all permits issued under this article that reclamation of all affected surfaces, imposed as part of a conditional use permit issued under this article or as set by the state under AS 27.19.030, be completed as soon as is practicable after affected surface areas are no longer being used in exploration and mining operations. The reclamation plan shall be submitted with the mining application, as required by CBJ 49.65.125(b)(3)(iv).

(b) If not addressed in a reclamation plan approved by the state under AS 27.19.030, and to the extent not preempted by state or federal law, reclamation required under this article shall include the following requirements:

(1) Cleanup and disposal of dangerous, hazardous or toxic materials;

(2) Regrading of steep slopes of unconsolidated material to create a stable slope;

(3) Backfilling underground shafts and tunnels to the extent appropriate;

(4) Adequate pillaring or other support to prevent subsidence or sloughing;

(5) Plugging or sealing of abandoned shafts, tunnels, adits or other openings;

(6) Adequate steps to control or avoid soil erosion or wind erosion;

(7) Control of water runoff;

(8) Revegetation of tailings and affected surface areas with plant materials that are capable of self-regeneration without continued dependence of irrigation and equipment where appropriate;

(9) Rehabilitation of fisheries and wildlife habitat; and

(10) Any other conditions imposed by the commission to prevent unnecessary or undue degradation of land and water resources. For the purposes of this subsection, "unnecessary and undue degradation" has the same meaning as defined by AS 27.19.100.

This catchall was amended to incorporate the same standard identified in state statute (27.19.020).

(c) Subsequent to the issuance of a permit or the grant of authority under an exploration notice, the applicant's compliance shall be measured against the requirements contained in that permit or the conditions of the exploration notice and the applicant's plans submitted with the permit application or the notice.

(d) If a reclamation plan has been required by the state under AS 27.19.030, and upon approval by the state, the City and Borough may enter into a cooperative management agreement as provided by 11 AAC 97.700 to coordinate oversight and implementation of

reclamation activities required of the applicant with other agencies. ***This section allows the CBJ to enter into a cooperative agreement with the state (if approved by the state) so as to reduce duplication of efforts.***

Amended to add reference to the state's reclamation plans and cooperative management agreements.

49.65.150 Financial warranty.

(a) The purpose of the financial warranty is to ensure that, if the applicant fails to comply with any obligation, requirement, or condition imposed by any permit or exploration notice issued under this article, there will be sufficient funds available to the City and Borough to enable it to complete the required work.

(b) To the extent not preempted by state or federal law, no permit shall be issued or exploration authorized pursuant to this article until any required financial warranty has been submitted by the applicant, approved by the municipal attorney, and accepted by the director.

(c) The director reserves the right to seek forfeiture of the financial warranty, in whole or in part, in the interest of protecting the environmental, health, safety and general welfare requirements of the City and Borough if the director determines that the applicant has violated the obligations, requirements, or conditions imposed by any permit or exploration notice issued under this article. The forfeiture shall be limited to the extent necessary to satisfy the obligations, requirements, or conditions that the applicant has violated.

(d) The amount of the financial warranty for an exploration notice shall be set by the director. The amount of the financial warranty for small mines and large mines shall be determined by the commission. The financial warranty shall be set in the amount necessary to ensure the completion of all work required by any permit or exploration notice issued under this chapter that the City and Borough may require to the extent not preempted by state or federal law. In recommending and setting the amount of the financial warranty, the director and the commission, respectively, shall take into consideration the amount and scope of any financial warranties that have been submitted to other agencies. When the performance of such obligations is guaranteed by financial warranties that have been submitted to other agencies, the applicant may be required to post a separate financial warranty with the City and Borough if the municipal attorney determines that the financial warranty submitted to another agency does not create a lien or interest sufficient to protect the interests of the City and Borough. Examples of obligations to be covered by the financial warranty required under this section may include but are not limited to:

(1) Construction of berms, dikes, spillways, channels, or other facilities to control, detain, retain, or reduce runoff, soil erosion, and siltation, or to divert water around waste, tailings, stockpiles or other facilities or disturbed areas;

(2) Installation and maintenance of landscaping, including berming, tree planting and other required grading or planting to provide visual and sound barriers and to eliminate or reduce the appearance of scarring;

(3) Installation and maintenance of road or highway improvements to mitigate the impact of increased traffic or heavy trucking that is measurable and directly attributable

to the mining operation; such facilities may include speed access ramps or lanes, turn lanes, intersection improvements, traffic-control devices or private haulage ways where necessary to avoid the use of public roads or highways. The cost of installation or maintenance described in this subsection shall be shared by the applicant and the City and Borough in relation to the proportion of the directly attributable and measurable impact on traffic of the applicant's activities or the facilities being maintained, installed or improved;

(4) Reclamation of affected surfaces during and following exploration and mining operations;

(5) Regrading of steep slopes of unconsolidated materials to create a stable slope;

(6) Installation of facilities required to prevent or reduce degradation of air or water quality or to contain or control toxic or hazardous wastes;

(7) Removal of buildings, structures or equipment where appropriate;

(8) Any other obligations as necessary to conform with the commission's determinations under CBJ 49.15.330 and 49.65.145.

(d) The financial warranty required under this article for a large or small mine permit or an exploration notice may be in any one or a combination of the following forms at the option of the applicant, provided that the cumulative amount is equal to the amount provided in subsection (b) of this section:

(1) Cash;

(2) Certificate of deposit;

(3) An irrevocable standby letter of credit from a United States bank; or

(4) A surety bond from a bonding company licensed to do business in Alaska that is satisfactory to the director for credit worthiness. Interest on cash deposits or certificates of deposit will accrue to the credit of the applicant.

(e) In addition to the forms of financial warranty set forth in this section, with respect to a small mine permit or an exploration notice, the applicant may elect to use a property bond as a form of financial warranty; provided, that at least ten percent of the total amount of the financial warranty shall be cash or a certificate of deposit; and provided further, that the commission determines that the value of the property is equivalent to the amount required to be generated for satisfaction of the obligation and the municipal attorney determines that the bond creates a lien with sufficient priority to permit its collection should such become necessary.

(f) The form of financial warranty shall provide that the funds may be used by the City and Borough to satisfy the obligations described in this section when there has been a determination by the director that the applicant has not completed its obligations in a timely manner or has otherwise violated the terms of its permit or conditions of its exploration notice, and after notice and opportunity to perform the obligation has been given to the applicant.

(g) The amount of the financial warranty shall be reviewed annually by the director, and a determination shall be made whether the amount should be increased or decreased, taking into account changes in the obligations of the applicant to be undertaken during the ensuing year, cost of current obligations of final reclamation, and changes due to inflation of deflation.

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(h) If the amount of financial warranty is to be increased or decreased by the determination made in subsection (g) of this section, then the actual increase or decrease shall be made according to the procedure in subsection (d) of this section.

This next section is in current code at 49.65.130, the section on large mines. In subsection (d), language was added to make clear that the mitigation agreement addresses issues not covered by the reclamation plan. The mitigation agreement is conceptually tied to the socioeconomic report.

49.65.155 Mitigation agreements for large mines.

(a) With respect to a large mine permit application, the applicant shall negotiate and enter into a mitigation agreement with the City and Borough.

(b) The mitigation agreement shall establish responsibility for the mitigation of reasonably foreseeable and demonstrable adverse impacts of the mining operation not addressed by the reclamation plan, including direct impacts and indirect impacts. The applicant shall be responsible for mitigating the direct impacts. The City and Borough shall be responsible for mitigating indirect impacts except where the costs of mitigating specific indirect impacts are found by the manager to:

(1) Exceed the amount of any City and Borough nonproprietary revenue increase attributable to the mining operation; and

(2) Require a direct and significant increase in local taxes or fees to adequately mitigate the impact.

(c) Highly speculative impacts shall not be included in the mitigation agreement. Taxes and nonproprietary revenues generated as a result of the proposed mining operation shall be a

factor considered in negotiating the mitigation agreement. This agreement shall be incorporated as part of the permit, as required by CBJ 49.65.145.

(d) This subsection does not limit or otherwise affect the authority of the director or the commission to condition or place stipulations on a permit pursuant to this article or the conditional use process as provided in chapter 49.15, article III.

No substantive changes.

49.65.160 Term of notices and permits; temporary cessation.

(a) Exploration notices and permits for mining operations shall remain in effect for the duration of the operation identified in the notice or in the application, subject to the conditions of this section and providing that the following conditions are met:

(1) The financial warranty must remain in full force and effect;

(2) The operator must not be found to be in substantial violation of this article; and

(3) With respect to a large or small mine permit, mining operations must be continued in accordance with the plan contained in the application for at least 90 days in each year as to a large mine, and for at least 30 days in each year as to a small mine.

(b) During the term of any exploration notice or permit, the director may, pursuant to CBJ 49.65.150(g), revise the amount of the financial warranty. If the amount of the financial warranty is increased, the operator shall submit the appropriate amount of additional financial warranty within 60 days of the director's determination.

(c) The operator shall advise the director within ten days of the date upon which the applicant receives notice that a financial warranty that has been submitted to any other agency is reduced or released.

(d) If at any time during the term of a permit the operator determines that it will not conduct mining operations for the applicable time minimums established in CBJ 49.65.160(a)(3), the operator shall notify the director and request that the mining operation be placed in an inactive status. In conjunction with this notification, and as a condition to granting a request for inactive status, the operator shall advise the director of the measures it will employ to prevent hazardous or dangerous conditions, erosion, or other environmental damage that may result from the operator's activities, and the security measures it will employ at the mining operation during the inactive period. An applicant may continue in inactive status for a five-year period and may, with the permission of the director, obtain successive five-year extensions of that status. At the conclusion of inactive status, the operator shall either resume operations or commence final reclamation in accordance with the approved reclamation plans. If an operator ceases operations for more than one year but does not request inactive status, the director may require the operator to commence final reclamation in accordance with its plans.

(e) Throughout the duration of a large mine permit, the operator of a large mine shall also notify the director not less than 60 days prior to requesting placement on inactive status. The operator and the City and Borough shall maintain a process to exchange information regarding the impact on the City and Borough that may result from a change in mining operations. In addition, the operator shall provide the director with copies of any notification it may be

required to provide to federal agencies under federal law concerning proposed personnel layoffs at its mining operation. The director may waive any of these notification requirements in the event of an unforeseen act of God or disaster.

No substantive changes.

49.65.165 Annual reports; monitoring; monitoring fee.

(a) During the term of each exploration notice, the operator shall submit annual progress reports to the director on or before March 31 of each year. The progress report must describe the areas in which exploration was conducted during the preceding year, the amount of acreage that was disturbed by such exploration, and the nature and extent of associated reclamation activities.

(b) During the term of each small mine permit or large mine permit, including any inactive period, the operator shall submit an annual progress report to the director on or before March 31 of each year describing the status of the mining operation in relation to the approved mining plan and timetable, and describing reclamation activities during the year.

(c) The director shall have ongoing authority to monitor any mining operation for which a permit has been issued in order to ascertain whether the mining operation is in compliance with the requirements, terms, conditions and mitigation measures in the permit. The operator shall, upon reasonable notice, provide the director with access, at reasonable times, to the premises and to the records of the mining operation to the extent such access is necessary to ascertain whether the mining operation is in compliance.

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(d) Throughout the duration of the term of a small mine permit or a large mine permit, the operator shall pay to the director an annual monitoring fee to defray the costs of inspecting and reviewing the affected surface and compliance with the permit. The annual monitoring fee shall be such amount as may be established by the commission as necessary to cover the reasonable costs of inspection and review.

No substantive changes.

49.65.170 Technical revisions, summary approval, and amendments.

(a) During the term of a permit, the operator shall notify the director of all technical revisions to its operations. As used in this section a "technical revision" is a change in operations that does not, in the judgment of the director, have more than a minor effect on reclamation and that does not change the total amount of disturbance or the overall environmental or socioeconomic impact of the mining operation. After the technical revision is submitted to the director, the director shall within 30 days determine and notify the operator whether a permit amendment or summary approval of the change is necessary or whether the technical revisions may be accomplished under the operator's existing permit.

(b) If the operator or the director determines that the change to the mining operations are more than a technical revision, or if the changes will require preparation of a new or supplemental environmental impact statement, the permit shall be amended unless summary approval of the change is granted pursuant to (b)(2) of this section.

(1) Except as provided in subsection (2) of this section, the operator shall file with the director an application for amendment to its original permit, together with an

application with the same content as required for an original application, except that no operator will be required to resubmit any information that duplicates applicable previous submittals. The permit amendment application shall be processed in accordance with the same procedure as established for processing permits under CBJ 49.65.125, 49.65.135 and 49.65.140. The operator shall not commence changes requested in its amendment application until the permit amendment has been approved and, if appropriate, additional financial warranties submitted.

(2) Summary approval.

(A) Upon request of the operator, the director may summarily approve a proposed change in mining operations not constituting a new land use or separate development upon a written determination that:

(i) The mine is located entirely outside the roaded service area established in CBJ 01.30.320;

(ii) The application is complete, providing all of the information necessary for the director to make the summary approval determinations set forth in subsections (i)—(iv);

(iii) The proposed change in mining operations will have no significant impact within the roaded service area on habitat, sound, screening, drainage, traffic, lighting, safety, dust, surface subsidence, avalanches, landslides, or erosion; and

(iv) The proposed change in mining operations has undergone or is undergoing environmental review and approval by one or more federal agencies, state agencies, or both.

(B) The director shall make the determination required by this subsection (2) within 45 days unless additional information is required. If the director requires additional information to make the determination, upon written notification to the operator, the time for determination may be extended for up to 20 additional days after submittal by the operator of the additional information. If an environmental impact statement is required by one or more federal agencies, completion of the draft environmental impact statement is necessary for summary approval.

(C) Planning commission review.

(i) The director shall promptly forward the proposed summary approval to the planning commission after the determination is completed. The planning commission may ratify or reject the proposed summary approval.

(ii) If the commission rejects the proposed summary approval, it may:

(a) Return the matter to the director for further consideration of whether the director, in consultation with the operator, can address issues identified by the commission through imposition of conditions or changes in the proposed mining operation; or

(b) Direct that the proposed change be processed by the director as an application for an allowable use permit for which the commission may impose conditions under CBJ 49.15.320(f)(1)—(8) and such

additional conditions as are necessary to reduce to non-significant any impacts in the roaded service area on habitat, sound, screening, drainage, traffic, lighting, safety, dust, surface subsidence, avalanches, landslides, or erosion.

No substantive changes.

49.65.175 Enforcement.

This article shall be enforced in accordance with chapter 49.10, article VI and CBJ 49.65.195.

No substantive changes.

49.65.176 Appeal.

Any person who is aggrieved by a decision of the director or the commission with respect to this article, other than one under CBJ 49.65.175, may appeal that decision to the commission or the assembly, as applicable, as provided in chapter 49.20, article I.

No substantive changes.

49.65.180 Release of warranties for mining operations.

(a) Upon completion of mining operations, the operator shall file a written notice of completion with the director when it believes it has completed any or all requirements of this article, CBJ 49.15.330 and its permit with respect to any or all of its affect surfaces. The director shall, within 90 days after receiving the notice, or as soon thereafter as weather conditions permit, inspect the lands and reclamation described in the notice to determine whether the operator has complied with all applicable requirements.

(b) If the director determines that the operator has successfully complied with all the requirements of this article, CBJ 49.15.330 and the permit, it shall release all financial warranties applicable to said requirements. Release shall be in writing and shall be delivered to the operator promptly after the date of such filing.

(c) If the director finds that the operator has not complied with the requirements of this article, CBJ 49.15.330 or the permit, it shall so advise the operator not more than 90 days after the date of the inspection. The operator shall be given a reasonable time to comply with requirements before a second inspection. If the operator does not complete the requirements, or if after reinspection the director is not satisfied that the operator has complied with all the requirements of this article, CBJ 49.15.330 or the permit, the financial warranty shall be subject to forfeiture to the extent necessary to satisfy any outstanding requirements.

No substantive changes. Formatting changes, and required the request for transfer be on a form specified by the director (for consistency). Changed title to "operators" from "applicants" since this would be post-application process/permit issuance.

49.65.185 Successor operators.

(a) Any operator desiring to transfer its rights under an exploration notice or a conditional use mining permit shall submit a request for transfer to the director, on a form specified by the director.

(b) The director may approve the request for transfer if the director finds:

(1) The proposed operator will conduct the operations covered by the notice or permit in accordance with the requirements of this article and any additional requirements set by the director;

(2) The proposed operator has submitted a financial warranty at least equivalent to the financial warranty of the original operator and such other amount as may be determined using the procedures in CBJ 49.65.140;

(3) The proposed operator will continue to conduct the operations involved in full compliance with the terms and conditions of the original notice or permit; and all obligations and responsibilities undertaken by the original operator shall be accepted and assumed by the proposed operator.

(c) The director may deny approval of the request for transfer if the original operator has any existing notice or permit violations at the time of the request until such time as the violations have been remedied. If the director approves the transfer, the financial warranty submitted by the original operator shall be released.

(d) Director decisions on transfer requests must be in writing.

No substantive changes.

49.65.190 Confidentiality.

Upon request of any applicant or operator, information in any application or report relating to the location, size, grade, geology or geochemistry of any ore deposit, proprietary process information, or information as to cost of mine construction or operation shall be kept confidential to the extent permitted by law. Information to be maintained as confidential must be separately presented to the director and must be marked "Confidential."

No substantive changes.

49.65.195 Suspension or revocation of notices and permits.

(a) Subject to the procedures of this section, the commission may suspend or revoke a permit issued under this article, or the authority to operate under an exploration notice pursuant to CBJ 49.65.120, upon a determination by the commission that:

(1) The exploration of mining operations are not in material and substantial compliance with the requirements of the exploration notice or permit issued under this chapter or by any state or federal agency, and such material and substantial noncompliance remains unremedied after issuance of a compliance order issued pursuant to CBJ 49.10.620; or (2) The exploration of mining operations under the notice or permit have a history or pattern of intentional or grossly negligent noncompliance and compliance orders have previously been issued for such past events of noncompliance. Good faith efforts to remedy events of noncompliance shall create an inference that such noncompliance is not a cause for suspension or revocation.

(b) The director shall provide the operator with written notification that the director is recommending that the commission consider the entry of a suspension or revocation order under subsection (a) of this section. The written notification shall set forth the reasons for the director's recommendation and the operator's right to a hearing before the commission. The commission shall schedule a hearing within 30 days after the operator has received the written notification. At the hearing, the director shall have the burden of establishing that the operator is not in material and substantial compliance with the permit or authority to operate under an exploration notice, or that there is a past history or pattern on noncompliance sufficient to justify suspension or revocation.

(c) Upon written notification of the entry of a suspension or revocation order to the operator or to any person operating under the authority of the permit or exploration notice, all exploration or mining operations shall cease except those specifically authorized by the commission in the order or if the assembly stays the order pending appeal.

(d) A suspended notice or permit may be reinstated by the commission upon a determination that the exploration or mining operations have been brought into compliance with the conditions of the notice or permit. A notice or permit that has been revoked may not be reissued by the commission until the commission determines that the exploration or mining operation has been brought into compliance with the terms and conditions of the notice or permit, and the operator has clearly and convincingly demonstrated that preventative measures have been taken to ensure that those conditions giving rise to the revocation will not reoccur.

(e) A suspension or revocation order may be appealed to the assembly in accordance with chapter 49.20, article I. Pending appeal, the assembly may in its discretion stay an order of suspension or revocation.

