

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

April 13, 2020 5:00 PM

Assembly Chambers - Municipal Building

Meeting No. 2020-17; Due to COVID-19, members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org. Public Participation during the meeting is limited to telephonic participation by calling 907-463-5043.

I. CALL TO ORDER / ROLL CALL

II. APPROVAL OF AGENDA

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

A. Instructions for Telephonic Public Participation

IV. AGENDA TOPICS

A. COVID-19 Update and Actions

V. CONSENT AGENDA

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

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

1. Ordinances for Introduction

a. Ordinance 2019-06(U) An Ordinance Appropriating to the Manager the Sum of \$16,000,000 as Funding for the Juneau International Airport Terminal Construction Capital Improvement Project; Funding Provided by Airport Revenue Bonds.

This ordinance would appropriate \$16,000,000 of Airport Revenue Bonds to the Terminal Construction Capital Improvement Project (CIP A50-102). These bonds are to be repaid with Airport Improvement Program (AIP) grants as well as Passenger Facility Charge (PFC) revenue. The debt service on these bonds ends in FY30.

The issuance of these bonds was authorized by the full Assembly on June 24, 2019. This appropriation was presented as an information item to the Assembly Finance Committee on February 5, 2020.

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

- b. Ordinance 2019-06(Y) An Ordinance Appropriating to the Manager the Sum of \$200,000 as Funding for the Purchase of a Land Parcel Adjacent to the Bartlett Regional Hospital Campus; Funding Provided by Bartlett Regional Hospital Fund's Fund Balance.**

The property being proposed for purchase is adjacent to the hospital campus. This land could provide a secondary access to the campus. This would prove beneficial for traffic control and in the event access to the campus on Hospital Drive was not available. Land on the BRH campus is scarce and this acquisition will allow better and increased provision of services to the community.

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

- c. Ordinance 2019-06(Z) An Ordinance Appropriating to the Manager the Sum of \$50,000 as Funding for the Purchase of Reusable EMS Gear for CCFR Front Line Responders in Response to the COVID-19 Pandemic; Funding Provided by Donations from Sealaska.**

This ordinance would provide funding from Sealaska in the amount of \$50,000. The City and Borough of Juneau will receive a \$50,000 donation for the purchase of reusable EMS gear for front line responders in response to the COVID-19 pandemic. This one-time appropriation will outfit approximately 48 first responders with EMS gear that can be regularly and easily decontaminated, protecting our providers as well as the public.

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

- d. Ordinance 2019-06(AA) An Ordinance Appropriating to the Manager the Sum of \$111,535 as Funding for the Bonnie Brae Trail to Treadwell Ditch Trail Reroute; Funding Provided by the US Department of Transportation, Federal Highway Administration, Federal Lands Highway Division.**

This ordinance would appropriate \$111,535 for the construction of a portion of the Bonnie Brae Access Trail to the Treadwell Ditch. A section of the trail has been washed out for over twenty years. Trail users

have created a new route through the muskeg. Damage to the muskeg has occurred and the mud and erosion expands each year. This funding will improve the rerouted section by creating a 1000' long stable gravel trail that will prevent erosion.

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

VI. RESOLUTIONS AND ORDINANCES FOR PUBLIC HEARING

A. Ordinance 2020-15: An Ordinance Amending the Continuity of Government Code to Improve City and Borough of Juneau Procedures for Emergencies.

A continuity of government code was created in 1962 during the height of the Cuban Missile Crisis when communities were concerned about physical attacks. While the underlying concepts in the continuity of government code remain relevant today—like designation of successors for certain municipal officers—some code provisions are outdated. This ordinance would modernize the continuity of government code.

This ordinance was reviewed at the Assembly Human Resources meeting on March 13, 2020.

This item is set for public hearing and the Manager recommends the Assembly adopt this ordinance.

B. Ordinance 2020-16: An Ordinance Amending the Civil Defense Code to Improve City and Borough of Juneau Procedures for Emergencies.

Chapter 03.25 was originally created in 1967. This ordinance would amend the Civil Defense Organization chapter to be consistent with current emergency management practices and to clarify out of date code sections.

This ordinance was heard at the March 13, 2020, Assembly Human Resources Committee.

This item is set for public hearing and the Manager recommends the Assembly adopt this ordinance.

C. Emergency Resolution 2889 An Emergency Appropriation Resolution Appropriating \$200,000 to the Manager for an Emergency Rental Assistance Program; Funding Provided by the Affordable Housing Fund.

