

THE CITY AND BOROUGH OF JUNEAU, ALASKA
SPECIAL ASSEMBLY MEETING
DRAFT Meeting Minutes – September 29, 2021

I. CALL TO ORDER

The Special Meeting #2021-24 of the City and Borough of Juneau Assembly held in person in the Assembly Chambers and virtually via Zoom webinar, was called into order by Mayor Beth Weldon at 6:00 p.m.

II. ROLL CALL

Assemblymembers Present: Mayor Beth Weldon, Loren Jones, Wade Bryson, Carole Triem, Michelle Hale, Christine Woll (via Zoom), Greg Smith, Maria Gladziszewski, and Alicia Hughes-Skandijis

Assemblymembers Absent: None.

Staff Present in person: City Manager Rorie Watt, Incident Commander Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy City Clerk Diane Cathcart, Officer Stage-Harvey

Staff present via Zoom: Finance Director Jeff Rogers, Budget Analyst Adrien Speegle

III. APPROVAL OF AGENDA

The agenda was approved as presented.

IV. SPECIAL ORDER OF BUSINESS

A. Proclamation: National Drive Electric Week

Mayor Weldon issued a proclamation declaring September 25 through October 3, 2021 as National Drive Electric Week in the City and Borough of Juneau.

B. Proclamation: Energy Efficiency Day

Mayor Weldon issued a proclamation declaring October 6, 2021 as Energy Efficiency Day in the City and Borough of Juneau.

V. Instructions for Public Participation

Municipal Clerk Beth McEwen provided instructions to the listening public on how to participate in tonight's meeting. The Assembly will follow COVID protocols in accordance with CDC guidelines, CBJ ordinances & resolutions, and COVID mitigation strategies at the time of the meeting. Testimony was limited to two minutes each and available via Zoom and also in-person testimony in the Assembly Chambers.

VI. AGENDA TOPICS

A. PUBLIC HEARING: Ordinance 2021-42 An Ordinance Reestablishing the City and Borough of Juneau COVID-19 Mitigation Strategies and Providing for a Penalty.

The existing COVID-19 Community Mitigation Strategies (Ordinance 2021-33(am)) are set to expire on October 31, 2021. Due to a surge of COVID-19 case activity, increased community spread, and significantly restricted medevac capacity, the Emergency Operations Center believes it is in the best interest of the community to extend the current COVID mitigation measures until June 1, 2022.

The Community Mitigation Measures are the same as adopted in Ordinance 2021-33 except the penalty section has been reinserted. The lack of a penalty provision has decreased the effectiveness of the mitigation measures and confused community messaging.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

Testimony from in-person attendees:

Christian Jacobsen, Juneau resident. Mr. Jacobsen said that a mask mandate no longer served its purpose. He said that if vaccines were effective, then wearing a mask should be optional. Mr. Jacobsen said that the mask mandate did not work, and has turned community members against one another. He noted that he would rather pay a \$25 fine instead of following the mask mandates. Mr. Jacobsen asked the Assembly to choose wisely when deciding whether to extend the current mask mandates. He said that they might be surprised at how angry and violent Juneau's citizens could become when forced to comply with mask mandates.

Amy Miller, Valley resident. Ms. Miller spoke to her personal experience as a mother of three children, saying that they have suffered as a result of CBJ's mitigation measures. She said that mask-wearing was detrimental for children who experience intellectual or emotional disabilities. She spoke to the increasing statistics of children and adults suffering with mental illness and/or suicidal thoughts over the past year.

Kristi Seater Buerger, Juneau resident. Ms. Buerger said she hoped that the Assembly would listen to the testimony being shared tonight. She said that masks do not work, and described mask-wearing as the biggest collusion against society that has ever occurred. Ms. Buerger said that she had read 68 articles that spoke to the ineffectiveness of masks and vaccines.

Erin Howell, Auke Bay resident. Ms. Howell spoke in opposition of the ordinance, stating that if this was adopted as an emergency ordinance, it would not be permitted to last past April per the CBJ Charter. She said it was unclear whether Ordinance 2021-42 was an Emergency Ordinance or a regular Ordinance. Ms. Howell also said that the ordinance was unconstitutionally infringing upon citizen's rights.

Tom Williams, Auke Bay resident. Mr. Williams asked the Assembly to apply critical thinking when deciding upon this ordinance, adding that failing to do so would ultimately fail the citizens of Juneau. He recalled the "flatten the curve" messaging from the beginning of the pandemic, and said that Juneau was beyond the point of flattening the curve. Mr. Williams understood the

Assembly's intent to keep the community safe, and said that there are other ways to do so besides mask mandates.