(f) The rights of suspension or revocation provided for in this section are in addition to any rights or powers vested in the City and Borough in CBJ 49.65.175 or chapter 49.10, article VI.

No substantive changes.

49.65.196 Effect of article on operations in annexed territory.

Large mine, small mine, and exploration operations occurring in territory annexed by the City and Borough that have been issued the federal and state permits or approvals necessary for the

operation, including, if applicable, permits or approvals necessary to operate in accordance with the National Environmental Policy Act (NEPA) process, shall be deemed to have been issued a large mine permit, a small mine permit, or an exploration notice, as applicable, under this article and to otherwise be eligible to operate pursuant to this article upon the effective date of annexation; provided, that all such federal and state permits or approvals are currently valid. With the exception of the initial permit application and exploration notice filing requirements, the operator shall be subject to all of the requirements of this article in effect upon the effective date of annexation, including the technical revisions and permit amendment requirements, and the monitoring fee enforcement and revocation or suspension provisions, in the same manner as any other operator. The terms of the City and Borough permit or notice shall be deemed to be the terms of the state and federal permits or approvals, unless and until a permit amendment is required. The operator shall be required to execute documentation acknowledging that the permit or notice deemed to be issued under this article shall have the same terms as the federal and state permits or approvals unless and until a permit amendment is required, and that the operator, and the permit or notice deemed issued, shall be subject to all of the requirements of this article in effect upon the effective date of annexation with the exception of the initial permit application and exploration notice filing requirements.

No substantive changes.

49.65.197 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this article is for any reason held unlawful or otherwise invalid, such holding shall not affect the remaining portions of the

article. The City and Borough declares that it would have enacted this article and each and every part thereof, irrespective of the fact that any one or more parts might be held unlawful or otherwise invalid.

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

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Laurie J. Sica, Municipal Clerk

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Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-38

An Ordinance Amending the Sales Tax Code Relating to Transportation Network Companies.

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 69.05.010 Definitions, is amended by the addition of the following definition to be incorporated in alphabetical order:

Digital network has the same meaning as in AS 28.23.180: any online-enabled application, software, website, or system offered or used by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

Transportation network company has the same meaning as in AS 28.23.180: a corporation, partnership, sole proprietorship, or other entity that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides; a transportation network company may not be considered to control, direct, or manage the personal vehicles or transportation network company drivers that

connect to the transportation network company's digital network, except where agreed to by written contract.

Transportation network company driver has the same meaning as in AS 28.23.180: an individual who:

(A) receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(B) uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

Section 3. Amendment of Section. CBJ 69.05.030 Collection, is amended to read:

69.05.030 Collection.

(a) Unless authorized by the manager under subsection (b) of this section to include the tax in the selling price, sellers, and transportation network companies on behalf of transportation network company drivers, shall add the tax levied in this chapter to the selling price, rent or service charge in accordance with a schedule promulgated by the manager, on file in the sales tax office.

. . .

Section 4. Amendment of Section. CBJ 69.05.060 Seller to add tax to selling price, is amended to read:

69.05.060 Seller to add tax to selling price.

Every seller and transportation network company collecting and remitting sales tax on behalf of transportation network company drivers shall add the amount of the tax levied by this chapter to the total selling price, and the tax shall be stated separately on any sales receipts or slips, rent receipts, charge tickets, invoices, statements of account of other tangible evidence of sale unless the sales tax is permitted to be included in the selling price under subsection 69.05.030(b).

Section 5. Amendment of Section. CBJ 69.05.062 Monthly remittance of estimated sales tax, is amended to read:

69.05.062 Monthly remittance of estimated sales tax.

(a) *Monthly deposit report.* Every person making sales, rentals, or performing services within the City and Borough, and transportation network companies on behalf of transportation network company drivers, who incurs sales tax liability or a combined sales tax and hotel-motel tax liability, as levied under chapter 69.05 or chapter 69.07, of $1,000.00 or more in the month shall, on or before the 15th day of the month following the month in which the tax liability was incurred, complete a monthly deposit report declaring estimated sales tax liability and, if applicable, hotel-motel tax liability, for the month and transmit the report to the City and Borough. If the 15th day is a Saturday, Sunday, or federal, state or

City and Borough holiday, the due date will be extended until the next business day. The United States Postal Service postmark shall determine the date of filing for mailed reports.

(b) *Amount of monthly remittance.* At the time of transmitting the monthly deposit report, the seller or transportation network company on behalf of a transportation network company driver shall remit to the City and Borough the total estimated amount of sales tax and, if applicable, hotel-motel tax, due for the month for which the deposit report is filed.

(c) *Penalties.* A late filing penalty of $25.00 shall be added to all late-filed monthly deposit reports. In addition, late payment penalties will be assessed on monthly tax deposits when the seller or the transportation network company responsible for collecting and remitting sales tax on behalf of a transportation network company driver fails to remit at least 80 percent of the total monthly sales tax and hotel-motel tax deposit due on or before the 15th day of the month following the month for which the deposit is required. The late payment penalty will be equal to one percent per month or fraction thereof of the total delinquent monthly deposit balance due. The delinquent amount shall be the difference between the total tax deposit due for the month and the amount of the deposit remitted by the seller or transportation network company on behalf of a transportation network company driver. The delinquent monthly payment penalty will be assessed on the 16th day of each month or fraction of a month from the date of delinquency to the date of total payment or the due date of the sales tax return covering the monthly payment period, whichever is earlier.

(d) *Filing period adjustments.* In addition to the monthly deposit and reporting requirements set forth in subsections (a) and (b) of this section, sellers or transportation network companies on behalf of a transportation network company driver are required to file

period returns and remit the remaining unpaid sales tax due as required in subsection 69.05.070(a) or subsection 69.05.100(c). If the sales tax due and payable by the seller or transportation network company on behalf of a transportation network company driver, as required in section 69.05.070, is less than the total amount of the monthly sales tax deposits remitted to the City and Borough during that filing period, the excess balance will be applied to the seller's next monthly sales tax deposit, unless the seller elects in writing to have the balance refunded.

Section 6. Amendment of Section. CBJ 69.05.070 Periodic returns, penalties and interest for delinquency, is amended to read:

69.05.070 Periodic returns, penalties, and interest for delinquency.

(a) Every person making sales, rentals or performing services within the City and Borough, and transportation network companies on behalf of transportation network company drivers, shall on or before the last day of the month, unless the last day of the month is a Saturday, Sunday, or federal, state or City and Borough holiday in which case the due date will be extended until the next business day, immediately following the end of each filing period complete a return for the required filing period setting forth the total amount of all sales, rentals and services, regardless of whether such transactions are taxable or nontaxable, the amount of sales tax due, and such other information as the City and Borough may require, and sign and deliver or mail the return to the City and Borough manager. In addition to the information required above, transportation network companies shall submit the name and address of all transportation network drivers who provided rideshare services

through the transportation network company for the filing period. Periodic returns shall be filed for the calendar quarters ending on March 31, June 30, September 30, and December 31, unless the seller or transportation network company on behalf of a transportation network company driver is allowed or directed by the City and Borough manager to file for a different time period as authorized in this section and section 69.05.100. A seller, other than a governmental agency, making only exempt sales may be allowed, upon written request to the City and Borough treasurer or the manager, to file returns for periods which vary from the standard calendar quarter and which cover time periods up to one year.

(b) The tax levied under this chapter, whether or not collected from the buyer, except for credit transactions covered in subsection (c) of this section, must be remitted by the seller or transportation network company on behalf of a transportation network company driver to the City and Borough at the time of transmitting the return, and if not so remitted or if the return is not timely filed, such tax is delinquent. A late filing penalty of $25.00 shall be added to all late returns. The postmark shall determine the date of filing mailed returns. In addition, a late payment penalty of five percent per month or any fraction thereof, until a total late payment penalty of 25 percent has accrued shall be added to all returns until such tax, penalty and interest thereon have been paid. Such penalty shall be assessed and collected in the same manner as the tax is assessed and collected. In addition to these penalties, interest on the delinquent tax from the due date until paid shall accrue and be collected in the same manner the delinquent tax is collected. The annual interest rate on delinquent tax shall be five percent per year above the Wall Street Journal Prime Rate, or similar published rate, on January 2nd each year, rounded to the nearest full percentage

point, as determined by the Finance Director; provided, however, that if such calculated rate would fall below ten percent per year, the interest rate shall be ten percent per year, and if the calculated rate would exceed 15 percent per year, the interest rate shall be 15 percent per year.

(c) The seller or transportation network company on behalf of a transportation network company driver shall report and remit sales tax to the City and Borough on the same basis, cash or accrual, the seller or transportation network company uses for reporting federal income tax. A seller reporting on the accrual basis shall be allowed a tax credit for sales tax previously paid by the seller on any sale, service or rental made on credit to the extent the seller declares such debt to be uncollectible and a bad debt for federal income tax purposes. Such bad debt credit must be claimed on a timely filed quarterly sales tax report within two years from the date of sale in which the bad debt arose.

(d) Except as otherwise provided herein, all returns, reports and information required to be filed with the City and Borough under this chapter, and all information deducible from such filed returns, reports and information, shall be kept confidential and are not subject to public inspection. Except upon court order, such returns, reports and information shall be made available only to employees of the City and Borough whose job responsibilities are directly related to such returns, reports and information; to the person supplying such returns, reports, and information; and to persons authorized in writing by the person supplying such returns, reports, and information. The following information shall be made available to the public: the name and address of sellers and transportation network companies collecting and remitting sales tax on behalf of transportation network company

drivers; whether or not a business, including a transportation network company, or transportation network company driver is registered to collect sales tax in the City and Borough; whether or not a business transportation network company or transportation network company driver is current in filing sales tax returns and in remitting sales tax, the amount of sales tax due, and the number of returns not filed; and the names and exemption number of nonprofit agencies which have received a nonprofit exemption number from the manager. The manager may, from time to time, publish the names of sellers and transportation network companies collecting and remitting sales tax on behalf of transportation network company drivers delinquent in remitting sales taxes and the amount thereof including the "doing business as" name under which the seller or transportation network company is doing business when the sales tax delinquency being published arises from that business; provided that the names of sellers or transportation network companies who have signed a confession of judgment for the delinquent sales taxes, penalties, and interest, and a stipulation to postpone execution on the judgment, and who are current in their sales tax payments under such stipulation as of the date on which the names are submitted to the publisher, will not be published. Information may also be made available to the public in the form of statistical reports if the identity of particular sellers or transportation network companies is not revealed by the reports.

(e) The City and Borough may permit the proper officer of the United States, of a state, or other municipality to inspect tax returns or reports filed under this title, or may furnish to the officer a copy of the tax return, if the other jurisdiction grants substantially similar privileges to the City and Borough, and if the City and Borough determines that other

jurisdiction provides adequate safeguards for the confidentiality of the returns and reports, and that the returns and reports will be used for tax purposes only.

Section 7. Amendment of Section. CBJ 69.05.080 Sellers' compensatory collection discount, is amended to read:

69.05.080 Sellers' compensatory collection discount.

All sellers and persons rendering sales tax returns to the City and Borough, including transportation network companies collecting and remitting tax on behalf of transportation network drivers, shall be allowed to compensate themselves for costs incurred in the collection, recordkeeping, remittance and accounting for the tax imposed by taking the greater of $10.00 or one percent of the tax due as a tax collection discount to reduce the tax to be remitted on any period return that is timely filed with a remittance of all sales tax due, provided, however, that the tax collection discount may reduce the tax to zero but shall not result in a credit. The deduction may not exceed $50.00 for any monthly filing period or $100.00 for any calendar quarter or longer filing period, and may not be taken if any sales tax, penalty or interest is due for any previous filing period.

Section 8. Amendment of Section. CBJ 69.05.090 Assessment limitation periods; recordkeeping, is amended to read:

69.05.090 Assessment limitation periods; recordkeeping.

(a) A seller's tax liability, or the liability of a transportation network company collecting and remitting sales tax for a transportation network company driver, under this chapter may be

determined and assessed for a period of three years after the date the return was filed with the City and Borough manager. No civil action for the collection of such tax may be commenced after the expiration of the three-year period except an action for taxes, penalties and interest due for those filing periods that are the subject of a written demand or assessment made under section 69.05.100 within the three-year period, unless the seller or transportation network company waives the protection of this section.

(b) In order to facilitate the administration and enforcement of the provisions of this chapter, each seller or person otherwise engaged in business within the City and Borough, including transportation network companies collecting and remitting sales tax on behalf of transportation network company drivers, shall maintain and keep for a period of three years after the date of filing all of the period sales tax reports, forms and supporting records and other records prescribed by the manager. The failure to maintain adequate records to allow documentation of the taxability of each transaction will result in the loss of any tax exemption, deduction or credit for that particular transaction. Upon the request of the City and Borough manager, a seller or transportation network company collecting and remitting sales tax on behalf of transportation network company drivers shall make available for examination in the City and Borough the books, records and other documents of the seller or transportation network company unless the manager authorizes the examination to be conducted at a different location.

Section 9. Amendment of Section. CBJ 69.05.100 Delinquency; failure to submit return or to remit taxes; assessments, is amended to read:

69.05.100 Delinquency; failure to submit return or to remit taxes; assessments.

(a) Whenever the manager reasonably believes a return contains inaccurate reporting or whenever any seller or transportation network company has become delinquent in the submission of the required filing period return or in remitting sales taxes, the City and Borough manager shall mail to the delinquent seller's or transportation network company's last known address a written demand by certified mail, return receipt requested, for submission of the corrected or required sales tax return and remittance within ten days. In the event of noncompliance with such demand, the City and Borough manager may make a sales tax assessment against the delinquent seller or transportation network company, the assessment to be based on an estimate of the gross taxable revenue received by the seller or the transportation network company on behalf of the transportation network company driver during the filing period in question. A copy of the assessment shall be sent to the seller or transportation network company at the seller's or transportation network company's last known address by certified mail, return receipt requested. The seller or transportation network company shall have a right to a hearing before the manager at which time the seller or transportation network company shall make available for examination the books, papers, records and other documents pertaining to the sales and revenue for the period involved in the assessment. The seller or transportation network company may exercise the ~~seller's~~ right to a hearing by delivering to the manager, within 15 days of the date the notice was mailed, a written request for a hearing. The manager shall establish a date and time for a hearing to be held within ten days of receipt of the request unless a later time is mutually agreeable. The hearing officer conducting the hearing shall issue an amended assessment upon a

determination that an amendment should be made. The amended assessment, or the original assessment if no amendment is made within five days of the hearing, shall be the final assessment for the purpose of determining the seller's liability to the City and Borough. If no timely request for a hearing is made, the original assessment shall be the final assessment 30 days after the mailing of the notice of the original assessment unless the seller or transportation network company has submitted an accurate return within the 30 days.

(b) The City and Borough may file a civil action for collection of any taxes, penalty or interest due before or after making a demand or assessment under subsection (a) of this section.

(c) Whenever any seller or transportation network company fails to submit the required filing period return or remit taxes after notice given as provided in subsection (a) of this section, the City and Borough manager may require such seller or transportation network company to submit returns and remit taxes on a monthly or more frequent basis.

Section 10. Amendment of Section. CBJ 69.05.104 Protest of tax; is amended to read:

69.05.104 Protest of tax.

(a) A buyer who protests the payment of the tax levied under this chapter shall pay the tax and shall provide the seller, any transportation network company collecting the sales tax on behalf of a transportation network company driver, and the sales tax administrator with a written statement of protest within five working days of the sale that identifies the sale, rental or service that is the subject of the tax protested, the amount of tax paid, the buyer's and seller's name, mailing address, telephone number and the basis for the protest.

(b) If the seller or a transportation network company that has collected or remitted sales tax on behalf of a transportation network company driver protests liability for sales tax, penalties, or interest, the seller or transportation network company shall pay the tax, penalties and interest under a written protest filed before or with the payment and setting forth the basis for the protest. No appeal from the sales tax board of appeals nor any action for a refund may be filed or maintained nor may a defense to nonpayment be maintained in a civil action unless the amount in dispute has been paid under protest as provided in this subsection. A protest accompanying a payment shall be deemed waived unless the protestor files an appeal under this chapter pursuant to and within 90 days of the protest.

(c) An appeal from the sales tax board of appeals or an action for a refund may be filed, maintained, or both without the payment under protest otherwise required by subsection (b) of this section:

(1) Upon a finding by the director of finance that:

(A) The seller or the transportation network company on behalf of the transportation network company driver has registered for the sales tax and filed returns according to the schedule specified in this chapter;

(B) The contested liability arises from an audit finding;

(C) The contested liability is not of a kind regularly remitted by similarly situated sellers; and

(2) Subject to the requirement that if the appeal or action for refund is denied, interest, but not penalty, shall be charged notwithstanding relief under this subsection.

Section 11. Amendment of Section. CBJ 69.05.130 Sale of business; final tax return; liability of purchaser. is amended to read:

69.05.130 Sale of business; final tax return; liability of purchaser.

(a) If any seller or transportation network company collecting and remitting sales tax on behalf of transportation network company drivers sells, assigns, transfers, conveys, leases, forfeits or abandons the business to another person, the seller or transportation network company shall make a final sales tax return within 15 days after the date of selling, assigning, transferring, conveying, leasing, forfeiting or abandoning the business showing that all tax obligations imposed by this chapter have been paid. The purchaser, successor, transferee, lessee, assignee, creditor or secured party shall withhold a sufficient portion of the purchase money to pay the amount of such sales taxes, penalties and interest as may be due and unpaid to the City and Borough. If the purchaser, assignee, transferee, lessee, successor, creditor or secured party fails to withhold from the purchase money, or fails to otherwise provide for or make the payment of the taxes, interest and penalties owed by the business as provided in this chapter, the purchaser, assignee, transferee, lessee, successor, creditor or secured party shall be personally liable for the payment of the taxes, penalties and interest accruing and unpaid to the City and Borough on account of the operation of the business of any former owner, owners, operators or assigns.

(b) Before the sale, lease, assignment, transfer, or other disposition of the business is completed, the seller or transportation network company shall file with the City and Borough manager an informational notice identifying the name and address of each person or entity

involved in the transaction, the nature of the transaction, and the effective date of the transaction.

Section 12. Amendment of Section. CBJ 69.05.140 Lien for tax, interest and penalty, is amended to read:

69.05.140 Lien for tax, interest and penalty.

(a) The tax, interest and penalty imposed under this chapter in addition to the lien filing fee under subsection (b) of this section shall constitute a lien in favor of the City and Borough upon the assets, including all real and personal property, of every person making taxable sales or of a transportation network company responsible for collecting and remitting sales tax on behalf of transportation network company drivers within the City and Borough. The lien arises upon delinquency and continues until liability for the amount is satisfied or the property of the delinquent person is sold at foreclosure sales. The lien is not valid as against a prior mortgagee, pledgee, purchaser, or judgment creditor until notice of the lien is filed in the office of the recorder for the City and Borough recording district in the manner provided for federal tax liens in AS 40.19.

(b) Fees for the filing and releasing of liens shall be as follows:

(1) Filing of liens, $25.00 plus the recorder's office filing fee;

(2) Release of liens, $25.00 plus the recorder's office filing fee.

The rates in this subsection may be changed by the manager from time to time to reflect the costs of providing municipal services generally.

Section 13. Amendment of Section. CBJ 69.05.145 Collected taxes, is amended to read:

69.05.145 Collected taxes.

Taxes collected under this chapter by a seller or transportation network company on behalf of transportation network company drivers shall belong to the City and Borough and shall be held by the seller or transportation network company in trust for the City and Borough until paid over as provided in this chapter.