COVID-19 continues to change our community. To protect the public health and welfare, social distancing requirements have been implemented, including the closure of non-essential businesses and ordering people to hunker down. Many people who work in businesses that have closed are people that rent. As a result, demand on existing rental assistance programs is up and expected to rise. This resolution would provide funds to support the rental assistance program currently

offered by the nonprofit Alaska Housing Development Corporation.

This topic was discussed at the Special Assembly meeting on April 2. An opportunity for public testimony was provided at the Regular Assembly meeting on April 6 after which the Assembly continued this resolution to April 13.

On April 9, the Economic Stabilization Task Force recommended the Assembly postpone action on this item for a week to give the task force additional time to make an informed recommendation.

This emergency appropriation resolution is set for Assembly action.

VII.EXECUTIVE SESSION

A. Execuitive Session Regarding CBJ Litigation Risks Caused by Some of the State COVID-19 Health Mandates

VIIIADJOURNMENT

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

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

Instructions for Telephonic Public Participation

ATTACHMENTS:

Description	Upload Date	Type
☐ Instructions for Telephonic Participation	4/10/2020	Cover Memo



**OFFICE OF THE MUNICIPAL CLERK/
ELECTION OFFICIAL**

155 S. Seward St., Room 202
Phone: (907)586-0203 Fax: (907)586-4552
email: Beth.McEwen@juneau.org

Date: March 27, 2020
To: Mayor and Assemblymembers
From: Beth McEwen, Municipal Clerk
Subject: Revised Instructions for Telephonic Public Testimony during COVID-19 response

CBJ has contracted with the State of Alaska Legislative Information Offices to provide telephonic participation services during all Regular and Special Assembly meetings and Assembly Committee of the Whole meetings. Public members not wanting to testify are encouraged to watch livestreams if possible. Phone lines will be used for members of the public wanting to provide public testimony.

At this time, the Assembly will be broadcasting the meetings via Facebook Live www.facebook.com/cbjuneau. Due to the frequency of meetings during this time, KTOO radio 104.3 station will periodically broadcast the meetings on air live. KTOO staff will notify CBJ staff of the meetings that will be broadcast live and this information will be relayed to the public.

Members of the public wishing to call in to testify can dial 907-463-5043 up to 15-minutes prior the beginning of the meeting.

- Callers will hear a message stating they have reached the Alaska Legislative Teleconference System and to stay on the line until they can be assisted by an operator.
- Operators will ask the caller to identify their Name, the meeting they are calling for and the agenda topic(s) they are calling about. **The caller should provide their name, inform the operator that they are calling in for the CBJ Assembly meeting and identify the topic(s) they wish to testify on or that they are calling to listen only.**
- Public lines will be muted by default but will be unmuted by CBJ staff when it is that individual's turn to testify.
- The Mayor will determine the amount of time allotted to each person based on the number of individuals who are requesting to testify. The Clerk will introduce the speaker, inform them of the amount of time they have to testify, and identity of the next speakers in line so they can be ready to testify.
- Following each caller's testimony, the Mayor will ask the caller to stay on the phone to be able to answer any questions from Assemblymembers.
- Depending on phone call volume, the Clerk may just place the caller on "mute" following their testimony so they can continue to listen in via the teleconference line. However, callers may be disconnected from the call following their testimony if the number of callers exceeds the number of lines available.
- Once public testimony has been closed, all callers connected to the meeting will be place on "mute" for listening purposes only.

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

COVID-19 Update and Actions

ATTACHMENTS:

Description	Upload Date	Type
☐ RED FOLDER - EOC Update	4/13/2020	Staff Report

Assembly COVID-19 Update April 13, 2020

Situational Update

Incident Level: 2

Numbers changed from yesterday are highlighted

Category	Juneau	Statewide
Confirmed cases	17	277
Travel	1	
Secondary	9	
Community	6	
Unknown	1	
Cumulative Tests	566	7,830
Community Tests Pending	32	
DPH PUIs	39	
Hospitalized	0	32 (Cumulative)
Recovered	10	85
Ventilated Patients	0	
Fatalities	0	8

* We did not receive updated testing numbers today

Supply chain is operational with no significant reported shortages.

CBJ operations continue with staff reassigned to EOC functions where appropriate. Minor staff outages due to childcare and medically advised quarantine. Staffing issues are not impairing operations.