Shannan Greene, Juneau resident. Ms. Greene thanked the Assembly for allowing her the opportunity to testify, and spoke to her experience as a veteran. She asked the Assembly to follow the U.S. Constitution and the Alaska Constitution. She said that she would not consent to infringement on her constitutional rights. Ms. Greene described CBJ's messaging as a propaganda campaign that pushed a fear-based agenda surrounding masks.

Daniel James, Juneau resident. Mr. James spoke to feeling locked down by mitigation measures. He said that there was no science or reason that justified mask wearing, and questioned the Assemblymembers' decision to wear masks within the Chambers. Mr. James also questioned the purpose of mandating the community to wear masks, and said that the decision to do so did not derive from healthcare concerns.

Scarlett Miller, Juneau resident, 7-year old daughter of Amy Miller. Scarlett asked the Assembly what was the point of getting vaccinated if we are still expected to wear masks. She said that we should be against masks, describing masks as a piece of junk that did not work. Scarlett shared her thoughts on vaccines: saying that vaccines cost millions of dollars, vaccines did not work, and vaccines can make you even sicker. She said that we should not get the vaccine, as it is also a piece of junk. Scarlett said that the point of the vaccine was to get people under control, and referred to the Assemblymembers' cellphones as tracking devices.

Thea Willet, Juneau resident. Ms. Spoke against the ordinance, and spoke to her experience recently moving from a state that allowed businesses and individuals to make their own decisions. She described Alaska's mandates as bizarre fear-pandering that lacked logic and critical thinking. Ms. Willet said that masks did not work, and everyone who wanted be get vaccinated has already received the vaccine. She shared that she had already had COVID-19, and questioned why she is still expected to wear a mask in public.

Jessica Warmbrodt, Valley resident. Ms. Warmbrodt expressed concern that the Assembly was not listening to the testimony being shared tonight. She said that masks do not work, and if they did work then we would not still be dealing with the pandemic. She added that the mitigation strategies targeted the most vulnerable businesses in the community. Ms. Warmbrodt said that Bartlett Regional Hospital has had almost two years to expand their capacity in response to the pandemic, but instead are firing staff due to vaccine status.

Kaila Buerger, Juneau resident. Ms. Buerger described an incident in which her friend provided assistance to someone experiencing a drug overdose, during which he was accosted by a member of the community for not wearing a mask. She said that the division caused by the mandates has resulted in the community's inability to work together. Ms. Buerger spoke to her experience as an employee of Bartlett Regional Hospital, saying that she has witnessed absurd situations that have compromised the health of patients due to ever-changing rules and regulations. She said that

mask mandates have turned people into fools, and are against the Constitution, the Bill of Rights, and the Nuremburg Codes. She asked the Assembly to stand up for our freedoms.

Bonnie Webster, Auke Bay resident. Ms. Webster said that the people of Juneau were not in agreement with mask mandates. She asked the Assembly to throw away their pre-conceived decision on this matter, and to listen to the testimony being provided tonight. Ms. Webster said that the fear felt in the community stems from the propaganda being spread by the media and the government. She asked the Assembly to turn off their televisions and to stop listening to the news, and to stop allowing the government to infringe upon her constitutional rights.

Dennis Wink, Valley resident. Mr. Wink said that masks do not work, and said that it should be an optional decision. He questioned if the incentive behind the mask mandates could have been related to money, and referred to a woman outside City Hall who held a sign that said CBJ received \$126M from the federal government to enforce a mask mandate. He expressed concern that the Assembly had already decided upon this ordinance.

Robert Shoemake, Auke Bay resident. Mr. Shoemake said that the mitigation strategies were unconstitutional and unfairly targeted small businesses. He also said that this ordinance violated the City Charter by extending past its 90 day restriction, and noted that violating the City Charter would be grounds for a recall.

Gladys Andersen, Valley resident. Ms. Andersen said that her rights were being taken away, and also referred to the claim that CBJ received \$126M to enforce a mask mandate. She said that she would like to see where that money is going. She said that she hoped that the federal funding claim was not true. She read an excerpt of Anchorage Mayor Bronson's comments on masking and its effect on citizen's freedoms.

Testimony from attendees via Zoom:

Robert Henricksen, Auke Bay resident. Mr. Henricksen spoke against the ordinance, saying that the ordinance was contradictory against the "Slow the Spread" messaging from the beginning of the pandemic. He described the concept of public health as a collectivist tenant based on Marxist ideals that diverges from the civil liberties established in the Constitution. Mr. Henricksen added that cooperative efforts between business and government is indicative of fascism, and compared such efforts to Nazi Germany. He said that the Assembly did not have the authority to enforce a mask mandates, vaccines, or penalties for non-compliance. If the Assembly were to pass tonight's ordinance, Mr. Henricksen said he will not comply and he will not be bullied.