Section 14. Amendment of Section. CBJ 69.05.170 Registration, is amended to read:

69.05.170 Registration.

A person, firm, copartnership, corporation, or other business entity shall register with the manager before making retail sales, rendering services or making rentals within the City and Borough, or, in the case of a transportation network company responsible for collecting and remitting sales tax on behalf of a transportation network company drivers, before allowing any of its transportation network drivers to render services within the City and Borough.

Section 15. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-39

An Ordinance Increasing the Hotel-Motel Room Tax by Two Percent and Providing for a Ballot Question Ratifying the Increase.

WHEREAS, the City and Borough of Juneau has an existing hotel-motel room tax that provides funding for the development and promotion of tourism, and the municipality's convention and community centers; and

WHEREAS, the proposed two percent increase would serve as an appropriate source of revenue to further develop the visitor, arts, and convention industries in the City and Borough of Juneau.

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 pursuant to 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. 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 increase the rate of the hotel-motel room tax from seven to nine percent beginning January 1, 2019, 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 increase the hotel-motel room rental tax from seven percent to nine percent beginning January 1, 2019.

It is the intent of the Assembly to use this increase in the hotel-motel room rental tax to provide partial funding for the construction of capital improvements for the Juneau Arts & Culture Center and as funding for improvements to Centennial Hall, visitor information, marketing services, and other tourism and visitor services and facilities.

PROPOSITION NO. ___

Authorization to Increase the Hotel-Motel Room Tax from Seven to Nine Percent Effective January 1, 2019.

Shall the City and Borough of Juneau, Alaska, increase the tax on hotel-motel room rentals from seven to nine percent?

Increase the tax on hotel-motel room rentals to nine percent YES [ ]

Increase the tax on hotel-motel room rentals to nine percent 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, 2019, 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 _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 07/23/2018
Drafted by: Bond Counsel

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-40

An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed $12,000,000 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 2, 2018.

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 Finance Committee 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 $12,000,000 (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 the City and Borough is in need of the following:

A. Renovations to Centennial Hall, including upgrading the HVAC system and expanding the lobby area (the "Centennial Hall Project"), of which $4,500,000 will be paid from the Bonds described in Section 3;

B. Construction and equipping of a portion of a new arts and culture center; and

Construction of an enclosed and heated corridor between Centennial Hall and the new arts and culture center (the "Arts and Culture Center and Corridor Project"), of which $7,500,000 will be paid from the proposed Bonds described in Section 3.

The Centennial Hall Project and the Arts and Culture Center and Corridor Project are herein referred to collectively as the "Projects." 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.

The new arts and culture center will be owned by the City and Borough of Juneau and is intended to be managed by the Juneau Arts and Humanities Council (JAHC). Currently, the estimated cost to design and construct the Arts and Culture Center and Corridor Project is estimated to be $32,000,000, $7,500,000 of which will come from the general obligation bonds authorized herein, with the remaining $24,500,000 to be raised from other sources. The issuance and contribution of the $7,500,000 from the Bonds for the Arts and Culture Center and Corridor Project is conditioned on the receipt of the $24,500,000 (or the funds in excess of $7,500,000 that are required to complete the Arts and Culture Center and Corridor Project, whether greater or less than $24,500,000) from the other sources. If such funds are not collected by JAHC by December 31, 2021, the $7,500,000 portion of the Bonds authorized herein will not be issued or contributed by the City and Borough to undertake the Arts and Culture Center and Corridor Project.

In addition to the foregoing conditions, 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 $12,000,000. 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 sales 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 2, 2018.

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 $12,000,000 in general obligation bond debt for paying the cost of renovations, construction, upgrades and capital improvements to the facilities of the City and Borough, including renovations to Centennial Hall, including the HVAC system and expansion of the lobby, construction of a portion of a new arts and culture center, and construction of an enclosed corridor between Centennial Hall and the new arts and culture center. Approximately $4,500,000 of the general obligation bond debt will be for renovations to Centennial Hall, with the remaining $7,500,000 of general obligation bond debt for the new arts and culture center and construction of the corridor between the new center and Centennial Hall. Currently, the estimated cost to design and construct the new arts and culture center and the

construction of the enclosed corridor between the new center and Centennial Hall will be $32,000,000, $7,500,000 of which will come from the general obligation bonds authorized herein, with the remaining $24,500,000, or as much as is needed to complete that project, raised from other sources. The issuance and contribution of the $7,500,000 to the arts and culture center and corridor from the City and Borough's general obligation bonds will be conditioned on the receipt of the $24,500,000 (or the remaining costs of that project, whether greater or less than $24,500,000) from the other sources. If such funds are not collected, the $7,500,000 portion of City and Borough general obligation bonds will not be issued or contributed. The new arts and culture center will be owned by the City and Borough of Juneau and is intended to be managed by the Juneau Arts and Humanities Council (JAHC). The total annual debt service costs, assuming an interest rate of 4.0%, will be $1,415,000 for years 1-7 and $678,000 thereafter, with approximately $643,000 in years 1-7 expected to be paid from the one percent temporary sales tax approved by voters in 2017, and the remaining balance to be paid from a property tax of approximately $15 per $100,000 of assessed value. This example of a property tax levy is provided for illustrative purposes only.

PROPOSITION NO. ___

GENERAL OBLIGATION BONDS

$12,000,000

For the purpose of renovating Centennial Hall, including upgrading the HVAC system and expanding the lobby, constructing a portion of a new arts and culture center, and constructing an enclosed, 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 of their date of issue, in the aggregate principal amount of not to exceed $12,000,000?

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 12, 2018, 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 2, 2018, 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 13th day of August, 2018.

_____
Kendell D. Koelsch, Mayor

ATTEST:

_____
Elizabeth J. McEwen, City Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-42

An Ordinance Authorizing the Manager to Sell City and Borough of Juneau Property, Located at 9290 Hurlock Avenue, to Alaska Legacy Partners.

WHEREAS, Juneau Youth Services notified the CBJ in November of 2017 that it no longer had need for the Hurlock facility; and

WHEREAS, CBJ staff recognized that the facility had long served an important community purpose; and

WHEREAS, CBJ staff recommended that the community be given the opportunity to propose uses that would continue to serve necessary public purposes; and

WHEREAS, housing is in short supply in the community and through the adopted Housing Action Plan it has been an Assembly goal to support the development of all types of housing, including senior housing; and

WHEREAS, the proposal by Alaska Legacy Partners, to use the property for an assisted senior living facility, was ranked highest in a competitive process; and

WHEREAS, the Assembly Committee of the Whole recommended the approval of the sale of the property to Alaska Legacy Partners at its meeting on April 16, 2018.

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

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

Section 2. Authorization to Dispose of Land by Negotiated Sale. The Manager is authorized to negotiate and execute the sale, by quitclaim deed, of the property identified as

> 9290 Hurlock Ave., A fraction of U.S. Survey 381, Juneau Recording District, First Judicial District, State of Alaska containing approximately 36,122 square feet

as shown on Exhibit A, subject to reservations, easements, exceptions, covenants, conditions, and restrictions of record, in accordance with the minimum terms and conditions specified in this ordinance.

Section 3. Conditions of Sale. Conveyance of the property shall be pursuant to a purchase and sale agreement, which must include the following minimum essential terms:

(A) The purchase price of the property shall be the fair market value, to be Three Hundred and Fifty Thousand Dollars ($350,000.00), determined by appraisal dated December 14, 2017. Alaska Legacy Partners shall finance the purchase amount through the City and Borough of Juneau under the following terms:

(1) Alaska Legacy Partner shall pay a 10% (ten percent) down payment of Thirty-Five Thousand Dollars ($35,000.00) at the closing date identified in the purchase and sales agreement.

(2) Interest on any unpaid balance shall be at a rate of 6% (six percent) per annum.

(3) The loan term is five years. The first twenty-four months of payments are deferred to the last payment. Interest accrues during the first twenty-four month period. Payments twenty-five through the second to last payment shall be made monthly based on a 30-year amortization schedule. The last payment is a balloon payment in which all outstanding principal and accrued interest is due.

(B) Alaska Legacy Partners shall be required to purchase title insurance and pay for all closing and recording costs.

(C) Alaska Legacy Partners shall be required to develop the property in accordance with its proposal as presented to the Assembly, specifically, a senior assisted living facility.

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

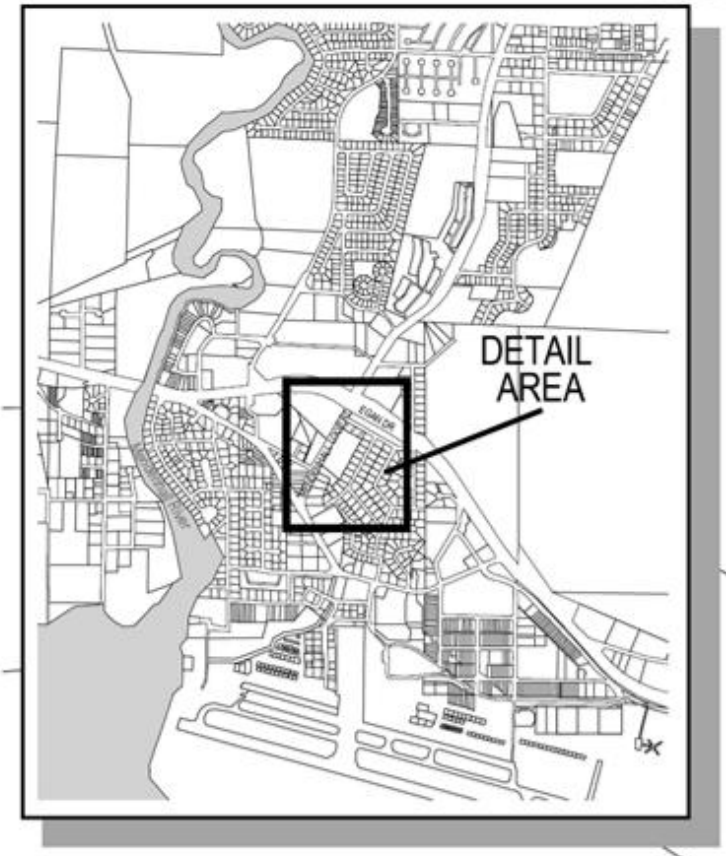
Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk



Subject parcel

EGAN DR

MENDENHALL LOOP RD

HURLOCK AVE

EXHIBIT A – Ord. 2018-

0 200 400 Feet

N

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2828

A Resolution Expressing Assembly Support for an Application for Funding from the Alaska Department of Transportation and Public Facilities Through its Municipal Harbor Facility Grant Program in the Amount of $2,000,000 for Phase III of the Aurora Harbor Improvements Project.

WHEREAS, the State of Alaska, Department of Transportation and Public Facilities (ADOT&PF) administers the Harbor Facility Grant Program; and

WHEREAS, the City and Borough of Juneau owns and maintains Aurora Harbor and Aurora Harbor is eligible for a Harbor Facility Grant; and

WHEREAS, the City and Borough of Juneau has the required 50 percent in local matching funds for construction of Aurora Harbor Improvements Phase III per the Harbor Facility Grant Program; and

WHEREAS, the City and Borough of Juneau is capable of completing the Aurora Harbor Improvements Phase III within 18 months after award of a Harbor Facility Grant; and

WHEREAS, the Aurora Harbor Improvements Phase III is critical to the City and Borough of Juneau.

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

Section 1. The Assembly of the City and Borough of Juneau strongly supports Phase III of the Aurora Harbor Improvements Project and requests that the Alaska Department of Transportation and Public Facilities provide matching Harbor Facility Grant funding for the project.

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

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2829

A Resolution Ratifying the Agreement Between the City and Borough and the Public Safety Employee Association, AFSCME Local 83, AFL-CIO

WHEREAS, the negotiating team representing the City and Borough has reached a tentative agreement on the fiscal year 2019 economic articles with the negotiating team representing the Public Safety Employee Association, AFSCME Local 83, AFL-CIO; and

WHEREAS, the union representing those bargaining unit employees reported that the employees have ratified the terms of the economic terms reopener; and

WHEREAS, CBJ 44.10.120 requires that the agreement be presented to the Assembly for ratification by resolution; and

WHEREAS, the economic terms include a two percent increase to the pay schedule in fiscal year 2019 and a longevity lump sum payment structure to improve retention; and

WHEREAS, these terms and conditions of employment are in keeping with previous Assembly direction.

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

Section 1. That the Labor Agreement, valid for a three-year period beginning July 1, 2016, through June 30, 2019, between the City and Borough and the Public Safety Employee Association, AFSCME Local 83, AFL-CIO, be amended in accordance with the tentative agreement and is hereby ratified by the Assembly.

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

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

HUMAN RESOURCES & RISK MANAGEMENT DEPARTMENT
107 Municipal Way, Room 101
Phone: (907)586-0225 Fax: (907)586-5392
e-mail: dallas.hargrave@juneau.org

MEMORANDUM

Date: July 18, 2018

To: City Assembly

Thru: Duncan Rorie Watt
City Manager

From: Dallas Hargrave
Human Resources & Risk Management Director

Re: Request for Ratification of PSEA Tentative Agreement on Contract Reopener

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The City and Borough of Juneau (CBJ) and the Public Safety Employee Association (PSEA) reached tentative agreement on a three-year collective bargaining agreement on May 5, 2016. The contract took effect on July 1, 2016 and will conclude on June 30, 2019. The collective bargaining agreement provided that either party may request to reopen economic terms for FY2019. On July 17, 2018, the parties reached a tentative agreement on economic terms for FY2019. The PSEA has notified the CBJ that the union membership has ratified the terms of this tentative agreement.

Economic Changes:

Wages and Pay:

The parties agreed to a two percent increase to the pay schedule and a longevity lump sum payment structure put in place to improve the retention of sworn officers. It is estimated that the total cost of these terms in FY19 is $281,000. Unless negotiated otherwise, these costs will continue in future years beyond FY2019.

Estimated FY2019 additional costs:

2% wage increase:	$164,000
Longevity lump sum:	$117,000
Total:	$281,000

Health Insurance

FY19: There will be no increase to the employer's contribution for health care from the FY18 rate of $1260 per full time eligible employee, per month.

Operational Changes:

Because this reopener was only on economic terms, there were no operational changes agreed to.

Conclusion:

Overall contract negotiations on economic terms for FY2019 were productive, but took time. Chief Ed Mercer, Deputy Chief David Campbell, Jessie Paskowski, and Shannon McCain participated on the bargaining team.

Request for Action:

The overall financial package is in line with previous briefings to the Assembly. We respectfully request that the Assembly approve the terms of this economic terms reopener.

TA 7/18/18 2:00

SL 7/17/18 02:00

ARTICLE 6

LEAVE

6.1 – Accrual Rates for 40-Hour Workweek

All permanent and probationary Members assigned to a forty (40)-hour per week work schedule accrue personal leave in lieu of annual leave and sick leave. The personal leave accrual rate for each Member shall be as follows:

A) for Members with less than one year of service, 6.5 hours leave accrual for each full biweekly period of duty;

B) for Members with one, but less than two years of service, 7.4 hours leave accrual for each full biweekly period of duty;

C) for Members with two, but less than five years of service, 8.3 hours leave accrual for each full biweekly period of duty;

D) for Members with five, but less than ten years of service, 9.3 hours leave accrual for each full biweekly period of duty; and

E) for Members with ten or more years of service, 11.1 hours leave accrual for each full biweekly period of duty.

6.2 – Less Than 40-Hour Workweek Schedule

Permanent and probationary Members assigned to a work schedule of less than forty (40) hours per week shall accrue leave on a prorated basis. The formula for the prorated basis shall be the number of regularly scheduled hours per week divided by forty (40), the result of which is then multiplied by the biweekly leave accrual rate as determined by years of service and rounded to the nearest one-tenth of an hour.

6.3 – Unauthorized Leave

A Member who is absent without authorized leave shall not accrue leave for that pay period in which the unauthorized leave occurred. The Employer may take additional disciplinary action for the unauthorized leave. Such discipline may be subject to just cause review by the grievance process.

6.4 – Leave Anniversary Date

Changes in the leave accrual rate as provided in 6.1 take effect on the first day of the pay period immediately following the date on which the Member completes the prescribed period of service.

6.5 – Minimum Leave Usage

A) Each Member shall take not less than one-third of leave accrued during the period beginning with the first day of the first pay period in January and ending with the last day of the last pay period occurring fifty-two (52) weeks later.

B) Members shall be exempt from the minimum use requirement to the extent that such use would cause a Member's personal leave balance to be less than two hundred and forty (240) hours for Members assigned to a forty (40)-hour per week schedule. Members assigned to a work schedule of less than forty (40) hours per week are exempt from the minimum use requirement in the amount equal to their normally assigned work week hours multiplied by 4.2.

C) The Police Chief may direct a Member to take personal leave when such action is necessary to assure that the Member takes the minimum required.

D) If a member is denied the opportunity to take sufficient leave to meet the minimum usage requirement, the remaining use or lose balance will be carried over to the following year.

6.6 – Maximum Accrual

Leave accrued, but not used, shall accumulate to a maximum of not more than the equivalent of one thousand five hundred (1500) hours for forty (40)-hour week Members on the first day of the first pay period in January. Leave in excess of the maximum accrual shall be paid to the Member at the Member's regular rate of pay. Members assigned to a work week of less than 40 hours shall have the maximum leave accrual prorated accordingly.

6.7 – Transfer of Leave

A) Members may be allowed to transfer a maximum of two hundred forty (240) hours or fifty (50) percent of their accrued personal leave, whichever is less, provided such transfer does not reduce the donor's leave balance to less than 168 hours for members assigned to a 40 hour workweek. For members working less than 40 hours per week, the 168 hour balance will be prorated accordingly.

B) The recipient must be:

1) an Employee who is absent from work for a reason that would be family/medical leave qualifying and is on Leave Without Pay; or

2) the family member of a deceased Employee; or

3) an Employee who is absent due to the death of an immediate family member and who is on Leave Without Pay; or

4) an Employee who is on approved military or emergency service leave per 11 PR 100 and is in Leave Without Pay status.

C) Personal leave donated for use by another Employee may not be credited toward the donor's minimum leave use requirement.

D) Unused donated leave will be returned to the donor.

E) All future rights to compensation for donated personal leave are waived by the donor unless the leave is returned to the donor.

F) Leave donated to another Employee shall be given a cash value by multiplying the number of hours donated by the regular hourly pay rate of the donor. This cash value shall then be divided by the regular hourly rate of the recipient and the recipient's medical leave bank shall be credited with that number of hours, which is the result of the calculations.

6.8 – Scheduled Use of Personal Leave

It is a mutual responsibility of the Member and the supervisor to schedule leave so that a Member has the opportunity to take the required minimum amount of leave to be used.

A Member may take personal leave at any time that business permits with the prior approval of the Police Chief or the Police Chief's designee. If business permits, management shall endeavor to allow at least one person per shift to be on leave at any given time.

6.9 – Unscheduled Use of Personal Leave

A) A Member may take personal leave for medical reasons when the Member is sick or disabled to the extent that the Member cannot attend to their regular duties or an alternate duty assignment.

B) A Member may take personal leave for medical reasons when the illness, disability or death of a member of the Member's immediate family requires the attendance of the Member.

C) A Member may take up to the equivalent of ten work days of unscheduled personal leave because of the death of a member of the Member's immediate family. The amount of leave may be increased by mutual agreement.