BRH Operations continue as normal. They have limited staff out due to illness or quarantine. Staffing issues are not impairing operations.

EOC Highlights

EOC partway through Operational Period 8 (4/11/2020 – 4/16/2020).

Quarantine & Isolation Taskforce: Met over the weekend and visited Mt. Jumbo. All parties working on protocols and logistics for the use of that facility as well as Centennial Hall. Coordination is going well.

LCCC: The last three positive tests in Juneau have been associated with LCCC. We are aware of one more that will be reported tomorrow. LCCC has been testing employees even if they are asymptomatic out of an abundance of caution. The EOC has a call with them tomorrow to gather more information.

Operational Highlights

Airport Screening: 7 passengers out of 13 arriving went through the voluntary screening process at the airport. Customs and Border patrol will hand out materials to private and charter planes arriving.

Mobile Screening: 12 calls came into the call center. 11 tests at drive through. To date, sampled 191 for testing. 1 welfare completed via phone.

Vessel Screening: Met Tazalina with 12 passengers aboard. Next Ferry arrival is on Friday. AMHS staff have taken over distribution of the Governor's Health Mandates. The CBJ VSTF will concentrate on vessels arriving in Juneau's ports and harbors from outside the borough. Next ferry is on Friday.

Warming Shelter: had 47 individuals overnight. Contract extension is in the process of being signed.

Feeding Taskforce: Meals started being served at Zach Gordon this morning. Meals will be available 3 times a day.

BRH: Continuing to enhance workflows and electronic medical records. Working on the Alternate care site, centralizing staffing. Process has been stood up to clean N95s up 10 times. Working on gaining additional oxygen capacity.

Centennial Hall: Showers - plumbing and electrical are being installed and the facilities should be up and running by the end of the week. Contract security is patrolling the perimeter.

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

Ordinance 2019-06(U) An Ordinance Appropriating to the Manager the Sum of \$16,000,000 as Funding for the Juneau International Airport Terminal Construction Capital Improvement Project; Funding Provided by Airport Revenue Bonds.

MANAGER'S REPORT:

This ordinance would appropriate \$16,000,000 of Airport Revenue Bonds to the Terminal Construction Capital Improvement Project (CIP A50-102). These bonds are to be repaid with Airport Improvement Program (AIP) grants as well as Passenger Facility Charge (PFC) revenue. The debt service on these bonds ends in FY30.

The issuance of these bonds was authorized by the full Assembly on June 24, 2019. This appropriation was presented as an information item to the Assembly Finance Committee on February 5, 2020.

RECOMMENDATION:

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

ATTACHMENTS:

Description	Upload Date	Type
□ Ordinance 2019-06(U)	4/8/2020	Ordinance

Presented by: The Manager
Introduced: April 13, 2020
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-06(U)

An Ordinance Appropriating to the Manager the Sum of \$16,000,000 as Funding for the Juneau International Airport Terminal Construction Capital Improvement Project; Funding Provided by Airport Revenue Bonds.

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 \$16,000,000 as Funding for the Juneau International Airport Terminal Construction Capital Improvement Project A50-102.

Section 3. Source of Funds

Airport Revenue Bonds: \$16,000,000

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

Adopted this _____ day of _____, 2020.

Beth A. Weldon, Mayor

Attest:

Elizabeth A. McEwen, Municipal Clerk

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

Ordinance 2019-06(Y) An Ordinance Appropriating to the Manager the Sum of \$200,000 as Funding for the Purchase of a Land Parcel Adjacent to the Bartlett Regional Hospital Campus; Funding Provided by Bartlett Regional Hospital Fund's Fund Balance.

MANAGER'S REPORT:

The property being proposed for purchase is adjacent to the hospital campus. This land could provide a secondary access to the campus. This would prove beneficial for traffic control and in the event access to the campus on Hospital Drive was not available. Land on the BRH campus is scarce and this acquisition will allow better and increased provision of services to the community.

RECOMMENDATION:

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

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Description	Upload Date	Type
☐ Ordinance 2019-06(Y)	4/8/2020	Ordinance

Presented by: The Manager
Introduced: April 13, 2020
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-06(Y)

An Ordinance Appropriating to the Manager the Sum of \$200,000 as Funding for the Purchase of a Land Parcel Adjacent to the Bartlett Regional Hospital Campus; Funding Provided by Bartlett Regional Hospital Fund's Fund Balance.