Tommy Vrabec, Douglas resident. Mr. Vrabec shared that he was the General Manager for the Alaska Club, and spoke to the impact that the pandemic has had on health clubs and facilities. He said that the continuation of the mask mandate would prolong the pandemic's effect on their facilities, and that the ordinance unfairly targets gyms and health clubs. He described the additional policies and measures put in place as a response to the pandemic. Mr. Vrabec said that

this ordinance will risk the closure of the Alaska Club, resulting in nearly 100 people losing their jobs. He asked the Assembly to grant some leniency towards health clubs and exercise facilities in any future mandates.

Assemblymember Smith asked Mr. Vrabec if he was aware that the ordinance allowed for health clubs and facilities to create a mitigation strategy with the City. Mr. Vrabec said that he was aware of this, and added that they were met with resistance from the City from certain situations, such as being denied a request to allow tennis players to play without masks.

Yvette Soutiere, Downtown resident. Ms. Soutiere spoke in favor of the mask mandates. She said that liberty comes with responsibility, and we all have the responsibility to protect each other, especially unvaccinated children. Ms. Soutiere added that this was not an issue that concerned the Constitution, as it has undergone strict scrutiny to ensure the health of the community. She shared that she had a degree in Microbiology, and has specifically studied virology, and said that masks are proven to work.

Rachelle Grossardt, Valley resident. Ms. Grossardt said she was concerned that the Assembly had already made up their minds about this ordinance. She expressed frustration towards the Assembly and said that her opinion did not count in their decision. Ms. Grossardt spoke against the mask mandates, and asked the Assembly when the mandates would end. She asked the Assembly to vote against establishing any further mask mandates at all, much less through June.

Aaron Spratt, Valley resident. Mr. Spratt spoke against the ordinance, and shared his thoughts on masks and vaccines. He said that masks were ineffective, and that the vaccine did not work.

Gerald Nance, Juneau resident. Mr. Nance said that the vaccine was ineffective and dangerous. He shared that he was a local veterinarian, and noted the lack of veterinarians in town. Mr. Nance said that these policies are the reason as to why, saying that no one wants to stay under this tyrannical behavior. He said that the community needs to work together, and collectively stop listening to globalists.

Kelly Fishler, Valley resident. Ms. Fishler spoke in opposition of this ordinance, and enforcing penalties will not reduce the spread of Covid. She mentioned other countries that had recently pulled back their Covid restrictions. Ms. Fishler said that this ordinance infringed upon the bodily autonomy of citizens, and described herself as anti-mandates.

Dan DeBartolo, Juneau resident. Mr. DeBartolo questioned the need to establish a fine in the ordinance. He shared a KTOO article which quoted Mr. Watt saying that positive community behavior had made been out of care for others, and not driven by fear of being fined. He described Juneau's high vaccination status and the BRH as proof that Juneau's community cares. He asked the Assembly to remove the penalty in the ordinance, and to question the need for a penalty to be put in place.

Thom Buzard, Valley resident. Mr. Buzard said that he wished to remind the Assembly that they were elected officials, and not tyrants. He added that this ordinance violated the First, Fourth, and Fourteenth Amendments, the Alaska State Constitution, and the Nuremburg Codes. Mr. Buzard said that the people who lived in Nazi Germany had no idea that they were being manipulated. He added that he was not suggesting that Juneau would have an outcome similar to World War II, but that he was letting the Assembly know that they cannot make decisions based on fear.

The Assembly took a break at 7:11p.m. The meeting resumed at 7:20p.m.

Sandra Williams, Douglas resident. Ms. Williams spoke in opposition of the ordinance. She said that extending the mandates for another eight months was ridiculous, as there is no way of knowing what things would be like at that time. She said that she was concerned that the Assembly had already made up their minds.

Katie Henry, Downtown Juneau resident. Ms. Henry spoke in favor of continuing the current mitigation strategies. She shared that she had a degree focused in molecular biology and biochemistry, and that she worked at the Immunology Research Lab at the University of Chicago. She spoke to the effectiveness of masking, and describing doing so as critical in the current pandemic environment.

Katie Jensen, Downtown Juneau resident. Ms. Jensen said that she supported mandate as it is, but objected to extending it for another eight months. She also said that the penalty seems that it would be hard to enforce, and would only cause more anger and division.

Rick Turner, Downtown Juneau resident. Mr. Turner spoke in support of the mitigation strategies and penalty. He said that the point of masks was to reduce transmission, reduce the severity of the disease in case of infection, and to avoid creating new variants of the virus.

Robert Bennett, Lemon Creek resident. Mr. Bennett spoke in opposition of extending the mandate.