D) The Employer may require written documentation or other acceptable proof that a Member's condition meets the requirements of 6.9 before authorizing the use of leave.

6.10 – Leave Without Pay

A) A Member may be granted leave without pay provided they have exhausted their personal leave and the granting of such leave will not cause the Employer any business hardships.

B) A Member on Leave Without Pay for any reason other than an approved Family/Medical Leave absence will reimburse the employer for the cost of insurance during the period of Leave Without Pay. See 11.1.

C) Leave without pay in excess of twenty (20) workdays in any calendar year shall require the prior approval of the Manager.

6.11 – Cancellations of Authorized Leave Without Pay

The Police Chief may cancel authorized leave without pay in those instances that a Member was granted leave for a specific purpose and the Employer finds that the Member is using the leave for purposes other than those specified at the time of approval. Such cancellation shall be in writing and delivered to the Member or mailed to the Member's last known address.

6.12 – Effects of Leave Without Pay

A) During any pay period that a Member is charged with leave without pay, that Member shall accrue personal leave on a prorated basis the same as a part time Member.

B) The leave anniversary date and the merit anniversary date of a Member shall be set forward one (1) pay period for each leave of absence without pay covering a full pay period and for each accumulation of the equivalent of ten (10) work days of leave without pay in any calendar year.

6.13 – Jury Leave

A) A Member who is called to serve as a juror is entitled to jury leave.

B) A Member on authorized jury leave shall give the Employer all monies received from the court as compensation for services and the Member shall be paid their regular wage while on jury leave.

C) Jury leave shall be supported by written documents such as the Court Clerk's Statement of Attendance.

D) Schedule Adjustments for Jury Duty:

1) A Member who is called to jury duty on an assigned workday during his or her assigned shift shall report to jury duty and return to work to complete his or her shift if released from jury duty prior to the end of his or her normal shift schedule.

2) A Member who is called to jury duty on an assigned work day, but outside of his or her regular shift times shall report to jury duty. The member shall be allowed a full eight hours of rest prior to reporting to duty. In this case, the member shall be paid his or her regular rate of pay from the beginning of his or her assigned shift until the eight hour rest period has concluded and the member reports to duty.

3) A member who is called to serve on a jury on an assigned work day, but outside his or her regular shift times shall report to jury duty. The member will be excused from work with pay for each full day of jury duty the employee serves provided the employee was otherwise scheduled to work. If a member completes his or her jury duty service prior to 1:00 p.m. on the last day of service, the member shall be allowed a full eight hours of rest prior to reporting to duty. In this case, the member shall be paid his or her regular rate pay from the beginning of his or her assigned shift until the eight hour rest period has concluded and the member reports to duty.

6.14 – Military Leave

See 11 PR 090 and 11 PR 095

6.15 – Emergency Services Leave

See 11 PR 100.

6.16 – Maximum Paid Military and Emergency Services Leave

See 11 PR 105.

6.17 – Terminal Leave

A) The Employer shall pay a Member terminal leave equal to the number of personal leave hours accumulated times the Member's normal hourly rate of pay, not later than seven days after the date of separation when the Member has provided thirty (30) days advance notice of separation.

B) If a separated Member is re-employed prior to the expiration of the number of working hours paid for as terminal leave, that Member shall refund an amount equal to the compensation covering the period between the date of re-employment and the expiration of said leave. The leave represented by such refund shall be re-credited to the Member.

6.18 – Immediate Family Defined

Immediate family as used within this Article means spouse, domestic partner, child, father, mother, sister, brother, father-in-law and mother-in-law, including half, step and foster relationships.

6.19 – Association Leave

A) There is hereby created an Association Leave Bank for the sole and exclusive use of the Association. The bank shall be administered and managed solely by the Association.

B) The first four hours of accrued personal leave of all new bargaining unit Members shall be transferred to the Association Leave Bank.

C) Upon request from the Executive Director of the Public Safety Employees Association or designee, or a Juneau Police Department Employees Association representative, the Employer shall transfer from one (1) hour to eight (8) hours from each Member's personal leave account to the Association Leave Bank. Such deductions are not credited toward the minimum personal leave use required of each Member.

D) Transfers of leave into the Association Leave Bank may not occur more than once each three (3) months, unless the Association and the Employer agree to another schedule or exception.

E) Leave placed in the Association Leave Bank shall be given a cash value by multiplying the number of hours deducted from the Member's leave balance by the regular hourly pay rate of the donor. This cash value shall then be divided by the regular hourly rate of the recipient to establish its value in hours as business leave.

F) The Association further agrees that the leave balance is not returnable to the personal leave accounts, not transferable to successor bargaining agents, and has no cash value upon decertification.

G) Requests for absences from duty for business leave shall be made by the JPDEA President or designee and addressed to the Police Chief. Requests for absences relating to Association training shall be made as early as possible, with at least fourteen (14) days notice.

H) Requests for absences for Association business shall not be unreasonably denied.

6.20 – Personal Leave Cash-In

A) A Member may cash in personal leave in an amount not to exceed two hundred and forty (240) hours in a calendar year as long as the Member's personal leave balance after the cash-in is not less than one hundred sixty-eight (168) hours.

Should the member so desire, the member may roll the personal leave cashout into a deferred compensation account.

B) Administration:

1) Application for personal leave cash-in shall be made in writing to the Payroll Supervisor.
2) Leave cash-in requests must be for a minimum of 5 days.
3) Leave cash-in will be included in the employee's regular payroll check.
4) A request for leave cash-in must be received no later than the last Friday of the pay period if the leave cash in is to be included in the paycheck for that pay period.
5) The equivalencies established in subsection (A) shall be proportionately reduced for an employee assigned to work less than a full time schedule.
6) Personal leave cash-ins does not count toward minimum leave use requirements.

C) In the case of demonstrated hardship, the Police Chief may authorize the cash-in of personal leave in excess of this section, as long as the Member's personal leave balance after the cash-in is not less than one hundred sixty-eight (168) hours.

6.21 – Family/Medical Leave

The parties agree to abide by the requirements of federal and state law regarding Family/Medical Leave, the provisions of which are referenced in the CBJ Family/Medical Leave Policy appearing at Appendix A to the Personnel Rules.

6.22– Parent/Teacher Conference Leave

A parent or guardian of a student enrolled in a school or a licensed day care facility within the city and borough may apply for a maximum of 1.5 hours leave to attend a conference with that child's teacher. Such leave will be without loss of pay, and may be granted no more than twice in a single school year to the same Bargaining unit Member for conferences regarding the same child. A supervisor may grant parent/teacher conference leave only in advance upon presentation by the Bargaining unit Member of written verification of the date and time of the conference and a written finding by the supervisor that the leave can be accommodated without imposing added cost or inefficiencies in the work place. Supervisors shall make every reasonable effort to accommodate parent-teacher conference leave.

6.23 – Injury Leave

A) The Union and Employer jointly agree that the intent of this provision is to recognize the unique nature of police work and is meant to protect and support Public Safety employees in the event of a line-of-duty injury during a given year. It is further understood by both parties

that all other work-related injuries, which qualify a Member for Worker's Compensation will not be covered under this provision and will be handled through the City's standard Workers' Compensation process.

B) Sworn Officers and Community Service Officers, or other Members when working in a mobile command center or assigned to ride along for training purposes in a police vehicle, may qualify for injury leave in the event of a serious injury received in the line-of-duty. Injury leave will be granted for up to twelve (12) consecutive months from the date of initial injury for a regular full-time department employee who has suffered a serious injury in the line-of-duty and which qualifies them for Workers' Compensation. For purposes of this provision "line-of-duty injury" means a duty-related injury that meets the requirements of the Alaska Workers' Compensation Act and is also:

1.) An injury received due to the actions of another person; or
2.) An injury received while responding to or working at a reported emergency; or
3.) An injury received while operating or riding in an emergency vehicle.

This section does not apply to psychological injuries.

C) Injury leave will not be available to a Member who has received a line-of-duty injury due to his or her own negligence.

D) All Workers' Compensation payments made to the Member must be turned in to the City within 2 business days of receipt.

E) A Member on injury leave will be paid at his or her base rate of pay (range and step) in effect on the date of the qualifying injury. A Member will not be required to use personal leave while on injury leave, unless he or she would not be ready, willing and able to return to work (absent the injury). A Member will only accrue leave while he or she is in work status. The Employer will continue to provide health insurance premium contributions on behalf of the Member while the Member is on injury leave. Injury leave may be granted for a maximum period of 12 consecutive months. Family Medical leave entitlement shall run concurrently with Injury Leave.

F) During periods of injury leave, Members may be assigned work at the discretion of the department unless such work assignments adversely affect the nature of the injury. If there is a disagreement between the City and the Member as to whether the Member is able to perform the work assigned, such disputes shall be submitted to and resolved by a health care professional selected by the Employer. The decision of this health care professional as to whether the Member is able to perform the work assigned will be determinative, so long as the decision is not arbitrary, capricious, or made in bad faith. If a Member disagrees with a determination of the health care professional that the Member is capable of performing the work assigned, the Member may elect to decline the assignment, which will terminate the Member's entitlement to paid injury leave under this provision. If the Member is unable to return to full duty within twelve months, or if the employee retires, effectively relocates from the community, takes other employment, or otherwise takes an action that would effectively remove the Member's ability to return to service, the Employer's obligation under this provision shall terminate.

6.24 Paid Reserve Officer and Reserve Public Safety Dispatchers

The provisions of Article 6 do not apply to Paid Reserve Officers or Reserve Public Safety Dispatchers.

6.25 Shift Trades

Sworn Members shall be allowed to substitute scheduled work hours with other Sworn Members as business permits and subject to the approval of the Member's supervisor. The completion of shift trades is a matter solely between the two members. Management is not responsible for assuring that shift trades are completed. For the purposes of pay administration, hours worked are credited to the Member who was originally scheduled to work. This shall include any premium pays that would accrue to the member.

ARTICLE 8

PAY RATES AND PAY DATES

8.1 – Pay Schedule

A) The pay schedules in Appendix "D" apply to all Members who are not attending the academy and will take effect the first day of the first full pay period beginning on or after the indicated date:

1. Effective on the first pay period on or after July 1, 2016, the pay scale in effect on June 30, 2016 shall be increased by 2.0%.

2. Each permanent/probationary full time benefitted member employed on July 1, 2017, shall receive a lump sum payment equal to the amount of $18,250.00 divided by the number of health insurance eligible employees. The lump sum payment will be included with the paycheck for the first full pay period on or after July 1, 2017.

3. Effective on the first full pay period on or after July 1, 2018, the pay scale in effect on June 30, 2018 shall be increased by 2%.

B) The rate of pay for Members while attending the Alaska Law Enforcement Training Course also known as the Basic Peace Officer Training Course will be 27.30 percent of the rate provided in part A of this section. The calculated result is the academy rate of pay.

8.2 – Pay Schedule Placement

See 10 PR 025 and 10 PR 030.

8.3 – Merit Step Progression

See 10 PR 080

8.4 – Overtime Defined

A) The overtime rate of pay is one and one half (1.5) times a Member's hourly rate of pay, which is listed in 8.1. No premium pay shall be paid on top of the overtime rate of one and one half times a Member's hourly rate of pay, which would result in pyramiding pay rates.

B) All unscheduled hours worked by Members shall be paid at the Member's overtime rate of pay. Unscheduled work hours means the Employer requires work of the Member with less than seven days (168 hours) advance notice.

C) All hours worked by non sworn Members in excess of 40 hours in a week, excluding those hours already paid at the overtime rate, shall be paid at the overtime rate of pay. For the purposes of this section, the actual hours worked but paid at the overtime rate in 7.2 (A) and (B) and 8.16(E) shall count toward meeting the 40 hour FLSA threshold.

D) All hours worked by Sworn Members shall be paid in the following manner.

1. All hours worked by Sworn Members (who are assigned to a shift other than 12 hours) in excess of 42 hours in a 7-day FLSA period, excluding those hours already paid at the overtime rate, shall be paid at the overtime rate of pay.

2. Sworn members who are assigned to work 12-hour shifts shall be paid the overtime rate of pay for all hours worked in excess of 84 hours in a 14-day FLSA period, excluding those hours already paid at the overtime rate of pay.

3. When a Member is assigned to work as a Downtown Walking Beat Patrol Officer and his or her schedule is adjusted to a six 12-hour shift and a one 8-hour shift workweek, overtime will be calculated based on an 80-hour FLSA period. When a Sworn Member changes shift assignments mid pay period, the shift assignment in effect on the first day of the pay period shall govern the application of the 7-day or 14-day FLSA cycle.

E) Show up compensation and standby duty are not creditable as hours worked for purposes of determining overtime eligibility.

F) Overtime shall be paid in one-quarter (0.25) of an hour increments.

G) A Member who is required to work more than four continuous hours over his or her regularly scheduled shift will be compensated at double the Member's regular rate of pay. If a Member is called in to work on his or her regularly scheduled day off, and works more than four continuous hours over the amount of time he or she would normally be scheduled to work, the Member will be compensated at double the Member's regular rate of pay.

A Member will be compensated at double the Member's regular rate of pay after sixteen (16) hours of continuous service. Double time compensation shall continue until the Member is afforded an eight hour break from duty.

H) Section 8.4 does not apply to Members attending the Police Academy for their initial officer training.

8.5 –Academy Provisions

A) Members attending the Basic Peace Officers Training Course are assigned to a 16-hour duty day for seven days per week.

B) All duty in excess of forty-three (43) hours per week will be paid at the academy overtime rate. The academy rate of pay is defined in 8.1(B) of this Article.

C) Police Officers entering the Police Academy for their initial Officer training shall be guaranteed the equivalent of their full base wage (80 hours x their regular rate of pay) for the pay period they enter the academy. Officers entering the academy shall be released from work without charge to their accrued personal or compensatory leave for the two days immediately prior to entering the academy.

D) Police Officers returning to regular service after completing the Police Academy shall be guaranteed the equivalent of their full base wage (80 hours x their regular rate of pay) for the pay period they return from the Academy. Officers returning from the academy shall be released from duty without charge to their accrued personal or compensatory leave for the two days immediately following their return from the Academy.

E) Police Officers entering or returning from the academy may be scheduled for shifts so that their regular days off (RDOs) fall immediately preceding their entry to the Academy or their return from the academy.

F) Notwithstanding the provisions above, the Chief of Police may require a Police Officer to report to work immediately preceding his or her assignment to the academy or immediately following his or her return from the academy if the Officer's presence is required due to an emergency situation.

8.6 – Pay on Promotion

Upon promotion, Members will be placed at a step in the higher pay range that is not less than the rate provided by a two step advancement.

When a Member is promoted within the job class series to Lead Dispatcher, Lead Community Service Officer, Records Supervisor, Evidence and Property Specialist or Police Sergeant, and the Member has completed at least half of the service time required at his or her current step, he or she will be placed at a step in the higher pay range that is not less than the rate provided by a three step advancement.

8.7 – Demotion Pay

See 10 PR 050 and 10 PR 055.

8.8 – Standby Premium Pay

A) When the Employer assigns a Member to standby duty, that Member shall be paid four dollars ($4.00) for each hour of standby duty. If called back, the Member will be paid at the appropriate overtime rate and standby pay will cease.

B) A Member is on standby if, during non-working hours, the Member is expected to monitor and respond to a telephone, an e-mail, or a text for the purpose of receiving a call to return to duty and the Member is required to report for duty if called within one hour of the call.

C) Standby duty is not credited to a Member for purposes of determining overtime eligibility.

8.9 – Call-Back Premium Pay

A) When a Member is called back to duty more than two (2) hours prior to the beginning of the Member's next scheduled duty, the minimum call back shall be for two (2) hours at one and one half times the Member's regular rate of pay.

B) When call back duty begins two hours or less prior to the Member's next scheduled duty, the Member will remain on duty and be paid at his or her overtime rate until the beginning of the scheduled duty.

C) Call back premium pay is not credited to a Member for purposes of determining overtime eligibility.

8.10 – Court Premium Pay

A Member who is scheduled for a work related reason to appear in court or to testify in a court proceeding or administrative hearing during the Member's non-regular duty hours shall be paid at one and one-half times the Member's regular rate of pay for all hours worked with a minimum payment of two (2) hours.

8.11 – Sixth and Seventh Day Premium Pay

A) A Member who works five (5) consecutive days of not less than eight (8) hours each day will be paid one and one half (1 1/2) times the Member's regular rate of pay for all work on the sixth consecutive day of work.

B) A Member who works six (6) consecutive days of not less than eight (8) hours each day will be paid one and one half (1 1/2) times the Member's regular rate of pay for all work on the seventh consecutive day of work.

C) All work on the eighth consecutive day will be considered as day one (1) and will be paid at the regular rate unless otherwise provided for within this Agreement.

D) Scheduled work on the sixth or seventh consecutive day will be for a minimum of two (2) hours duty and pay.

E) This section does not apply to Members while they are attending the Basic Peace Officer Training Course.

F) Members who request to work on a sixth or seventh day for their convenience, and gain supervisory approval, will be allowed to work if the member waives the sixth or seventh day premium.

8.12 – Field Training Officer and Communications Training Officer Differential Pays

A) A Police Officer assigned the duties of a field training officer shall be paid two dollars ($2.00) per hour in addition to the officer's regular rate of pay for each hour of the assignment.

B) A Public Safety Dispatcher assigned the duties of a communications training officer shall be paid two dollars ($2.00) per hour in addition to the dispatcher's regular rate of pay for each hour of the assignment.

C) A Community Service Officer assigned the duties of a Community Service Training Officer shall be paid two dollars ($2.00) per hour in addition to the Community Service Officer's rate of pay for each hour of the assignment.

8.13 – In Charge Differential Pay

A) A Police Officer assigned to supervise a shift in the absence of a police sergeant and lieutenant shall be paid one dollar and fifty cents ($1.50) per hour in addition to the Member's regular rate for each hour of the assignment.

B) A Public Safety Dispatcher assigned a majority of the duties of the Lead Public Safety Dispatcher because the incumbent is on leave or the position is vacant shall be paid one dollar and fifty cents ($1.50) per hour in addition to the Member's regular rate of pay for each hour of the assignment.

C) A Community Service Officer assigned a majority of the duties of the Lead Community Service Officer because the incumbent is on leave or the position is vacant shall be paid one dollar and fifty cents ($1.50) per hour in addition to the Member's regular rate of pay for each hour of the assignment.

D) Any other hourly member of the bargaining unit not covered in A – C of this article, who is temporarily assigned a majority of the duties of a higher level position because the incumbent of the higher level position is on leave or the position is vacant will be paid one dollar and fifty cents ($1.50) for each hour of the assignment.

E) When a Member receives an assignment to act in the absence of a higher level, salaried position for fifteen consecutive days or longer, the Member will be paid for such time worked, retroactive to the first day of assignment, as if promoted. Leave used or cashed out shall be paid at the Member's regular rate of pay.

F) When a Member receives an assignment to temporarily fill a higher level vacant position paid on an hourly basis for fifteen days or longer, the Member will be paid for such time worked, retroactive to the first day of assignment, as if promoted. Leave used or cashed out shall be paid at the Member's regular rate of pay.

8.14 – Master Pay

A Member who qualifies as a Master Sergeant/Police Officer or Master Civilian will receive an additional lump sum payment according to the following schedule:

Level I: Total accumulation of 75 points = $45.00 per pay period
Level II: Total accumulation of 95 points = $60.00 per pay period
Level III: Total accumulation of 115 points = $70.00 per pay period

Members are eligible for Master pay on the basis provided above up to a total program cap of $30,000 per year. If the total amount to pay the Master would exceed $30,000 in one fiscal year, then the payments will be discontinued until the next fiscal year.