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

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

Section 2. Appropriation. There is appropriated to the Manager the sum of \$200,000 for the purchase of a land parcel adjacent to the BRH Campus.

Section 3. Source of Funds

Bartlett Regional Hospital Fund's Fund Balance	\$200,000
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Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2020.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

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

Ordinance 2019-06(Z) An Ordinance Appropriating to the Manager the Sum of \$50,000 as Funding for the Purchase of Reusable EMS Gear for CCFR Front Line Responders in Response to the COVID-19 Pandemic; Funding Provided by Donations from Sealaska.

MANAGER'S REPORT:

This ordinance would provide funding from Sealaska in the amount of \$50,000. The City and Borough of Juneau will receive a \$50,000 donation for the purchase of reusable EMS gear for front line responders in response to the COVID-19 pandemic. This one-time appropriation will outfit approximately 48 first responders with EMS gear that can be regularly and easily decontaminated, protecting our providers as well as the public.

RECOMMENDATION:

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

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Description	Upload Date	Type
☐ Ordinance 2019-06(Z)	4/8/2020	Ordinance

Presented by: The Manager
Introduced: April 13, 2020
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-06(Z)

An Ordinance Appropriating to the Manager the Sum of \$50,000 as Funding for the Purchase of Reusable EMS Gear for CCFR Front Line Responders in Response to the COVID-19 Pandemic; Funding Provided by Donations from Sealaska.

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Section 2. Appropriation. There is appropriated to the Manager the sum of \$50,000 as Funding for the Purchase of Reusable EMS Gear for CCFR Front Line Responders in Response to the COVID-19 Pandemic.

Section 3. Source of Funds:

Sealaska Corporation	\$50,000
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Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2020.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

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

Ordinance 2019-06(AA) An Ordinance Appropriating to the Manager the Sum of \$111,535 as Funding for the Bonnie Brae Trail to Treadwell Ditch Trail Reroute; Funding Provided by the US Department of Transportation, Federal Highway Administration, Federal Lands Highway Division.

MANAGER'S REPORT:

This ordinance would appropriate \$111,535 for the construction of a portion of the Bonnie Brae Access Trail to the Treadwell Ditch. A section of the trail has been washed out for over twenty years. Trail users have created a new route through the muskeg. Damage to the muskeg has occurred and the mud and erosion expands each year. This funding will improve the rerouted section by creating a 1000' long stable gravel trail that will prevent erosion.

RECOMMENDATION:

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

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Description	Upload Date	Type
☐ Ordinance 2019-06(AA)	4/8/2020	Ordinance

Presented by: The Manager
Introduced: April 13, 2020
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-06(AA)

An Ordinance Appropriating to the Manager the Sum of \$111,535 as Funding for the Bonnie Brae Trail to Treadwell Ditch Trail Reroute; Funding Provided by the US Department of Transportation, Federal Highway Administration, Federal Lands Highway Division.

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 \$111,535 for the Bonnie Brae Trail to Treadwell Ditch Trail Reroute.

Section 3. Source of Funds.

US Department of Transportation, Federal Highway Administration, Federal Lands Highway Division	\$111,535
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Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2020.

Beth Weldon, Mayor

Attest:

Beth McEwen, Municipal Clerk

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

Ordinance 2020-15: An Ordinance Amending the Continuity of Government Code to Improve City and Borough of Juneau Procedures for Emergencies.

MANAGER'S REPORT:

A continuity of government code was created in 1962 during the height of the Cuban Missile Crisis when communities were concerned about physical attacks. While the underlying concepts in the continuity of government code remain relevant today—like designation of successors for certain municipal officers—some code provisions are outdated. This ordinance would modernize the continuity of government code.

This ordinance was reviewed at the Assembly Human Resources meeting on March 13, 2020.

RECOMMENDATION:

This item is set for public hearing and the Manager recommends the Assembly adopt this ordinance.

ATTACHMENTS:

Description	Upload Date	Type
 Ord. 2020-15	4/1/2020	Ordinance

Presented by: HRC
Introduced: 03/26/2020
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-15

An Ordinance Amending the Continuity of Government Code to Improve City and Borough of Juneau Procedures for Emergencies.

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. Chapter 03.35 Continuity of Government, is amended as follows:

03.35.010 Title.

This chapter shall be known and may be cited as the "continuity of government" chapter.