Mindy Shoemake, Auke Bay resident. Ms. Shoemake said that masks were mandated despite being detrimental to one's health. She also said that the Covid vaccine was being pushed despite causing thousands of deaths and hospitalizations. Ms. Shoemake asked the Assembly to consider implementing other preventative measures against Covid, such as supplements and medications, before continuing the mandates.

Michael Pierson, Valley resident. Mr. Pierson said that he opposed the mask mandate in its entirety, as well as the length of the extension of the mandate. He noted that the community was in the middle of an election. He asked the Assembly to extend the mandate for no more than 30 days, while we wait for the outcome of the Municipal Election.

Jo Boehme, Auke Bay resident. Ms. Boehme spoke in support of the mask mandate, but against extending it for eight months. She said that eight months seemed like a very long time, considering that science is constantly changing. Ms. Boehme spoke to the sense of security she felt once the mask mandate was enforced. She added that we all have a responsibility to ensure public health.

Beverly Shaw, North Douglas resident. Ms. Shaw said that she was concerned that the Assembly was not listening to those who were testifying. She spoke against the mandates, and she said it further divides the community.

Sharon Wildes, Juneau resident. Ms. Wildes shared that she had worked in genetics since 1986. She said that the Assembly had been making public policy based on Covid cases detected by PCR tests. She said that PCR tests are not able to detect illness, and spoke to the amount of false positives detected by PCR tests. Ms. Wildes asked the Assembly to refrain from using case numbers as a metric to base their public policy decisions on.

Jackie Tingey, Valley resident. Ms. Tingey said that the emotional and mental wellbeing of children was at stake. She said that her children have suffered as a result of the mask mandates. She added that increased testing has contributed to the increased caseload. Ms. Tingey said that the Assembly should get rid of the mandates altogether.

Bruce Simonson, Juneau resident. Mr. Simonson spoke in support of the mask mandates. He disagreed with parents who do not take the risk of Covid seriously, and said that they were endangering the lives of other children. Mr. Simonson added that he approved of providing a penalty for those who do not comply with the mandate.

Zack, Downtown resident. Zack spoke in support of the mask mandate, and sympathized with businesses that have lost business as a result. He said that mask mandates had allowed him to work in the tourism industry this summer.

Heather Bennett, Valley resident. Ms. Bennett said that humans are meant to see others' faces. She said that non-verbal communication cues such as facial expression and tone are lost due to mask wearing. Ms. Bennett said that she cannot wear a mask for medical reasons.

Pat Race, Downtown Juneau resident and business owner. Mr. Race asked the Assembly to extend the COVID mitigation measures, as they are in the best interest of the community. He said that he appreciated the mask mandate, as it protects their business and those who visit. He also said that the Assembly could repeal the mandates regardless of the time limit, and felt that the eight months' timeframe was a bit of a distraction in tonight's testimony. He thanked the Assembly for their efforts throughout the pandemic.

Ryan Stanley, Juneau resident. Mr. Stanley said that wearing a mask is a hassle. He also noted that we are in the middle of global pandemic, and 700,000 Americans have died from Covid-19.

He thanked the Assembly for taking up this matter time and again. Mr. Stanley appreciated those in the community who recognized that wearing a mask is a small thing, adding that it was not an infringement on our civil liberties. Mr. Stanley addressed those who testified against wearing a mask, asking them why their personal comfort was more important than the lives of others. He thanked the Assembly, and said that he supported the ordinance as written.

Jared Gebel, Valley resident. Mr. Gebel asked the Assembly if they took public opinion into consideration. He noted Juneau's high vaccination rate, and said that he believed that the vaccine works. Mr. Gebel added that he was not vaccinated as he already had Covid-19, and that he did not trust the vaccine to allow his children to get vaccinated. He said that it was not a big deal if children got Covid-19, and mentioned that his six-year old daughter recently had it. Mr. Gebel asked the Assembly to keep liberty and freedom in mind as they make their decision.

Paul DeSloover, North Douglas resident. Mr. DeSloover thanked the Assembly for everything they have done to keep the community safe throughout the pandemic. He encouraged the Assembly to stay the course, and to avoid ending up like Anchorage or Fairbanks. Mr. DeSloover said that his four granddaughters enjoyed attending school, and have no problem with wearing a mask in class. He also mentioned that he feels more comfortable going into a business where everyone is wearing a mask.

Kelly Fishler, Juneau resident. Ms. Fishler testified earlier in tonight's meeting. She said that she was asked to testify on behalf of **Kristy Montero**. Mayor Weldon explained that individuals are not permitted to speak on behalf of another individual, and the person she was representing would need to call in themselves.