Criteria for qualifying for Master Pay will be developed by the employer and provided to the union in draft form for comment and discussion.

8.15 – Holiday Pay

A) Permanent, probationary and long term temporary Members are paid for each holiday in 20.3(H) provided the Member was on duty or paid leave the last regularly scheduled work day immediately preceding the holiday and the first regularly scheduled work day immediately following the holiday.

B) Holiday pay is equal to eight hours at the Member's base rate of pay. If the Member would have normally been scheduled for more than 8 hours, the Member shall use personal leave to make up the difference between the 8 hours of holiday pay and his or her regular work schedule.

C) Members who meet the eligibility requirement in subsection A and who have a regular work schedule of at least forty (40) hours per week and who are required to work on a holiday listed in 20.3(H) will receive eight (8) hours of personal leave credited to his or her leave account. That leave will be placed into the Member's Personal Leave Account during the pay period in which the holiday occurs.

D) If a holiday falls on a permanent/probationary or long term temporary member's day off, an alternate day within the week preceding or following the holiday as designated by the department director is the member's holiday. If circumstances in the department exist such that an alternative day is not available, the member may bank the holiday pay or have it paid out.

E) All regular hours worked on a holiday shall be paid at one and one-half (1 1/2) times the Member's regular rate of pay. These hours shall be creditable to the 40-hour per week FLSA threshold for determining overtime eligibility.

F) A Member with a regular work schedule of less than forty (40) hours per week receives 0.2 of the regularly scheduled weekly hours as pay for each holiday.

G) Paid Reserve Officers and On-call Dispatchers are not eligible for Holiday Pay. However, if a Paid Reserve Officer or On-call Dispatcher works a holiday listed in 20.3(H), the member shall be compensated at the overtime rate of pay as define din 8.4(A).

8.16 – Payment of Overtime

A) All authorized overtime that is due and payable to a Member shall be paid as wages or as compensatory time. The preferred manner of payment shall be as wages.

B) When a Member requests to have overtime for work not on a holiday credited as compensatory time, the Police Chief or his designee will consider the Member's request. When it is found by the Police Chief that the crediting of compensatory time will not result in any increased personal service costs, a Member may be credited with compensatory time.

C) A Member's credited compensatory time may not exceed one hundred (100) hours at the beginning of any pay period. If a Member's earned overtime posted as compensatory time at

the conclusion of a pay period would cause the balance to exceed one hundred (100) hours, all hours in excess of one hundred (100) shall be paid.

D) No compensatory time other than that earned during pay periods starting between November 21 and December 31 may remain credited to the account of a Member after December 31.

E) The Employer shall pay a Member at the Member's regular rate of pay for all time that is deducted from a Member's compensatory time account.

F) Compensatory time may be taken by giving prior notice to the Member's supervisor and when, at the supervisor's sole discretion, the absence will not be unduly disruptive to operations. Compensatory time may not be taken in the same pay period it is earned. In exigent circumstances, the Chief of Police or designee may allow a Member to take compensatory time in the pay period in which it is earned.

8.17 – Training Time

A Member shall be paid for training time that is scheduled and required by the Employer.

8.18 – Payday

A) All Members shall be paid on the regularly established payday. The Employer shall distribute paychecks each payday. When payday is a holiday, pay shall be on the last working day prior to the holiday.

B) If a Member's paycheck is not available on the designated payday, the Employer shall, at the request of the Member, issue an emergency check to meet the regular payday requirements.

8.19 – Examination of Pay Records

A) The authorized Association representatives have the right to examine all payroll records pertaining to Members. The Employer may require a prior appointment.

B) In those instances that a prior appointment is required, the Employer shall schedule the appointment for a time prior to close of business of the workday following the day of the request.

8.20 – Compensation for responding to telephone calls while off duty

A) When a Member receives a telephone call(s) during off-duty hours that is about any official matter, and the calls(s) lasts longer than five (5) minutes, the Member will be compensated for one half (1/2) hour, or the actual time spent on the telephone call, whichever is greater.

B) Multiple calls during the same one-half hour period will be considered as one call. The Member may receive one-half (1/2) hour compensation for up to three separate and distinct phone calls during an off-duty period. In no case will a Member be entitled to more than 1.5 hours compensation in a single off-duty period for answering telephone calls, unless more time was actually spent on the phone about an official matter.

C) If the work period overtime threshold has not been met, the compensation for these telephone calls will be paid at the regular rate of pay. If the work period overtime threshold has been met, the compensation for these telephone calls will be paid at the overtime rate of pay.

8.21 Shift Differential

Members who are paid on an hourly basis, who regularly work 37.5 hours or more, and whose work schedule includes the hours between 4:00 p.m. and 8:00 a.m. are eligible for shift differentials.

A) Members shall be paid an additional one dollar and fifty cents ($1.50) per hour for all hours worked between 4:01 p.m. and midnight.

B) Members shall be paid an additional two dollars and fifty cents ($2.50) per hour all hours worked between 12.01 a.m. and 8:00 a.m.

C) When a member requests an alternate schedule for his or her convenience, and the Employer agrees to the shift change, shift differential premiums may be waived upon mutual agreement. Requests to waive shift differential under these provisions will be made to the member's supervisor. Such requests will be documented and approved in writing by the first level supervisor outside of the bargaining unit.

8.22 Canine Handlers

An officer assigned to canine duties will be provided with time for training and exercise during the officer's regularly scheduled shift. The officer will be compensated for six (6) hours per workweek for off-duty care including weekends, holidays, and leave days, provided the canine is in the officer's care.

8.23 Compensation for working a Grant/Billable Detail

The following conditions apply to a sworn member assigned to work grant and/or billable work details. The qualifying events/grants include Juneau Lions Club Gold Medal Basketball Tournament, State of Alaska "Click it or Ticket" seatbelt enforcement grant, and the USDA Forest Service patrol grant. The Chief may at his sole discretion add additional qualifying events/grants.

A) Actual hours worked during the events/grant assignments will be paid at 1.5 times the regular rate of the member's pay regardless of whether the member has met the FLSA threshold for the applicable period.
B) Hours worked during a grant/event detail listed above (paid at 1.5 times the regular rate of pay) shall not count towards meeting the FLSA threshold per Article 8.4D.
C) No member shall be eligible to work the event/grant detail on any day he or she uses personal leave to cover a regularly schedule shift.

8.24 Show-up Pay

A Member who is directed to scheduled work during the Member's non-regular duty hours shall be paid for a minimum of two (2) hours, at the appropriate rate of pay. A member may waive this provision upon mutual agreement with their supervisor.

Show-up pay does not apply to unscheduled holdover situations.

8.25 Longevity Bonus

A Sworn Officer may elect to enter into an agreement to receive a lump sum payment of $10,000 upon reaching four (4), eight (8), twelve (12) and sixteen (16) years of service as a Sworn Officer with the employer. Upon reaching the longevity milestone, the employee has one month to elect the longevity bonus and sign a written agreement on an employer provided form requiring pro-rated repayment according to the schedule set forth in this section if the employee voluntarily ends service in less than four (4) years. Any amount not repaid may be deducted from the employee's final paycheck or otherwise lawfully collected. The repayment schedule is as follows:

(a) 100% if service is less than 12 months;
(b) 75% if service is 12 months or greater but less than 24 months;
(c) 50% if service is 24 months or greater but less than 36 months
(d) 25% if service is 36 months or greater but less than 48 months.

If the employee does not sign a written agreement within one month of reaching the milestone, the opportunity to receive the longevity bonus for that milestone is no longer available. Once an employee earns a longevity bonus, they will no longer be available for the same milestone longevity bonus in the future.

ARTICLE 11

HEALTH INSURANCE AND EMPLOYEE WELLNESS

11.1 – Plan of Benefits and Employer Contribution

The employer shall provide a tiered benefits program for the provision of health insurance. Eligible employees shall pay, by payroll deduction, any difference between the Employer's contribution and the amount required to provide the coverage elected by the employee under the tiered benefits program, except that the employer shall cover the full premium contribution for the employee only economy plan.

(1) Effective July 1, 2016, the employer's contribution rate shall be $1260.00 per month per full-time, eligible employee.

(2) Effective July 1, 2017, the employer's contribution rate shall be up to $1260.00 per month per full-time, eligible employee.

(3) ~~Changes to the employer's contribution rate shall be subject to the economic reopener outlined in Article 25~~Effective July 1, 2018, the employer's contribution rate shall be up to $1260.00 per month per full time, eligible employee.

(4) Eligible employees who work less than 37.5 hours per week shall be provided the option of participating in the group insurance plan by paying a prorated portion of the benefit cost.

(5) Employees who participate in the Healthy Rewards program will receive up to a $50.00 per pay period reduction in their health insurance premium contribution rate. Participation will be tracked on a yearly basis and the premium reduction will be effective the next plan year.

Employees will have a period of twelve months to complete wellness requirements in order to qualify for the Healthy Rewards Program. The participation period will run from July 1 through May 31 of any given year. The participation period is staggered from the plan year to allow employees to qualify for the upcoming Healthy Rewards premium offset by the time open enrollment for the next plan year begins.

11.2 – Continuation of Health Insurance

A) The Employer will pay its contribution towards health insurance for a Member covered by health insurance who is absent from work because of an on-the-job incident covered by Worker's Compensation under the following circumstances:

1) If the Member is a Police Officer, Sergeant, Community Service Officer or Public Safety Dispatcher who has received a "line of duty" physical injury pursuant to 6.23(e), the Employer will pay its contribution for up to 52 weeks following the date of the incident.

2) For all other Members and for Police Officers, Sergeants, Community Service Officers and Public Safety Dispatchers who are on Leave Without Pay for reasons not covered by Subsection 1, when an Employee is on Leave Without Pay pursuant to the CBJ Family/Medical Leave Policy, the provisions of the CBJ Family/Medical Leave Policy apply.

B) When a Member is on Leave Without Pay for a reason not related to Family/Medical Leave, the Member shall reimburse the Employer through a payroll deduction for the cost of health insurance coverage for the period of Leave Without Pay.

C) This Article supersedes Personnel Rule 17 PR 015 (a) and (d).

11.3 – Cost Containment

The parties agree and affirm that they will work with each other to effectively contain health insurance costs through encouraging proper utilization of the program and continued support of the Wellness Program.

11.4 – Wellness Program Funding

In addition to the contribution listed in 11.3, the Employer shall pay the full cost of the Employee Wellness Program.

11.5 – Paid Reserve Officers and Reserve Public Safety Dispatchers

The provisions of Article 11 do not apply to Paid Reserve Officers or Reserve Public Safety Dispatchers.

11.6 – Benefit Levels

(A) The eligibility of the members and their dependents for coverage and the precise benefits to be provided shall be as set forth in the three-tiered insurance benefit plan written and maintained by the City and Borough for that purpose.

(B) The Employer shall provide written notice to the Union of changes to the level of health insurance benefits at least sixty (60) days prior to implementation.

11.7 – Termination of Benefits

(A) When an employee goes into Leave Without Pay or leaves employment due to termination, resignation or lay off, health insurance coverage ends at 12:01 a.m. on the day following the last day of pay status.

(B) When an employee is on Leave Without Pay while on Family/Medical leave, the provisions of the Family/Medical Leave policy apply and the employee pays the contribution amount the same as if they were working.

11.8 – Health Benefits Evaluation Committee

The parties will participate in a city-wide Health Benefits Evaluation Committee, which will include one PSEA member. The Committee will meet at least quarterly to review progress of cost containment efforts, review the administrative company's performance and offer suggestions regarding other options concerning employee health insurance. The Committee will develop checks and balances on plan adjustments to guarantee the relative cost and value of the tiers are maintained. This committee may also develop, implement and evaluate Wellness Program activities and services and review the effectiveness of the Employee Assistance Program. The Health Committee will review the health benefit costs at its quarterly meetings and make recommendations to the parties that address increased costs.

11.9 – Personnel Rules Replaced

This Article replaces 18 PR 027 of the Personnel Rules.

11.10 – Conversion to the Employer Sponsored Plan

Effective July 1, 2016, each eligible employee will be required to pay a pro-rated portion of the employee's contribution rate for the health plan tier the employee elects. Effective with the pay period beginning on July 11, 2016, and thereafter, the employee shall pay the full bi-weekly employee portion for the health plan tier he or she elects. Such deductions shall occur on a pre-tax basis and be subject to change in accordance with the plan documentation.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2830

A Resolution Ratifying the Agreement Between the City and Borough and the International Association of Fire Fighters

WHEREAS, the negotiating team representing the City and Borough has reached a tentative agreement on the fiscal year 2019 economic articles with the negotiating team representing the International Association of Fire Fighters Local 4303; and

WHEREAS, the union representing those bargaining unit employees has reported that the employees ratified the terms of the economic terms reopener; and

WHEREAS, CBJ 44.10.120 requires that the agreement be presented to the Assembly for ratification by resolution; and

WHEREAS, the economic terms include a two percent increase to the pay schedule in fiscal year 2019 and a longevity lump sum payment structure to improve retention; and

WHEREAS, these terms and conditions of employment are in keeping with previous Assembly direction.

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

Section 1. That the Labor Agreement, valid for a three-year period beginning July 1, 2016, through June 30, 2019, between the City and Borough and the International Association of Fire Fighters Local 4303, be amended in accordance with the tentative agreement and is hereby ratified by the Assembly.

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

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

HUMAN RESOURCES & RISK MANAGEMENT DEPARTMENT
107 Municipal Way, Room 101
Phone: (907)586-0225 Fax: (907)586-5392
e-mail: dallas.hargrave@juneau.org

MEMORANDUM

Date: July 18, 2018

To: City Assembly

Thru: Duncan Rorie Watt
City Manager

From: Dallas Hargrave
Human Resources & Risk Management Director

Re: Request for Ratification of IAFF Tentative Agreement on Contract Reopener

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The City and Borough of Juneau (CBJ) and the International Association of Fire Fighters Local 4303 (IAFF) reached tentative agreement on a three-year collective bargaining agreement on July 13, 2017. The contract took effect on July 1, 2016 and will conclude on June 30, 2019. The collective bargaining agreement provided that either party may request to reopen economic terms for FY2019. On June 28, 2018, the parties reached a tentative agreement on economic terms for FY2019. The IAFF has notified the CBJ that the union membership will have their ratification vote complete on July 20, 2018. If the IAFF does not ratify the tentative agreement, the resolution indicating Assembly ratification will be pulled from the July 23, 2018 Assembly meeting agenda.

Economic Changes:

Wages and Pay:

The parties agreed to a two percent increase to the pay schedule and a longevity lump sum payment structure put in place to improve the retention of CCFR employees. Additionally, the parties agreed to implement a 2% market adjustment increase for the Fire Captain position. It is estimated that the total cost of these terms in FY2019 is $204,000. Unless negotiated otherwise, these costs will continue in future years beyond FY2019.

Estimated FY2019 additional costs:

2% wage increase:	$110,000
Longevity lump sum:	$83,000
Captain market adjustment:	$11,000
Total:	$204,000

Health Insurance

FY19: There will be no increase to the employer's contribution for health care from the FY18 rate of $1260 per full time eligible employee, per month.

Operational Changes:

Because this reopener was only on economic terms, there were no operational changes agreed to.

Conclusion:

Overall contract negotiations on economic terms for FY2019 were productive, but took time. Chief Rich Etheridge, Assistant Chief Chad Cameron, Fire Marshal Dan Jager and Shannon McCain participated on the bargaining team.

Request for Action:

The overall financial package is in line with previous briefings to the Assembly. We respectfully request that the Assembly approve the terms of this economic terms reopener.

IAFF/CBJ Negotiations6/27/18CBJ Proposal

TA

TJW 6/28/18 1600

6/28/18 2030

ARTICLE 13

PAY RATES AND PAY DAYS

13.1 - Pay Schedule

The pay schedules are contained in Appendix B and attached hereto.

A. ~~There will be no adjustments to the pay schedule, unless they are bargained under the re-opener provision in Article 25.~~ Effective with the first day of the first pay period after July 1, 2018, the wage associated with Firefighter EMTII, Step 6 shall be increased by 2%.

~~All employees in positions classified as permanent, excluding seasonal, and whose regular work schedule is 40 hours per week or more, and who are employed on July 1, 2017 shall receive a lump sum payment in the amount of seventeen hundred dollars ($1700) on the payday of the first full pay period following ratification of this agreement.~~

~~All employees in positions classified as permanent seasonal or part-time, who are employed on July 1, 2017 shall receive a lump sum payment adjustment in the amount of seventeen hundred dollars ($1700) pro-rated upon the percentage of full-time equivalent (FTE) the position is budgeted in FY 2018. The pro-rated lump sum payment shall be paid on the payday of the first full pay period following ratification of this agreement.~~

B. Pay Schedule Structure

Effective with the first day of the first pay period on or after July 1, 2014:

1. The percentage increments between steps increments for the Training Officers and Fire Mechanic will remain unchanged from the pay scale in effect on July 1, 2013.

2. There shall be two salary ranges for Fire and EMS classifications: Firefighter and Captain. Step 6 of the Fire Captain range shall be 20~~18~~% above Step 6 of the Firefighter/EMT II range (~~$23.61~~ per hour). The dollar amounts of each step shall be based on a percentage of Step 6 of each range in the following manner:

$24.08 TJW

Step 1: 80% of step 6.
Step 2: 82% of step 6.
Step 3: 85% of step 6.
Step 4: 89% of step 6
Step 5: 94% of step 6.
Step 6: 100% of step 6
Step 7: 101% of step 6
Step 8: 102% of step 6.
Step 9: 103% of step 6.
Step 10: 106% of step 6

3. The range of pay for each classification shall be determined by the application of classification adjustments. The percentage increase or decrease of each adjustment will be calculated from Step 6 of the Firefighter EMT II wage in the following manner:

	Classification Adjustment	Basis	%
1.	EMT I	Per hour	-10%
2.	EMT III	Per hour	4%
3.	Paramedic	Per Hour	10%
4.	Engineer	Per Hour	10%

13.2 - Merit Steps

A. Merit increases are earned after a merit anniversary date is established and when a permanent employee meets the appropriate number of hours and months of continuous service and achieves an overall performance evaluation of "Acceptable" or better. Merit anniversary dates shall not change once established.

B. A permanent employee is eligible for steps 2 through 6, after 12 months of continuous service.

C. A permanent employee is eligible for steps 6 through 10, after 24 months of continuous service

D. A merit increase shall be automatically awarded to a permanent employee on the employee's merit anniversary date unless the employee has been notified that management has performance concerns that may adversely affect the granting of an increase.

13.3 – Promoted Employee

Employees who promote shall be placed in the new range at the step they earned in the former range. Promotion means the movement of an employee from one position to another related position in a higher classification or salary range without a break in service. For the purposes of this rule, related positions means those positions that require similar, but progressively greater, knowledge, skills and abilities in order to perform the higher level duties.

13.3.5 Probationary Period

Upon initial appointment, a promoted employee will serve a new probationary period in accordance with the Personnel Rules.

A promoted employee will serve a new probationary period in accordance with the Personnel Rules, but the promoted employee's merit anniversary date will remain unchanged. However, an employee who is promoted into a flexibility staffed job classification after serving the initial probationary period will complete probation upon completion of the preceptorship at the higher levels of the job classification series.