Aaron Brakel, Juneau resident. Mr. Brakel thanked the Assembly, CBJ staff, and BRH for their efforts. He said that he had a great deal of confidence in Rorie Watt, Robert Barr, Mila Cosgrove, and the EOC. He encouraged the Assembly to extend the mandate, and spoke in support of the mandate. Mr. Brakel added that he appreciated Pat Race's testimony, saying that the Assembly can repeal the mandates at any time.

Kristy Montero, Juneau resident. Ms. Montero explained that she had asked Kelly Fishler to speak on her behalf, but was now speaking for herself. She said that masks were difficult. She shared that her family of six had experienced COVID-19 twice since the pandemic started.

Phillip Moser, Valley resident. Mr. Moser spoke in support of the mask mandate. He shared that he works in the service industry and is regularly exposed to others due to the nature of his work environment. He mentioned that the Spanish Flu fine was equivalent to \$330, and that a \$25 fine was doable. Mr. Moser said frontline workers and service industry providers have been the ones primarily enforcing the mandates, and encouraged the Assembly to look into better enforcement.

Assemblymember Woll left the meeting at 8:04p.m to board her flight.

Luanne MacVey, Douglas resident. Ms. MacVey asked the Assembly to extend the mitigation measures. She said that she was proud of Juneau's high vaccination rate, and that BRH was not in crisis mode. She attributed this to Juneau's mask mandate. She said that she appreciated the fine attached to the ordinance, and thanked the Assembly for listening to tonight's testimony.

Kimberly Metcalfe, Downtown Juneau resident. Ms. Metcalfe spoke in support of extending the mask mandate. She noted that her nieces and nephews have adapted to wearing masks. She encouraged the Assembly to "stay the course", echoing Paul DeSloover's testimony. She thanked the Assembly for their work, and for following science when making their decisions.

Morgan Johnson, Downtown resident and business owner. Ms. Johnson said that she did not agree with extending the mask mandate. She said that businesses will adapt to their customers' needs, and mentioned that she would put on a mask if she noticed a customer wearing a mask. Ms. Johnson added that she understood why schools would want to enforce masks, but that the public should have their own choice.

Martin Stepetin, Douglas resident. Mr. Stepetin clarified that he was speaking for himself and not in his role as a School Board member. He said that the main goal for the Juneau School District is to continue in-person education. He noted that JSD has reported 70 cases in the school district so far, which resulted in over 500 other students being quarantined, sent home, or otherwise disrupted. Mr. Stepetin spoke in support of extending the mask mandates.

David Noon, Downtown Juneau resident. Mr. Noon said that the genuine leadership of the Assembly has contributed in making Juneau a safe place to ride out the pandemic. He noted that people throughout the community have generally behaved responsibly, mentioning the high vaccination rate. Mr. Noon said that we need to continue doing what we have been doing since the beginning of the pandemic, which includes masking. He shared that while he does not like wearing a mask, he hates the idea of unintentionally infecting someone with Covid-19. Mr. Noon said that continuing with the current policies is the best way for Juneau to be as safe as possible.

Laura Steele, Auke Bay resident. Ms. Steele said that she supported the ordinance as written. She thanked the Assembly for their time and the actions they have taken to protect the community. She shared that she was a new parent of a 9 month old daughter, and mentioned that her daughter is unable to be vaccinated as an infant. Ms. Steele added that she does not believe that other people's unwillingness to wear a mask is more important than the safety of her child, or the many other children who cannot get vaccinated. She also noted that Juneau's healthcare system is extremely strained.

Emily Gebel, Valley resident. Ms. Gebel asked the Assembly what their goal was, and what does mitigation mean in this context. She said that Juneau has already slowed the spread, and given vaccines to all who wanted to receive one. Ms. Gebel said that there are tools available for those who do not want to contract the virus, and it is their responsibility to use them. She noted that she knows a handful of people who have moved away from Juneau due to the City's

repressive policies. She asked the Assembly not to extend the mandate, and to err on the side of freedom.

Cordova Pleasants, Valley resident. Ms. Pleasants thanked the Assembly for their efforts in helping Juneau reach up to an 80% vaccination rate. She spoke against the mandate and the extension, saying that we need to draw a line in the sand. She shared that she was a business owner, and said it was very difficult to communicate with her customers, particularly those who are deaf or have hearing difficulties.

Mayor Weldon closed public testimony at 8:19p.m.

The Assembly to a break at 8:19p.m. and Mayor Weldon called the meeting back into order at 8:25p.m.

Assembly Action:

Mr. Watt reported that the Systemic Racism Review Committee reviewed this ordinance at its September 28 meeting. The SRRC unanimously voted that this ordinance did not negatively impact or unduly advantage any particular racial ethnic group, or otherwise perpetuate systemic racism.

Ms. Gladziszewski mentioned that the language under the “High” category about masks was not as clear as it could be. She mentioned that Mr. Barr included a new category sheet in their packets with language that clarified the “High” category. She noted that the inclusion of the new language would be an amendment to the ordinance. Ms. Gladziszewski said that she would also like to hear from the City Manager as to why a penalty fine may be necessary, referring to certain testimony.

Mr. Watt addressed the testimony that featured a quote from him, in which he clarified that article was produced during a time in which the Covid-19 case counts were not as high as they are today. He stated that Alaska is currently leading the nation in case rates, and Juneau recently reached its highest case rate within a 30-day period since the beginning of the pandemic. He added that the test positivity rate is high, and children under 12 still cannot get vaccinated. Mr. Watt explained that Juneau’s current situation is vastly different to how it was when he was interviewed for that article. He noted that while the quotes that the testifier provided were likely accurate, they were provided out of context and are not consistent with what he believes today. Mr. Watt shared that he believes that CBJ’s approach of voluntary compliance has slowly eroded over time, to the point of being unsuccessful. He mentioned that businesses who are not complying with the mask mandate are aware that there is no fine for doing so, and thus are not supportive when CBJ personnel arrive to encourage compliance.

Ms. Gladziszewski asked Mr. Watt to explain why he believes that a penalty will be effective, and to clarify who would be enforcing the penalty.

Mr. Watt explained that a Community Service Officer would visit a business or non-profit to enforce the mask mandate. If the business owner asks them what the consequences are for not enforcing the mandate, the CSO would explain that there are currently no consequences. He said that a penalty would provide CSOs the ability to send a different message and help with enforcement.

Ms. Hale asked Mr. Watt if there have been cases in which a CSO speaks to a business owner about masking, and they have not received compliance. Mr. Barr confirmed that there have been instances in which a CSO had sought compliance from a business owner through conversation, and no compliance has occurred.

Ms. Hughes-Skandijs asked Mr. Palmer to speak to the emergency nature and the length of the ordinance, and if extending it would be considered a violation of the City Charter.

Mr. Palmer clarified that Ordinance 2021-42 was not an emergency ordinance, this is a regular ordinance. This ordinance was introduced two weeks ago, and followed Charter required public notice protocols by allowing the public an opportunity to testify and submit comments.

He added that since this is a regular ordinance, it requires at least five votes to pass. Contrary to some of the comments provided in public testimony, the emergency ordinance duration does not apply to this ordinance.

Mayor Weldon asked Mr. Barr to provide an estimate of the number of businesses which are not complying with mitigation measures. Mr. Barr said that is a difficult number to define. His estimate determined that a relatively low percentage of businesses are not complying with mitigation measures.

Mayor Weldon asked Mr. Barr if the funding received from the CARES Act and ARPA contained a contingency which required the City to mandate mask-wearing, referring to comments made during public testimony. Mr. Barr confirmed that no such contingency existed.

Mr. Bryson asked Mr. Barr to clarify how many businesses have closed as a result of Covid mitigation measures. Mr. Barr explained that local businesses have closed for a number of reasons, but no business has been closed by CBJ due to lack of compliance with COVID mitigation strategies.

Mr. Watt shared that he received a letter today from the Juneau Chamber of Commerce in support of extending the mitigation measures.

Ms. Triem asked Mr. Barr to explain the “Fully Open” level on the mitigation strategy metric. Mr. Barr explained the green level was an attempt at identifying what a “Fully Open” level would look like in effect. He added that this level was added prior to the surge resulting from the Delta variant.

Ms. Hale asked Mr. Palmer to explain the difference between the ordinance and the mitigation strategies. Mr. Palmer clarified that Ordinance 2021-42 was not a “mask mandate” ordinance, it is a Covid-19 ordinance that contains layers of mitigation strategies, one of which includes a mask mandate.

Mayor Weldon asked Mr. Barr to speak to how the hospital is doing. Mr. Barr explained that BRH’s capacity is strained. BRH staff are making decisions on a day-by-day basis to be open for elective surgeries. There have been days within the past few weeks in which BRH have made the decision to cease elective surgeries for the day. Mr. Barr added that BRH was filled to capacity last Friday, the first time during the pandemic. As a result, they are looking at expanding their licensure.

MOTION by Ms. Gladziszewski for the Assembly to adopt Ordinance 2021-42 for purposes of an amendment.

AMENDMENT #1 by Ms. Gladziszewski to change “June 1, 2022” to “**March 31, 2022**”.

Mr. Bryson supported a shortened timeframe, and added that he would have proposed changing the date to January 31, 2022. Mr. Palmer advised that it would be best to vote on the Amendment from Ms. Gladziszewski up or down and then take up Mr. Bryson’s amendment after that.