13.4 - Overtime

A. Except as provided in Hours of Work - Article 11, overtime shall be paid for all hours assigned or permitted to work outside the regularly scheduled hours of work. The

overtime rate of pay is time and one-half (1 ½) an employee's regular hourly rate except as provided in J below.

B. Employees assigned to a thirty-seven and one-half (37 ½) hour workweek shall be entitled to overtime pay for hours worked in excess of 40 hours in a week or 12 hours in a day.

C. For Employees assigned to a fifty-six (56) hour workweek, the minimum overtime shall be for one full hour of pay when the employee is required to work beyond the end of the employee's shift. Work beyond one hour shall be paid in ~~tenths~~ quarter of an hour.

D. For thirty-seven and one-half (37 ½) or forty (40) hour workweek employees, overtime shall be calculated in ~~tenth~~ quarter of an hour increments.

E. The minimum call out shall be for two hours paid at the appropriate hourly rate. Employees called back to duty shall be required to remain on duty for a minimum of two hours, unless released by the Duty Officer or Fire Chief.

F. Full time, year round permanent/probationary employees required to be transported by non scheduled aircraft in the course of providing emergency services shall be paid at their appropriate rate of pay and receive professional pay in accordance with Article 13.11.

G. For pay related to training, see Hours of Work – 11.3. Also, see 12.3.

H. Emergency Call Back: Employees are authorized to respond automatically to All Call incidents and will be compensated a minimum of two hours call back per 13.4(E), or actual hours worked if the time worked exceeds two hours.

I. Employees assigned to a forty-two hour workweek shall be entitled to overtime pay for hours worked in excess of 40 hours in a week or 12 hours in a day. The minimum overtime shall be for one full hour of pay when the employee is required to work beyond the end of the employee's shift. Work beyond one hour shall be paid in quarter of an hour increments.~~tenths of an hour.~~

J. Full time, year round, permanent/probationary employees working mandatory overtime shifts to cover for a seasonal Firefighter/EMT 1 work will be paid 2x their hourly rate of pay for all hours worked in that assignment.

K. The employer will endeavor to provide overtime opportunities in an equitable fashion to bargaining unit members.

L. Probationary employees are eligible for overtime after successfully passing the EMS preceptor part of their probation for EMS and firefighting positions. Probationary employees will be placed on the OT eligibility list in such a fashion as to allow permanent employees the first opportunity to refuse voluntary overtime assignments.

M. Overtime will be paid within the pay period that the overtime is worked.

N. Salaried employees are not eligible for overtime.

13.5 - Payment of Compensatory Time

Authorized overtime due and payable to an employee shall be paid as wages or as compensatory time. The preferred manner of payment shall be as wages. The Fire Chief will consider an employee's request to have overtime credited as compensatory time. An employee may be credited with compensatory time when the Fire Chief finds that the crediting of compensatory time will not result in any increased personal services hours. Compensatory time shall be credited at the rate of one and a half hours for each actual hour worked.

No compensatory time other than that earned during the period of November 21 through December 31 may remain credited to the account of an employee after the first day of the first pay period in January.

The Employer shall pay an employee at the employee's regular rate of pay for all time that is deducted from an employee's compensatory time account.

An employee's credited compensatory time may not exceed 150 hours at the beginning of any pay period.

If an employee's earned overtime posted as compensatory time at the conclusion of a pay period would cause the maximum to be exceeded, all such excess hours shall be paid as overtime wages.

Compensatory time may be taken with the prior approval of the supervisor and when the absence will not cause the Employer any additional personal services hours.

Compensatory time may not be taken in the pay period it is earned. Salaried employees are not eligible for compensatory time.

13.6 - Acting Captain Pay

A Firefighter who is temporarily assigned the duties of an Acting Captain shall be paid according to the table in 13.11.

For acting assignments of 10 shifts or more, members on the active promotional list will receive preference regardless of shift assignment. Acting assignments 9 shifts or less will be assigned to members on that station's shift with preference given to members on the active promotional list if at the same station/shift. The acting members will be approved by the Fire Chief or designee.

13.7 - Standby Pay

A. Employees assigned to monitor and respond to a pager during off duty hours are on standby duty. Employees assigned to standby duty must be immediately available for pager duty recall.

B. When the Employer assigns an employee to standby duty, that employee shall be paid three dollars and seventy-five cents ($3.75) for each hour of standby duty.

C. Standby assignments will normally be for twenty-four (24) hours.

D. If called out, the employee will be paid at the overtime rate and standby pay will cease during the call out.

E. Standby duty is not counted as hours 'worked' relative to the provisions of the Fair Labor Standards Act.

F. Employees are obligated to respond to a pager call in accordance with the provisions of Standard Operating Guideline 50.7.

G. Salaried employees are not eligible for standby pay.

13.8 - Required Court Appearance

An employee subpoenaed to testify in court as a result of their employment will be paid at the appropriate rate of pay.

The employee shall give the Employer all monies received as compensation for the court appearance.

13.9 - Payday

All employees shall be paid biweekly. The Employer shall distribute direct deposit stubs on the regularly established payday.

13.10 – Examination of Pay Records

The authorized Union Representative shall have the right to examine all payroll records pertaining to employees. The Employer may require a prior appointment.

13.11 – Professional Pays

Professional pays shall be compensated for according to the chart below. Except where noted, Professional pays will be calculated as a percentage of Firefighter/EMT II pay scale: Range 727, Step 6. Professional pays added to an employee's hourly wage will be included in the employee's base rate of pay for the purposes of calculating overtime.

The Fire Chief or designee will be the sole decision maker in determining which employees are assigned work that qualifies for professional pays.

Seasonal and Temporary employees are not eligible for Professional Pays.

Salaried employees are not eligible for Professional Pays.

Professional Pay Chart

	Professional Pay	Basis	%
1.	Mechanics Certification: Fire Mechanic classification Only: Only one level may be paid.		

	1 Certificate	BWA	1%
	2 Certificates	BWA	1.5 %
	3 Certificates	BWA	2%
2	Team Coordinator Pay: Technical Rescue Team, HazMat Team	BWA	2%
3.	Member, Technical Rescue Team Rope or Water	BWA	1%
4.	Member, Technical Rescue Teams: Rope and Water	BWA	1.5 %
5	Member, HazMat Team	BWA	1%
6.	SCBA Technician	BWA	1%
7.	EMS Supply Coordinator	BWA	1%
8.	Associate's Degree	BWA	.5%
9.	Bachelor's Degree	BWA	1%
10.	Captain with Paramedic License	BWA	2%
11.	Engineer with Paramedic License	BWA	2%
12.	Peer Fitness Trainer	BWA	2%
13.	Volunteer Station Manager	BWA	2%
14	EMS Instructor	BWA	2%
15.	EMT III Expanded Scope	BWA	1%
16.	Engineer or Captain covering as primary paramedic~~Initial Paramedic~~	AA~~BWA~~	2%-~~3%~~
17.	Advanced Paramedic	BWA	5%
18.	Preceptor Pay	AA	5%
19.	Acting Captain	AA	7%
20.	Medevac Flight Pay: amount calculated on bi-weekly pay (112.3 hours of FF/EMT II Step 6)	Per Flight	10%

* GRIEVANCE RESOLUTION

BWA = Base Wage Adjustment
AA = As assigned

Professional Pay Definitions:

Mechanics Certification: Any employee allocated to the Fire Mechanic classification who possesses valid Emergency Vehicle Technician or Automotive Service Excellence Certificates.

Member, Technical Rescue Team Rope or Water: An employee who is a member of a Technical (water or rope) Rescue Team shall receive a 1% professional pay. An employee may earn no more than a professional pay of 1.5% if a member of both special teams.

Team Coordinator Pay: a bargaining unit member assigned to coordinate either the Water Team, Ropes Team, or Hazmat Team. A Team Coordinator shall not be eligible for member professional pay for the team in which they are coordinating.

Associate's and Bachelor's Degree Incentives: An employee who has an Associate's Degree from an accredited college will receive Associate's degree professional pay. An employee with a Bachelor's degree from an accredited college will receive Bachelor's degree professional pay. An employee may only qualify for one educational incentive.

EMT-III Expanded Scope: A Firefighter EMT III who possesses an EMT-III Expanded Scope certification may receive this professional pay.

EMS Instructor: An employee, at an EMT III level or above, who is not receiving the MICP C professional pay, who is certified as an EMS instructor and assigned EMS Instructor job duties as defined by the Chief or his designee.

~~Initial Paramedic: A first year Paramedic with CCFR who meets the minimum qualifications for the Paramedic job class as defined in the job classification specifications. A bargaining unit member in the Paramedic job classification, who has successfully completed a CCFR MICP preceptorship, and has successfully performed as an Initial Paramedic for 12 months shall have this professional pay removed, and shall be called considered a Paramedic.~~

Advanced Paramedic: A bargaining unit member in the Paramedic job classification and is assigned the additional responsibilities of EMT III Instructor, Preceptor, and Peer Reviewer shall receive this professional pay. If a Paramedic is receiving Advanced Paramedic professional pay, they shall not receive EMS Instructor professional pay or Preceptor professional pay. Advanced Paramedic professional pay shall be effective on October 1, 2017. A bargaining unit member receiving the Advanced Paramedic professional pay shall have one year from assignment as an Advanced Paramedic to become a certified EMS Instructor.

13.12 – Step Movement for Seasonal Employees

Employees appointed to a seasonal position shall enter the pay range at Step A. Once an employee has successfully completed his or her preceptorship, and is authorized to conduct independent patient care to the EMT I levels specified by CCF/R protocols, the employee will be eligible for an increase to step 2.

A seasonal employee is eligible for steps 3 through 6 after the equivalent of 12 months of continuous service at the prior step and an overall performance evaluation of "Acceptable" or better.

A seasonal employee is eligible for steps 7 through 10 after the equivalent of 24 months of continuous service at the prior step and an overall performance evaluation of "Acceptable" or better.

13.13 – End of Season Bonus

Seasonal employees who complete at least eighteen (18) weeks of service and who work until the end of the season, shall be eligible for a lump sum bonus equal to $16.00 for each full work week completed.

13.14 – Longevity Bonus
An employee may elect to enter into an agreement to receive a lump sum payment of $8,000 upon reaching three (3), six (6), nine (9) and twelve (12) years of service with Capital City Fire and Rescue. Years of service shall be defined as 2920 regular hours (excluding overtime) of work per year. Upon reaching the longevity milestone, the employee has one month to elect the longevity bonus and sign a written agreement on an employer provided form requiring pro-rated repayment according to the schedule set forth in this section if the employee voluntarily ends

service in less than three (3) years. Any amount not repaid may be deducted from the employee's final paycheck or otherwise lawfully collected. The repayment schedule is as follows:

(a) 100% if service is less than 12 months;
(b) 66% if service is 12 months or greater but less than 24 months;
(c) 33% if service is 24 months or greater but less than 36 months

If the employee does not sign a written agreement within one month of reaching the milestone, the opportunity to receive the longevity bonus for that milestone is no longer available. Once an employee earns a longevity bonus, they will no longer be available for the same milestone longevity bonus in the future.

ARTICLE 15

LEAVE

15.1 – Accrual Rates

A. A permanent or probationary employee occupying a position allocated to a 37.5 hour work week shall accrue personal leave at the rate of:

1. Six and one tenth hours for each full biweekly period of work for employees with less than one year of service;

2. Seven hours for each full biweekly period of work for employees with one but less than two years of service;

3. Seven and eight tenths hours for each full biweekly period of work for employees with two but less than five years of service;

4. Eight and seven tenths hours for each full biweekly period of work for employees with five but less than ten years of service;

5. Ten and four tenths hours for each full biweekly period of work for employees with ten years or more of service.

B. Permanent and probationary employees assigned to a 40 hour work week shall accrue personal leave at the rate of:

1. Six and five tenth hours for each full biweekly period or work for employees with less than one year of service;

2. Seven and four tenths hours for each full biweekly period or work for employees with one but less than two years or service;

3. Eight and three tenths hours for each full biweekly period of work for employees with two but less than five years of service;

4. Nine and three tenths hours for each full biweekly period of work for employees with five but less than ten years of service;

5. Eleven and one tenth hours for each full biweekly period of work for employees with ten or more years of service.

C. Full time employees who are paid a salary accrue personal leave at the rate of:

1. .81 of a day for each full biweekly pay period of work for employees with less than one year of service;

2. .93 of a day for each full biweekly pay period of work for employees with one but less than two years of service;

3. 1.04 of a day for each full biweekly pay period of work for employees with two but less than five years of service;

4. 1.16 of a day for each full biweekly pay period of work for employees with five but less than ten years of service

5. 1.39 of a day for each full biweekly pay period of work for employees with ten years or more of service.

C. Except as provided for in 15.1 (E), the personal leave accrual rates provided in this section recognize that, for all employees occupying Fire Captain, Firefighter/Paramedic, Engineer, and Firefighter/EMT positions, there are no holidays. The established accrual rates provide for the equivalent of twelve paid holidays. Permanent and probationary employees regularly assigned to a schedule of 24 consecutive duty hours followed by 48 consecutive non-duty hours shall accrue personal leave at the rate of:

1. 14.2 hours for each full biweekly pay period of duty for employees with less than one year of service;

2. 15.5 hours for each full biweekly pay period of duty for employees with one but less than two years of service;

3. 16.8 hours for each full biweekly pay period of duty for employees with two but less than five years of service;

4. 18.1 hours for each full biweekly pay period of duty for employees with five but less than ten years of service;

5. 20.7 hours for each full biweekly pay period of duty for employees with ten years or more of service.

D. Fire Captains and Firefighter/Paramedics shall accrue an additional .92 hours for each full biweekly pay period of duty owing to the current minimum staffing requirements for these positions. Should the Employer discontinue the minimum staffing requirement, leave accrual will revert to that listed in Subsection b.

E, Seasonal and Long Term Temporary employees working a 42 hour work week shall accrue four hours of personal leave for each full biweekly period of work. There shall be no leave accrual during partial pay periods worked. Personal leave accrual shall be prorated for pay periods where the employee has authorized leave without pay.

F. Long Term Temporary employees working a 56 hour work week shall accrue leave according to the provisions of 15.1 (B)(1).

15.2 – Unauthorized Leave

There is no accrual of leave for any pay period during which an employee is absent without approved leave.

15.3 – Leave Anniversary Date

Changes in the rate of accrual as provided in 15.1 shall take effect on the first day of the pay period immediately following the date on which the employee completes the prescribed period of service. This date shall be referred to as the leave anniversary date.

15.4 – Minimum Use

Each employee shall take not less than one third of the leave accrued during the period beginning with the first day of the first pay period in January and ending with the last day of the pay period occurring fifty-two weeks later.

An employee shall be exempt from the minimum use requirement to the extent that such use would cause the employee's personal leave balance to be less than 348 hours (for 24/48 hour regular duty shifts) or thirty days (for 37.5 hour workweeks). Cash in and transfer of leave is not counted towards minimum leave use.

15.5 – Maximum Accrual

For employees who work a 37.5-hour workweek, leave accrued but not used shall accumulate to a maximum of not more than one hundred and eighty seven and one half days on the first day of the first pay period in January. Leave in excess of one hundred and eight seven and one half days (1406 hours) shall be paid to the employee at the employee's regular rate of pay.

For employees who work a 40-hour workweek, leave accrued but not used shall accumulate to a maximum of not more than one hundred and eighty seven and one half days on the first day of the first pay period in January. Leave in excess of one hundred and eight seven and one half days (1500 hours) shall be paid to the employee at the employee's regular rate of pay..

For employees in positions working a 24/48-hour duty schedule, leave accrued but not used shall accumulate to a maximum of not more than two thousand hours (2000 hours) on the first day of the first pay period in January. Leave in excess of two thousand hours (2000 hours) shall be paid to the employee at the employee's regular rate of pay

15.6 – Scheduling Leave

It is a mutual responsibility of the employee and the Department to schedule leave so that an employee has the opportunity to take the required minimum amount of leave and any leave that will exceed the maximum amount listed in 15.5. Leave will be scheduled in accordance with current Department policy and selection shall be made on the basis of seniority. The Department will attempt to give at least 30 days notice to the Union prior to changing the Department leave policy. The Department will attempt, in so far as staffing is available, to provide for two slots of leave per shift throughout the year.

15.7 – Required Taking of Leave

The Fire Chief, or his designee, may at any time direct an employee to take accrued leave when such action is necessary to assure that the employee takes the minimum use required.

15.8 – Transfer of Leave

The Manager may allow an employee to transfer leave to another person under the following conditions:

A. The recipient must either be:

1. an employee who is absent for a family/medical leave reason and is on Leave Without Pay, or
2. a family member of a deceased employee, or
3. an employee who is absent due to the death of an immediate family member and is on Leave Without Pay.

B. The donor employee must have a remaining personal leave balance of not less than 134.4 hours for 24/48 hour shift employees, or twelve days, (90 hours) in the case of the 37.5 hour per week position, (96 hours) in the case of a 40 hour per week position.

C. The donation is restricted to a maximum of:

1. thirty days (225/240 hours) or fifty percent of the employee's accrued personal leave, whichever is less, for 37.5 or 40 hour per week positions, or
2. 336 hours or fifty percent of accrued personal leave, whichever is less, for 24/48-hour work schedule positions.

D. All future rights to compensation for such transferred leave used by the recipient are waived by the donor. Unused donated leave shall be returned to the donor.

E. Personal leave donated for use by another employee may not be credited toward the donor's minimum leave use requirement.

F. Personal leave donated to another employee shall be given a cash value by multiplying the number of hours donated by the regular pay rate of the donor. This cash value shall then be divided by the regular hourly rate of the recipient and the recipient's medical leave bank shall be credited with that number of hours which are a result of the calculations.

G. Medical leave may not be transferred to personal leave or be credited to any employee other than the employee who earned such leave.

15.9 – Scheduled Use of Personal Leave

An employee may take personal leave at any time that business permits with the prior approval of the Fire Chief, or his designee, in accordance with current Department policy.

The scheduling of leave shall be in accordance with the Standard Operating Guidelines (E.220) in effect upon the signing of this agreement.

15.10 – Unscheduled Use of Personal Leave

An employee may take personal leave for medical reasons when the Fire Chief, or the Chief's designee, is satisfied that the employee is sick or disabled to the extent that the employee cannot attend to the employee's regular duties. The employee shall promptly notify the relevant supervisor or Fire Chief when taking unscheduled personal leave.

An employee shall take personal leave for medical reasons when the employee's presence on the job would jeopardize the health of the employee or fellow employees.

An employee may take personal leave for medical reasons when illness or disability of a member of the employee's immediate family requires the attendance of the employee. For the purpose of this section, "immediate family" is defined as spouse (as defined in the Family/Medical Leave Policy), child, father, mother, sister or brother in full, half, step or foster relation; mother-in-law and father-in-law, grandparents and grandchildren.

An employee may take up to fourteen continuous calendar days of unscheduled personal leave because of the death of a member of the employee's immediate family.

The Fire Chief, or the Chief's designee, may require a physician's statement or other acceptable proof that an employee's condition meets the requirements of this section before authorizing the use of personal leave.

15.11 – Effect of Workers' Compensation

Workers' Compensation payments shall be deducted from any personal leave or medical leave payments made to an employee so that the total compensation received by the employee does not exceed that employee's regular salary. In such instances the amount of leave charged the employee shall be reduced to equal the leave compensation paid.