Objection by Ms. Hale. She mentioned that Travel Juneau recommended changing the date to March 1, 2022 for tourism planning purposes.

Ms. Triem asked Mr. Palmer to clarify if the Assembly would have the ability to repeal this ordinance at any time. Mr. Palmer confirmed that was correct, the ordinance allows the Assembly the authority to repeal it by motion at any time.

Mayor Weldon agreed with Mr. Bryson’s comments that the timeframe should be shortened to January 31, 2022.

Mr. Jones reminded the Assembly that regular ordinances are effective 30 days after adoption. Mr. Jones advised the Assembly to avoid arbitrarily choosing a date, and to instead consider their meeting schedule when setting effective dates for adopted ordinances.

Ms. Hale echoed Mr. Jones’ comments, saying that the Assembly tends to forget how long it takes to do things.

Ms. Gladziszewski explained that her reason for choosing March 31 was consistent with Mr. Jones’ comments, as the Assembly would need to meet in February to discuss any changes to the ordinance. She felt that this date allowed enough time to plan for the summer tourism season, and any earlier date would essentially be too immediate.

Mr. Bryson thanked Mr. Jones for his clarification, and agreed with Ms. Hale on the March 1, 2022 date.

Mr. Jones clarified that the March 1, 2022 date would require the Assembly to introduce the ordinance during the first week of January, then hold the subsequent meeting towards the end of January. He does not object to the June 1, 2022 date.

Ms. Gladziszewski left the date March 31, 2022 on the table.

Roll Call Vote on Amendment #1:

Ayes: Gladziszewski, Triem, Hughes-Skandijs,

Nays: Hale, Smith, Bryson, Jones, Mayor Weldon.

Motion failed. Three (3) Ayes, Five (5) Nays.

AMENDMENT #2 by Ms. Hale to change the date from “June 1, 2022” to “March 1, 2022”.

Ms. Hale noted that some of the public testimony received tonight included members of the public who asked for the date to be shortened.

Objection by Ms. Gladziszewski.

Roll Call Vote on Amendment #2:

Ayes: Hale, Smith, Triem, Hughes-Skandijs, Bryson, Mayor Weldon.

Nays: Jones, Gladziszewski.

Motion passed. Six (6) Ayes, Two (2) Nays.

MOTION by Ms. Gladziszewski to replace Exhibit A with the updated language provided by Mr. Barr.

The new language for the “High” category in the “Masks/Social Distancing” section will state, “*Masks/face coverings must be worn indoors and in public areas. Masks/face coverings must be worn outdoors in public areas where six feet of social distancing cannot be maintained. Keep social bubbles confined to family members.*”

Mr. Jones asked Mr. Palmer to clarify if an amendment to an Exhibit required an additional amendment to the ordinance itself. Mr. Palmer explained that would not be necessary, as Exhibit A was referenced multiple times within the ordinance.

Hearing no objections, Exhibit A was amended by unanimous consent.

AMENDMENT #3 by Ms. Hale to strike Section (e): Providing a Penalty.

Ms. Hale said that she listened to the public testimony they received, and believed that the penalty needs to be removed. She noted that the majority of community transmission cases had

derived from private events and small family gatherings. Ms. Hale explained that her amendment would strike the penalty provision, and would instead rely on public support by asking them to continue wearing a mask.

Mr. Bryson shared that he did not object to this amendment.

Objection by Ms. Hughes-Skandijs. She appreciated Ms. Hale's perspective, but explained that Juneau's current scenario is vastly different to what it was over the summer. Ms. Hughes-Skandijs said that it was important for the Assembly to be clear in their messaging, and would like to support the EOC if they believed this would improve their messaging.

Mr. Smith asked Mr. Palmer to explain what would happen if the penalty violation section was not removed, particularly how it would effect a noncompliant business. Mr. Palmer explained that the response to a noncompliant business would vary depending on the determined risk level at the time. If a noncompliant business allowed for patrons to be unmasked while Juneau was at a "High" level, then the City could take action through education and additional opportunities. If the business still refused to comply, then fines would be issued; or the business would be closed if it was posing a risk for hosting super-spreader events.

Mr. Smith asked Mr. Palmer if the City would be able to close down a business if the penalty violation section was removed. Mr. Palmer explained that if the Assembly were to remove this section, the ordinance would become a series of recommendations that cannot be enforced. Mr. Smith shared that he will object to the amendment.

Mayor Weldon asked Mr. Barr if he had any additions or recommendations. Mr. Barr reminded the Assembly that there are provisions for exemptions in the mitigation measures, and the EOC regularly works with those seeking such an exemption.