15.12 – Leave Without Pay

A. An employee who has been employed full time for the previous 26 weeks may be granted leave without pay provided the employee has no accrued personal leave and the granting of leave without pay does not cause any hardships to the CBJ beyond the benefits to be gained by granting leave.

B. Leave without pay in excess of 152 hours (for employees with a 24/48 hour duty schedule) or twenty days (for employees working a 37.5 or 40 hour workweek) in a calendar year must be approved by the City Manager unless it is for reasons related to Family/Medical Leave.

C. An employee who has been employed for the previous 26 weeks and has no accrued personal leave will be granted leave without pay for Family/Medical Leave reasons. (See 15.14.)

D. An employee who is paid a salary and who has no accrued personal leave will be advanced personal leave in increments of less than one day to prevent being charged leave without pay for less than one day. The maximum personal leave indebtedness for an employee who is paid a salary is two days.

15.13 – Family/Medical Leave

Administrative Policy 08-03R on Family Medical Leave, or it's successor policy(ies) applies to this Agreement. Administrative Policy 08-03R is attached to this Agreement as Appendix C and incorporated by this reference..

15.14 – Cancellation of Authorized Leave Without Pay

In those instances that an employee was granted leave without pay for a specific purpose and the Employer finds that the employee is using the leave for purposes other than those specified at the time of approval the leave may be canceled by the Fire Chief. Such cancellation shall be in writing and delivered to the employee or mailed to the employee's last known address. Improper use of authorized leave may result in disciplinary action.

15.15 – Effect of Leave Without Pay

During any pay period that an employee is charged with leave without pay, that employee shall accrue personal leave and other benefits on a prorated basis the same as a part time employee.

The leave anniversary date and the merit anniversary date of an employee shall be set forward one pay period for each leave of absence without pay covering a full pay period and for each accumulation of 257.3 hours (for employees on a 24/48 hour duty schedule) or 10 days (for employees with a 37.5 or 40 hour workweek) of leave without pay in any calendar year.

Ten days equates to 75 hours for an employee working 37.5 hours per week, and 80 hours for an employee working 40 hours per week.

15.16 – Court Leave

An employee who is called to serve as a juror shall be entitled to court leave.

The Fire Chief may place an employee on temporary assignment for the length of the court leave period.

An employee who is placed on authorized court leave shall give the Employer all monies received from the court as compensation for services and the employee shall be paid at the employee's regular rate of pay while on court leave. The employee will be paid court leave on the employee's regularly scheduled workdays for the time the employee's presence is required by the court or the length of the shift, whichever is less. Employees are expected to return to shift after court service is completed for the day unless the employee has been placed on a temporary assignment schedule.

Court leave shall be supported by written documents such as the subpoena or the Court Clerk's Statement of Attendance.

15.17 – Military and Emergency Service Leave

A permanent or probationary employee shall be entitled to serve on active duty in the United States uniformed services and is entitled to the reemployment benefits granted under the Uniformed Services Employment Reemployment Rights Act (USERRA).

An employee who is a member of a reserve component of the United States Armed Forces is entitled to a leave of absence without loss of pay for that time during which he or she is ordered to training duty, as distinguished from active duty, or for field exercises, for instruction with troops or when under direct military control for search and rescue missions..

An employee who is a member of an auxiliary or rescue component of the United States armed forces or a federal, state, or local emergency services organization may be granted emergency service leave with pay for the performance of fire suppression, search, rescue or similar emergency missions under direct military, federal, state or CBJ control.

Due to the minimum staffing requirements, prior arrangements must be made in accordance with the Department's leave scheduling policy.

In any calendar year, the total amount of paid military and emergency service leave for an employee may not exceed 184.8 hours for employees with a 24/48 hour duty schedule; or 123.8 hours for employees with a 37.5 hour workweek; or 132.0 hours for employees with a 40 hour workweek.

15.18 – Personal Leave on Separation

An employee who is separated from employment shall receive within thirty days of separation leave in the form of a lump sum payment for the number of hours of accrued personal leave credited to the employee at the time of separation.

An employee who separates from employment while in a temporary assignment to a different work schedule shall have all accrued personal leave cashed out at the rate of pay assigned to the employee's regular work schedule.

If a separated employee is reemployed prior to the expiration of the number of working hours paid as leave on separation, that employee shall refund an amount equal to the compensation covering the period between the date of re-employment and the expiration of said leave. The leave represented by such refund shall be re-credited to the employee.

15.19 – Parent-Teacher Conference Leave

A parent or guardian of a student enrolled in a school or a licensed day care facility within the City and Borough may apply for a maximum of 1.5 hours leave to attend a conference with that child's teacher. Such leave will be without loss of pay, and may be granted no more than twice in a single school year to the same employee for conference regarding the same child. An employee must get written approval in advance for parent-teacher conference leave. A supervisor may grant parent-teacher conference leave only if that leave can be accommodated without imposing added costs, inefficiencies in the work place, or reduce staffing below minimum levels. Supervisors shall make every reasonable effort to accommodate parent-teacher conference leave.

15.20 – Personal Leave Cash In

A An employee may cash in personal leave if the following requirements are met:

1) the employee's leave balance after the cash-in is not less than 21 days;
2) the leave cash-in does not exceed the equivalent of 15 work days per calendar year; and
3) the leave cash-in request is for a minimum of 5 days.

B 21 days is equal to:

1) 157.5 hours for an employee assigned to a 37.5 hour work week
2) 168 hours for an employee assigned to a 40 hour work week
3) 236 hours for an employee assigned to a 24/48 hour duty cycle

C 15 days is equal to:
1) 112.5 hours for an employee assigned to a 37.5 hour work week
2) 120 hours for an employee assigned to a 40 hour work week
3) 168 hours for an employee assigned to a 24/48 hour duty cycle

D Administration.

1 Application for personal leave cash-in shall be made in writing to the Payroll Supervisor.
2. Leave cash-in will be included in the employee's regular payroll check.
3. A request for leave cash-in must be received no later than the last Friday of the pay period if the leave cash in is to be included in the paycheck for that pay period.
4 The equivalencies established in subsection A shall be proportionately reduced for an employee assigned to work less than a full time schedule.
5 The personal leave cash-in does not count toward minimum leave use requirements.

E An employee may cash in personal leave as necessary and without regard to the limitations in subsection A in order to purchase health insurance through the employer while on leave without pay.

15.21 – Leave While on Temporary Assignment

Employees who take leave while on a temporary assignment to a different work schedule will have their leave calculated as if they were working their normal schedule based on the following ratios:

A. An employee who normally works a 56-hour per week schedule, and who is temporarily assigned to a 37.5 hour work week, will have their leave calculated by multiplying the number of hours of leave taken by 1.5.

B. An employee who normally works a 37.5-hour per week schedule, who is temporarily assigned to a 56-hour per week schedule, will have their leave calculated by multiplying the number of hours of leave taken by .67.

15.22 – Seasonal Leave

A. A seasonal employee will receive the cash value of his or her personal leave at the end of the season and be placed in leave without pay status until the work season resumes.

B. A seasonal employee may retrain a leave balance not to exceed 42 hours if the employee so requests prior to the end of the work season.

TA 3.1.16

ARTICLE 16

HEALTH BENEFITS AND EMPLOYEE WELLNESS

The parties agree that it is of mutual benefit to have employees who are physically fit and able to safely perform the essential duties required for their positions.

16.1 - Employer Contribution

A. Tiered Health Care Program

Beginning January 1, 2004, the employer began providing a tiered benefits program for the provision of health insurance. Eligible employees pay, by payroll deduction, any difference between the Employer's contribution and the amount required to provide the coverage elected by the employee under the tiered benefits program.

B. Employer Contribution Amounts

(1) Effective July 1, 2016, the employer's contribution rate shall be $1260.00 per month per full-time, eligible employee.

(2) Effective July 1, 2017, the employer's contribution rate shall be up to $1260.00 per month per full-time, eligible employee.

(3) Effective July 1, 2018, the employer's contribution rate shall be up to $1260.00 per month per full-time, eligible employee~~Changes to the employer's contribution rate for FY 2019 shall be subject to the economic reopener outlined in Article 25~~.

C. Healthy Reward Premium Offset

Employees who meet the criteria for the Healthy Rewards program will receive up to an additional $50.00 per pay period reduction in their health insurance premium contribution rate. Participation will be tracked on a plan year basis and the premium reduction will be effective the next plan year. For example, participation in plan year 2015-2016 would result in a premium reduction for plan year 2016-2017.

16.2 – Benefit Levels

A. The eligibility of the employees and their dependents for coverage and the precise benefits to be provided shall be as set forth in the three-tiered insurance benefit plan written and maintained by the City and Borough for that purpose.

B. The Employer shall provide written notice to the Union of changes to the level of health insurance benefits at least sixty (60) days prior to implementation.

16.3 – Termination of Benefits

A. When an employee goes into Leave Without Pay or leaves employment due to termination, resignation or lay off, health insurance coverage ends at 12:01 a.m. on the day following the last day of pay status.

B. When an employee is on Leave Without Pay while on Family/Medical leave, the provisions of the Family/Medical Leave policy apply and the employee pays the contribution amount the same as if they were working.

16.4 - Cost Containment

The Union states and affirms that they will continue to work with the Employer to effectively contain health benefit costs through encouraging proper utilization of the program and continued support of the Wellness Program.

16.5 - Health Committee

The parties will participate in a Health Committee, which will be made up of, representatives who are representative of those who participate in the health insurance plan. The union shall have one member on the committee. The Committee will meet at least quarterly to review progress of cost containment efforts, review the administrative company's performance and offer suggestions regarding other options concerning employee health insurance. The Committee will develop checks and balances on plan adjustments to guarantee that the relative cost and value of the tiers are maintained. This Committee may also develop, implement and evaluate Wellness Program activities and services and review the effectiveness of the Employee Assistance Program. The Health Committee will review the health benefit costs at its quarterly meetings and make recommendations to the parties that address increased costs.

16.6 - Wellness Program

The employer shall pay not less than $12.80 per full time employee per month to fund the "Health Yourself" Wellness Program.

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 SOUTH SEWARD STREET, JUNEAU ALASKA 99801

DATE: July 17, 2018

TO: Duncan Rorie Watt
City Manager

FROM: Renee Loree
Purchasing Officer

SUBJECT: **Recommendation to Award Bid No. 19-026**
Term Contract for Processing & Disposal of Abandon Vehicles

This Term Contract is for the processing and disposal of vehicles for the City and Borough of Juneau Police Department. For the purposes of this contract, vehicles include, but are not limited to automobiles, buses, motorhomes, travel trailers, boat trailers, and boats. Vehicle distinctions shall be by Gross Vehicle Weight Rating (GVWR) of either less than or greater than 17,500 lbs.

Bids were opened on the subject project on July 10, 2018 and only one bid was received.

Bidder	Total Bid
Channel Construction, Inc.	$114,700.00

Buyer: Shelly Klawonn, Senior Buyer
Funding Source: 209221701 – 5390 – RSA Police Services
Commitment: $65,000

The Protest period ended July 17, 2018.

With the concurrence of Ed Mercer, Police Chief, the Purchasing Division recommends award to Channel Construction, Inc. on the basis of having the lowest responsive and responsible bid price in the amount of $114,700.00 based on Total Bid.

Approved: _____
Duncan Rorie Watt, City Manager

Date of Assembly Approval: _____

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
PURCHASING DIVISION

Presented by: The Manager
Introduced: 7/23/2018
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA

SERIAL NUMBER T-1002

It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that $3,312,876 be transferred:

From: CIP

H51-101	Cruise Berth Improvements	$3,312,876

To: CIP

H51-116	MP to Taku Upland Improvements	$3,312,876

The $3,312,876 consists of:

F232	Port Development Fees	$3,312,876

Moved and Approved this_____day of _____, 2018.

_____
D. Rorie Watt, City Manager

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 7/23/2018
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA

SERIAL NUMBER T-1003

It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that $310,000 be transferred:

From: CIP

A50-033	Airport Revolving Capital Reserve	$310,000

To: CIP

A50-086	Snow Removal Equipment Building	$310,000

The $310,000 consists of:

F560	Airport Fund	$310,000

Moved and Approved this_____day of _____, 2018.

_____
D. Rorie Watt, City Manager

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 6/25/2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(AW)

An Ordinance Appropriating to the Manager the sum of $119,853 as Funding for Various Capital Improvement Projects and Bond Debt; Funding Provided by General Obligation Bond Interest Income.

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. Appropriate. There is appropriated to the manager the sum of $119,853 for bond debt, and various capital improvement projects.

Bond Debt	$55,911
Dimond Park Swim Pool	11,459
Restrooms, Paving & Concession	23,471
New Terminal Renovation	15,603
Waterfront Seawalk II	13,409
Total	**$119,853**

Section 3. Source of Funds

General Obligation Bond Interest Income	$ 119,853

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

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 6/25/2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(A)

An Ordinance Appropriating to the Manager the Sum of $53,000 as Partial Funding for the Treadwell Mine Park Preservation Capital Improvement Project; Grant Funding Provided by the Treadwell Historic Preservation and Restoration Society.

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. Appropriate. There is appropriated to the Manager the sum of up to $53,000, as partial funding for restoration work at Treadwell.

Section 3. Source of Funds.

Grant from Treadwell Historic Preservation and Restoration Society	$ 53,000

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

Adopted this __ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 6/25/2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(B)

An Ordinance Appropriating to the Manager the Sum of $126,000 as Supplemental Funding for Waste Management's Fiscal Year 2019 Operating Budget; Funding Provided by the Waste Management Fund's Fund Balance.

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

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

Section 2. Appropriate. There is appropriated to the Manager the sum of $126,000, as funding for the recycling program at Capitol Disposal.

Section 3. Source of Funds.

Waste Management Fund's Fund Balance	$ 126,000

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

Adopted this __ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 6/25/2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-11(C)

An Ordinance Appropriating to the Manager the Sum of $84,479 as Funding for the Parks and Recreation Department; Funding Provided by Hotel Tax Fund's Fund Balance.

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

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

Section 2. Appropriate. There is appropriated to the Manager the sum of up to $84,479, as funding for the Centennial Hall PERS Termination Costs.

Section 3. Source of Funds.

Hotel Tax Fund's Fund Balance	$ 84,479

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

Adopted this __ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: June 25, 2018
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-12(A)

An Ordinance Appropriating $40,000 from the Treasury for FY19 School District Operations with the Sole Purpose of Funding the Auto Shop Lease Costs.

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

Section 2. Estimated Funding Sources. This Ordinance will make the following changes to the City and Borough of Juneau School District Operating Budget for the fiscal year beginning July 1, 2018, and ending June 30, 2019.

CBJ Transfers
Special Revenue: $ 40,000

Section 3. Appropriation. The following amounts are hereby changed for the fiscal year beginning July 1, 2018, and ending June 30, 2019.

Rental payment relating to the facility use agreement between the district and the University of Alaska for the district's auto shop program: $ 40,000

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

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-36

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of USS 2305, Lot 9 Fraction (Northern Portion) and USS 2335 Fraction (Western Portion), Located at 4535 North Douglas Highway, from D-3 to D-15.

WHEREAS, the area of the proposed rezone, USS 2305, Lot 9 Fraction (Northern Portion) and USS 2335 Fraction (Western Portion), consisting of a combined 1.64 acres and located at 4535 North Douglas Highway, are zoned D-3 according to the official zoning map of the City and Borough of Juneau; and

WHEREAS, the adjacent lot to the north, Channel Heights, Lot 1, is zoned D-15; and

WHEREAS, the land use maps of the Comprehensive Plan identify the subject lots as 'Medium Density Residential' (MDR); and

WHEREAS, the MDR designation is characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre and where any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses; and

WHEREAS, the City and Borough of Juneau Land Use Code characterizes D-15 zones as relatively low-density multifamily districts, intended to accommodate primarily multifamily residential development at 15 units per acre; and

WHEREAS, the subject lots are located in Subarea 8 on Map L of the Comprehensive Plan and Subarea 8 is described as 'Predominantly Rural'; and

WHEREAS, Guideline 4 of the Comprehensive Plan for the North Douglas subarea where the subject lots are located recommends that once public water and sewer services are provided higher residential densities be allowed; and

WHEREAS, public water was provided in 1987 and public sewer was provided in 2011 on North Douglas Highway adjacent to the subject lots; and

WHEREAS, rezoning the lots from D-3 to D-15 substantially conforms to the maps of the Comprehensive Plan.

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

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

Section 2. Amendment to the Official Zoning Map. The Official Zoning Map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of USS 2305, Lot 9 Fraction (Northern Portion) and USS 2335 Fraction (Western Portion), from D-3 to D-15. The described rezone is shown on the attached Exhibit "A" illustrating the area of the proposed zone change.

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

Adopted this _____ day of _____, 2018.

_____
Kendell D. Koelsch, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

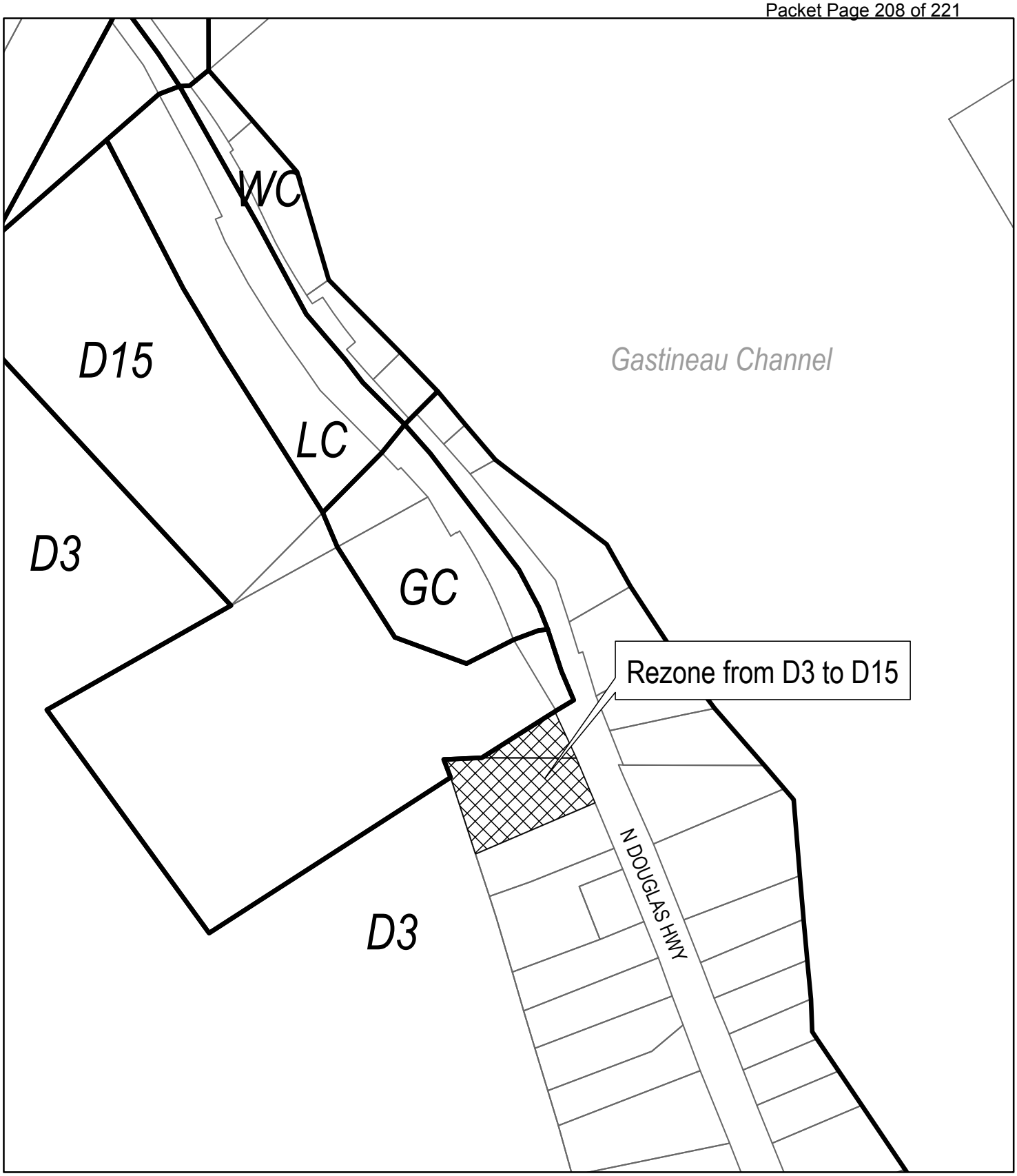

EXHIBIT A - Ord. No. 2018-36

Zone Change for
USS 2335 FR & USS 2305 LT 9 FR
from D3 to D15

0 125 250 500 Feet

N

Map created: 6/1/2018

Project source: P:\quinn\Projects\CDD\zoning_ordinances_4.mxd

VI. CONSENT AGENDA

USE2018 0005: A Conditional Use Permit for an accessory apartment on an under-sized (non-conforming) lot
Applicant: Alan Wilson and Sydney Mitchel
Location: 504 E Street, Douglas

Staff Recommendation
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of an accessory apartment on an under-sized lot in a D5 zoning district.
The approval is subject to the following conditions:

1. Staff recommends as an advisory condition that the applicant be aware of CBJ 42.20.095 regulation regarding noise restrictions.