Mr. Bryson spoke in favor of Ms. Hale's amendment. He felt that the community has been following safety measures and mitigation strategies, particularly when hosting events. He felt that the \$25 fine would target Juneau's most vulnerable businesses and populations, saying that Juneau's most articulated and well-financed people would not be the ones receiving this fine. He spoke to the difficulties business owners may face when tasked to turn away customers who are not wearing a mask.

Objection by Mayor Weldon for purposes of a question. She asked if they could remove the \$25 fine, but kept the second sentence in Section (e).

Mr. Palmer said that keeping that sentence would retain the enforceability of this ordinance.

AMENDMENT A of Amendment #3 by Mayor Weldon to keep in the second sentence on page 3 line 116 starting with, *"The City and Borough of Juneau may use all available civil enforcement options (i.e. injunction, revocation of certificate of occupancy, civil lawsuit, etc.) to assure compliance with this ordinance."*

Mayor Weldon spoke to her amendment, saying that it would ensure that the Assembly has listened to the public about the \$25 fine, and also maintain its enforceability.

Mayor Weldon handed the gavel to Mr. Jones.

Mr. Smith asked if this amendment would remove the monetary fine, but it would allow for the closure of a noncompliant business. Mr. Palmer clarified that would enable the City to have the ability to educate a noncompliant business, then revoke the certificate of occupancy after continued noncompliance.

Mr. Watt said that the Assembly seemed to want a light-handed enforcement, which was the reason behind charging the nominal amount of \$25.

Ms. Gladziszewski asked Mr. Palmer to clarify who would receive the \$25 fine as a result of a large event or a business being noncompliant. Mr. Palmer mentioned that this was discussed at the SRRC meeting. Practically, this ordinance would issue a fine towards a business in the same way that it would towards an individual that was not wearing a mask. Mr. Palmer identified the main issue as trying to help businesses have a COVID conscious safety plan in place for employees and customers.

Mr. Bryson believed the Manager's approach weakened the strategy of the ordinance when considering fining entities. He added that issuing a fine to a large business such as Fred Meyer or fining large private gatherings would not be effective at deterring noncompliance. Mr. Bryson said that true deterrence could come from a fear of the City shutting down an event or business.

Objection by Ms. Hughes-Skandijs. She spoke to the effectiveness of providing the City with more tools, rather than less tools when dealing with enforcement.

Roll Call Vote on Amendment A of Amendment #3

Ayes: Mayor Weldon, Hale, Bryson.

Nays: Gladziszewski, Smith, Triem, Hughes-Skandijs, Jones.

Motion failed. Three (3) Ayes, Five (5) Nays.

Mr. Jones handed the gavel back to Mayor Weldon.

Amendment #3 to strike Section (e): Providing for a Penalty was brought back before the Assembly.

Mr. Jones spoke to his experience of receiving criticism from the public towards the Assembly for not enforcing their own mandates. He spoke in favor of keeping the penalty language in the ordinance in order to better support the individuals who are being tasked to enforce it.

Roll Call Vote on Amendment #3

Ayes: Hale, Bryson.

Nays: Smith, Triem, Hughes-Skandijs, Gladziszewski, Jones, Mayor Weldon.

Motion failed. Two (2) Ayes, Six (6) Nays.

Ms. Gladziszewski addressed those who testified and sent emails to the Assembly. She explained that the goal of this ordinance is to keep kids in school, to keep the economy open, and to ensure hospital capacity. Ms. Gladziszewski also clarified that this ordinance is not a mask mandate, it is a series of mitigation measures. She added that this mitigation is not based in fear, it is to ensure that businesses, schools, and the hospital are all operational.

Mayor Weldon added that Ms. Gladziszewski's comments were shared by the entire Assembly. She assured the listening public that the Assembly takes all public testimony into consideration. Mayor Weldon understood that there will be those who are unhappy with this decision, but noted that the overwhelming majority of testimony they received (including written, oral, and conversational) was in favor of extending this ordinance.

Hearing no objections, Ordinance 2021-42 was adopted, as amended, by unanimous consent.

Comments:

Ms. Triem said that in light of the late hour, the Assembly Finance Committee meeting that was scheduled for tonight had been cancelled. The AFC meeting that was scheduled for tonight was meant to be Mr. Jones' last AFC meeting as a member of the Assembly. Ms. Triem and Finance Director Jeff Rogers presented Mr. Jones a novelty framed check from the CBJ Finance Department in recognition of his service as Finance Committee Chair during his tenure on the Assembly.

Mr. Jones asked if his wife could use the comically large check to pay their utility bills. He thanked the CBJ Finance staff for all their hard work.

B. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

VII. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 9:43 p.m.

Signed: _____
Elizabeth J. McEwen
Municipal Clerk

Signed: _____
Beth A. Weldon
Mayor