ADP2018 0001: Alternative Development permit for reduced street side and setback to accommodate workshop space over an existing rear single-story garage.

MOTION: *By Mr. Miller, to approve the revised Consent Agenda and to accept the staff's findings, analysis and recommendations.*

The motion passed with no objection

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA

AME2018 0002: To rezone the property from D-3 to D-15
Applicant: Hank Martin
Location: 4535 N. Douglas Hwy

Staff Recommendation
Staff recommends that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the zone change for the subject lots from D-3 to D-15 by adopting the D-15 zoning of the adjacent lot.

Mr. Felstead told the Commission that the two lots are on the uphill side of the North Douglas Highway just before the Mike Hatch car dealership. The two lots are adjacent to a D-15 zoning district, which is the zoning they would like for their property, said Mr. Felstead.

The land use designation is Medium Density Residential, said Mr. Felstead. It was previously designated ULDR(T)MDR in the 2008 Comprehensive Plan. The intent was to change the designation to Medium Density Residential once sewer was installed, which took place in 2011, he noted.

Medium Density Residential is defined as five to 20 units per acre. This rezone request fits into that description, said Mr. Felstead, with the lots together measuring 1.6 acres. One lot currently has a single family residence on it, he added.

This request meets the rezone requirements, said Mr. Felstead, with a rezone request being for land of at least two acres, or an expansion of an existing zone. Some consideration should be given to the level of service on roads affected by the rezone, he said. The guidance is that they should not lessen the level of service to below LOS D. Isolated development of the lots would likely not generate the necessity of a Traffic Impact Analysis since it would not be more than 250 trips per day from the 25 possible dwelling units said Mr. Felstead.

One comment was received regarding access to the bench road and its connection to one of the lots, said Mr. Felstead. The time to review that connection is if and when development occurs, said Mr. Felstead. If rezoned to D-15, up to 25 dwelling units would be allowed. The proposed rezone would allow for some commercial uses, most of which would require a Conditional Use Permit, said Mr. Felstead. More than eight dwelling units would also require a Conditional Use Permit, he added. At the time the lots were developed would be a good time to review whether common access could be provided, said Mr. Felstead.

Currently the two lots combined could have three single-family dwellings and up to three 1,000 square foot accessory apartments, said Mr. Felstead. The staff finds that the rezone substantially conforms to the maps of the Comprehensive Plan, said Mr. Felstead.

Commission Comments and Questions

Mr. Miller asked if the Planning Commission would move for recommendation of this rezone to the Assembly or if it would approve or deny the rezone directly.

Mr. Felstead said that now the Planning Commission would move for recommendation of the rezone to the Assembly, where previously it would approve or deny the rezone directly.

Mr. Voelckers asked if there were public comments from adjoining neighbors on the proposed rezone request.

They conducted a neighborhood meeting in mid-April and one member of the public had concerns about the rezone related to increasing the traffic on the North Douglas Highway, said Mr. Felstead. The other public comment was related to access to the bench road, he added.

Applicant
Applicant Hank Martin said he had no additional comments to the staff report. He said he would like to rezone his land to D-15 since they were already adjacent to D-15 zoning, and that they could construct some affordable housing for Juneau.

Public Comment
North Douglas resident Philip Gray told the Commission that he has lived in this area for about 35 years. He said his main concern with the rezone is its possible negative effect on the traffic on North Douglas Highway. He said someone has been killed on the road just down the road from his residence, and a horse, deer and dogs have been hit by cars, and that often the traffic is so voluminous that he has to wait for long periods of time to back his vehicle out of his driveway.

Mr. Dye requested that the sentence in the staff report recommending that the Commission approve the rezone, be changed that the Commission recommends approval of the rezone to the Assembly.

MOTION: *By Mr. Dye, to recommend to the Assembly that they approve the rezone for AME2018 0002.*

Speaking in support of the motion, Mr. Voelckers said he felt this was the right thing to do. North Douglas Highway is getting more traffic, and he said he feels there will be a point when the traffic volume needs to be addressed. He said it makes sense to develop a property more densely when there is the infrastructure to support it, but that Mr. Gray is right and that they are approaching the capacity of the road to handle further development.

Speaking in favor of his motion, Mr. Dye said that he agreed with the comments of Mr. Voelckers, and that he recognized that major development of this lot could trigger a Conditional Use Permit or Traffic Impact Analysis and that there could not be too much more development without the requirement for another layer of review.

The motion passed with no objection.

USE2018 0003:	A Conditional Use Permit for a year-round bed and breakfast
Applicant:	Gretchen Powers
Location:	10497 Fox Farm Trail

OFFICE OF THE MUNICIPAL CLERK
155 S. Seward St., Room 202
Phone: (907)586-5278 Fax: (907)586-4552
email: city.clerk@juneau.org

Notice of Appeal

This appeal is governed by CBJ 01-50, the Municipal Appellate Code. This code establishes the standards and procedures for appeals.[1] Anyone who files an appeal should be familiar with the appellate code. The clerk can give you a copy of the code.

Attach a copy of the decision being appealed. Do not attach any other documents, exhibits, or additional pages to this form, except for any pages needed to continue the answers to the requested information below. The clerk will accept this form only if the appropriate filing fee is attached. The fee to file an appeal to the assembly is $500.00. To be timely, an appeal must be filed within 20 days of the date the decision being appealed is filed with the clerk.

Action Being Appealed

Board decisions are appealable: board recommendations and most staff decisions are not.

☑ Agency Appealed From: CBJ Tax Assessors Office

☑ Description and Date of Decision:
July 6, 2018 - we received 2018 real property tax bill for $1,845.55-

Concerned Parties

Identify the people who have an interest in the action being appealed: yourself and others.

	Party Filing Appeal	Mailing Address	Telephone	Fax	Email
☑	See attachment #1				
☐	Parties Who Won the Decision Appealed	Mailing Address	Telephone	Fax	Email

1 01.50.070 STANDARD OF REVIEW AND BURDEN OF PROOF. (a) The appeal agency may set aside the decision being appealed 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 of the basis upon which the decision appealed from was made; or
(3) The agency failed to follow its own procedures or otherwise denied procedural due process to one or more of the parties.
(b) The burden of proof is on the appellant. (Serial No. 92-36 ☐ 2 (part), 1992).

-over-

CBJ CLERK
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Issues on Appeal[2]

Concisely describe the legal and factual errors that form the basis for your appeal. Do not argue them: argument will be heard later.

See attachment #2

Relief Requested

What should the Assembly do with the action being appealed: send it back, modify it, or something else?

See attachment #2

Signature Joyce Jackson **Date** July 12, 2018

If you are representing any group, or a person other than yourself, you must sign a notarized statement that you are authorized to represent them.

---

2 01.50.030(b)(5) COMMENCEMENT OF ACTION.
The notice of appeal shall include a concise statement of the legal and factual errors in the decision that form the basis of the appeal.

-over-

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Notice of Appeal to 2018 Property Tax Assessment

Attachment #1

Concerned parties

Juneau Seventh-day Adventist Christian School
4890 Glacier Highway
Juneau AK 99801
Tel/FAX (907) 780-4336

Bruce Romine, School Board Chair
Juneau Seventh-day Adventist Christian School
4890 Glacier Highway
Juneau AK 99801
Tel/FAX (907) 780-4336

Lynne Jackson, Treasurer
Juneau Seventh-day Adventist Christian School
4890 Glacier Highway
Juneau AK 99801
Tel/FAX (907) 780-4336

Notice of Appeal to 2018 Property Tax Assessment

Attachment #2

Issues on Appeal

Our school has been in operation for more than 60 years at this present location. The building and surrounding property are used solely for religious and educational purposes. At issue is the liability of the property tax assessed for the year 2018.

Relief Requested

We are requesting that the Juneau Borough Assembly determine that the Juneau Seventh-day Adventist Christian School property (USS 3263, Lots A & B) be fully exempted from property tax liability due to the fact that it is a religious educational institution. The property is not used for anything other than educational/religious purposes. Additionally, we are requesting the return of the $500 filing fee that we are paying to have this appeal heard by the CBJ Assembly.

2018 Real Property Tax Bill

CITY AND BOROUGH OF JUNEAU

REMIT TO: City and Borough of Juneau
155 South Seward St, Juneau, AK 99801
PAYABLE TO: City and Borough of Juneau

6543 1845.55

SEVENTH DAY ADVENTIST CHURCH SCHOOL
C/O TREASURER
4890 GLACIER HWY
JUNEAU AK 99801

Parcel Number:	5B1001000040
Legal Description:	USS 3263 LTS A & B
Total Due:	**$1,845.55**
Total Remitted:	
Due Date:	**September 30, 2018**

FOLD HERE AND DETACH

Please retain below portion for your records. This is the only document you will receive.

2018 Real Property Tax Statement

PARCEL NUMBER	5B1001000040	SEVENTH DAY ADVENTIST CHURCH SCHOOL
PROPERTY LOCATION	4890 GLACIER HWY	
LEGAL DESCRIPTION	USS 3263 LTS A & B	

2018 REAL PROPERTY ASSESSMENT

LAND	227,800	
BUILDING	0	
EXEMPT TOTAL	(54,672)	
TAXABLE VALUE		**$173,128**

2018 PROPERTY TAX USES	2018 MILL RATE	2018 TAXES
Areawide - Education and General Government Services	6.70	1,159.96
Areawide - Debt Service	1.30	225.07
Roaded Service Area - Police, Capital Transit, Street Maint, Parks & Rec	2.30	398.19
Fire Service Area - Fire Protection	0.36	62.33
TOTAL 2018 MILL RATE (Do not pay this amount)	10.66	
TOTAL REAL PROPERTY TAX (Assessed Value x Mill Rate / 1000)		**$1,845.55**

LOCAL IMPROVEMENT DISTRICT ASSESSMENTS

Description	Principal	Interest	Total
Annual Assessment Installment			

PRIOR YEAR(S) - See back of tax bill for due date and interest information

Delinquent Tax	0.00
Penalty and Interest (Interest calculated through 6/30/2018)	0.00
Credit for prepaid taxes or overpayment of prior year taxes	0.00

Amount due does not include up-to-date interest for prior year taxes. Call (907)586-5261 for amount.

AMOUNT DUE ON OR BEFORE SEPTEMBER 30, 2018 **$1,845.55**

Please Note: It is your responsibility to pay any tax obligation each year. If you have a mortgage, it is possible that your taxes are paid by your mortgage company. Please confirm this prior to remitting payment.

CITY AND BOROUGH OF JUNEAU

Do you need to update the mailing address shown on front?
This form does not update ownership. Please contact the Assessor's office at 907 586-5220

Parcel Number: 5B1001000040 6543
Care of (if none, leave blank): _____
Mailing Address: _____
City, State, Zip: _____
Contact Telephone: _____

Also Update:
☐ Utilities Acct:_____
☐ Airport Acct:_____
☐ Other:_____

PROPERTY TAX STATEMENTS ARE MAILED TO THE OWNER OF RECORD ON OR BEFORE JULY 1

I. EFFECTIVE PAYMENT DATES:

1. For those using the U.S. Postal Service (USPS), the USPS postmark will be used to determine the effective payment date. Private meter postmarks will not be accepted when they disagree with the U.S. Postal Service cancellation. If there is no USPS postmark, the date the payment is received by the CBJ will be used to determine the effective payment date.

2. For those using the CBJ drop boxes, the date stamped by CBJ personnel when picked up will be used to determine the effective payment date. The CBJ drop boxes are located at SuperBear, IGA, and CBJ's Seward Street entrance.

3. For those using a credit card through Official Payments Corp, the date the transaction is initiated will be used to determine the effective payment date. To make payment via telephone or internet, call 1-800-272-9829 (use jurisdiction code 1202) or go to www.officialpayments.com. There is a fee to use this third party service.

4. For those using bill paying services, if there is no USPS postmark, the date the payment is received by the CBJ will be used to determine the effective payment date. It will be the taxpayer's responsibility to ensure the bill paying service transmits the payment to the CBJ in a timely manner.

II. PROPERTY OWNERS' RESPONSIBILITY:

All property owners are responsible for ensuring their payments are made timely in accordance with the effective payment dates noted above.

All property owners are responsible for determining the property tax liability for each of their parcels and identifying payments to their specific parcels. The property owner is liable for taxes, penalty, and interest on their property even if they do not receive their property tax statement.

III. PENALTY AND INTEREST PROVISIONS:

CURRENT YEAR TAXES: All current property taxes and special assessments are **due** on or before **September 30**. Taxes are **delinquent** on **October 1**. On October 1, a penalty of five percent (5%) will be added to all delinquent property tax and special assessments. In addition, interest at a rate of fifteen percent (15%) a year shall accrue monthly upon all unpaid taxes and special assessments. On March 1, an additional penalty of ten percent (10%) will be added to all delinquent property taxes and special assessments.

PRIOR YEAR(S) TAXES: All prior year(s) taxes are delinquent. Payment should be made immediately.

Penalty and interest shown on the front of your tax statement for prior year(s) taxes is calculated through 6/30/2018. To obtain current interest calculated through your payment date, please call (907) 586-5261.

IV. QUESTIONS?

The parcel number specifically identifies this property.

If there is a question regarding the property description, identification or ownership, please contact the Assessor's office at (907) 586-5220. If there is a question regarding your tax statement or the intended use of tax proceeds, please contact the Treasury Billing office at (907) 586-5261

V. PLEASE NOTE:

CBJ now offers ACH direct debit payment of property taxes which will be processed with a payment date of September 25. If you are interested in signing up for the service, please locate the Forms link under Finance department at www.Juneau.org or call Treasury Billing at 907-586-5261

Authorization to Represent the Juneau Seventh-day Adventist Christian School in the Appeal of the 2018 Property Tax Assessment

Bruce A. Romine

Lynne Jackson

This notarized document authorizes Bruce Romine and Lynne Jackson to represent the Juneau Seventh-day Adventist Christian School as appellants to the City and Borough of Juneau Assembly regarding the loss of religious real property tax exemption.

Attached is a copy of the Juneau Adventist Christian School Board meeting minutes of August 8, 2017, authorizing same.

Both parties, Mr. Romine and Ms. Jackson, have appeared before me personally to request this notarized statement.

Notary Public

ALICE GATES NOTARY PUBLIC STATE OF ALASKA My Commission Expires: 1-1-2021

1-1-2021

Commission Expires

Juneau Adventist Christian School
Board Minutes
August 8, 2017

Members Present: Nickie Romine, Lynne Jackson, Bruce Romine, Cynthia Lewis, Charlie Laboca, Pearl Younker

Members Absent: Pastor Nathan Stearman, Jeorghette Wales

Devotional: Bruce

Minutes: Cynthia

18-02 **VOTED** to approve minutes for June 27, 2017
18-03 **VOTED** to approve minutes for July 20, 2017

Treasurer's Report: Lynne: July reports. Education Endowment payment of $1202 received

18-04 **VOTED** to accept treasurer's report

Principal's Report: Cynthia

*__Discussed__ Fundraising options

*__Discussed__ Updates to student list – Amy will not be attending, Savannah will be delayed in attending

*__Discussed__ Outstanding bill for student Matthew Plang

***Upcoming Events: - Discussed**
Teacher In-service – Aug 9-11
Registration – Aug 13
First Day of School – Aug 14
Open House – Sept 19

Old Business:

*__Discussed__ Tax Assessment Update – Response from city clerk and tax assessor's office received. Option to appear before Borough Assembly to appeal case.

New Business:

18-05 **VOTED** for letter to be sent to Tax Assessor's office thanking for their response and expressing our desire to appear before Borough Assembly

18-06 **VOTED** for Lynne and Bruce to represent School Board at Borough Assembly for an appeal

***Discussed** need to bring Tax Assessment and Appeal information before Church Board

***Discussed** items in attic to be placed on Facebook and sold by donation

***Tabled** Allowing funds from CD to cover tax bill

Next Meeting: Tues., Sept. 12, 2017 at 6:00 p.m.

Adjourned: 6:27 p.m.

Respectfully submitted,

Cynthia Lewis

Juneau Adventist Christian School
4890 Glacier Highway
Juneau AK 99801
Phone/FAX - (907) 780-4336

Jesus Loves You

Northrim Bank
PO Box 241489
Anchorage AK 99524
89-7004/3252

7452

7/11/2018

PAY TO THE ORDER OF City and Borough of Juneau

$ **500.00

Five Hundred and 00/100********** DOLLARS

PROTECTED AGAINST FRAUD

City and Borough of Juneau
155 South Seward Street
Juneau, AK 99801-1397

MEMO

Lynne R. Jackson MP

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⑈007452⑈ ⑆325270049⑆ 001 30180666⑈

Juneau Adventist Christian School 7452

City and Borough of Juneau	7/11/2018	
	Filing Fee for appeal of 2018 real property tax determ	500.00

CBJ CLERK
JUL 13 2018
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Juneau Adventist Chri	500.00

CITY AND BOROUGH OF JUNEAU
Treasury Division
155 South Seward
Juneau, AK 99801
(907) 586-5218

044336 RECEIPT NUMBER

DATE 7/13/18

RECV'D FROM: NAME Lynne Jackson

ADDRESS Juneau Adventist Christian School

CITY 4890 Glacier Hwy. STATE Juneau, AK ZIP 99801

DESCRIPTION

ARS ☐ BUS TAX ☐ REA TAX ☐ POLICE CIT ☐ SALES TAX ☐ HBR ☐ UTL ☐ G/L ☐

OTHER

CODE	AMOUNT
Appeal Filing Fee	$500.00
1.110.03.0101 4420.0009	

RECEIVED

AMOUNT $ 500.00 CREDIT CARD ☐ CASH ☐ CHECK ☒ #7452

REC'VD BY: Beth McEwen

TREA CASH 10/88