03.35.020 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Attack means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner, by sabotage or by the use of bombs, missiles, shellfire, or atomic radiological, chemical, bacteriological, or biological means or other weapons or processes.~~

Declared emergency means an emergency proclaimed by the manager, or designee, pursuant to Chapter 3.25 or an emergency described in legislation adopted by the Assembly.

Duly authorized deputy means a person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.

Emergency has the same meaning as in Charter 15.14.

Emergency interim successor means a person designated pursuant to this chapter for possible temporary succession to the powers and duties, but not the office, of a City and Borough officer in the event that the officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

Unavailable means either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office, including any deputy exercising the powers and discharging the duties of an office because of a vacancy, and a duly authorized deputy is absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office.

03.35.030 Emergency interim successors; designation.

(a) *Elective officers.* Within 30 days after first entering upon the duties of the office, each member of the assembly, except the mayor and deputy mayor, shall designate three emergency interim successors to office and specify their rank in order of succession.

(1) *Successors to Mayor.* Successors to the office of mayor shall be the same as provided in Charter 3.9.

(2) *Successors to Deputy Mayor.* Successors to the office of deputy mayor shall be the same as provided in section 11.15.015.

(b) *Appointive officers.* Officers in the following positions shall designate such number of emergency interim successors and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors or combination thereof for each officer: manager, municipal clerk, finance director, engineering and public works director, human resources and risk management director, chief of police, fire chief, attorney, and airport manager. The manager shall, within the time specified in subsection (a) of this section, designate for appointive officers including the municipal clerk, chief of police, fire chief, engineer, attorney, assessor, and airport manager and health officer such number of emergency interim successors to these officers and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors or combination thereof for each officer.

(c) *Review of designation.* The incumbent in the case of those elective officers specified in subsection (a) of this section, and the appointing authority in the case of those appointive officers specified in subsection (b) of this section, shall review and, as necessary, promptly revise the designations of emergency interim successors to ensure that at all times there are at least three such qualified emergency interim successors or duly authorized deputies or any combination thereof for each officer specified.

(d) *Qualifications.* No person shall be designated or serve as an emergency interim successor unless under the Constitution of this state and Charter or provisions of this Code, that person may hold the office of the person to whose powers and duties the designee is designated to

succeed, but no provision of law prohibiting an officer or employee of this City and Borough from holding another office shall be applicable to an emergency interim successor.

(e) *Status of emergency interim successor.* A person designated as an emergency interim successor holds that designation at the pleasure of the designator; provided, that the designee must be replaced if removed. A person, the designee as an emergency interim successor, retains this designation as emergency interim successor until replaced by another appointed by the authorized designator.

03.35.040 Assumption of powers and duties.

(a) If in the event of a declared emergency, ~~an attack~~ any officer named in subsections 03.35.030(a) and (b) of this chapter and any duly authorized deputy is unavailable, the emergency interim successor highest in rank in order of succession who is ~~not~~ unavailable shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer.

(b) An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or any duly authorized deputy or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill the vacancy or is elected and qualified as provided by the Charter.

03.35.050 Successors; record.

The name, address and rank in order of succession of each duly authorized deputy shall be filed with the municipal clerk and each designation, replacement, or change in order of succession of an emergency interim successor shall become effective when the designator files with the municipal clerk the successor's name, address and rank in order of succession. The municipal clerk shall keep on file all such data regarding duly authorized deputies and emergency interim successors and the successor names ~~it~~ shall be open to public inspection.

03.35.060 Formalities of taking office.

At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed.

03.35.070 Reserved. ~~Quorum and vote requirements.~~

~~In the event of an attack, the quorum requirements for the assembly shall be suspended, and where the affirmative vote of a specified proportion or number of members for approval of an ordinance, resolution, or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient. The proportion required to approve an ordinance or resolution under this section shall be four sevenths, if the manager votes, or two thirds if the manager does not vote.~~

03.35.080 Assembly vacancies in an emergency.

(a) In the event of a declared emergency, if a member of the assembly other than the mayor and deputy mayor is missing for more than three days, the missing assembly member is presumed to be temporarily medically incapacitated. A majority of the remaining assemblymembers may, by motion, declare such office to be temporarily vacant. The vacancy shall be temporarily filled by the missing member's designated successor pursuant to this chapter.

(b) In the event of a declared emergency, if a member of the assembly (1) is missing and presumed dead; (2) is missing for more than three consecutive regular meetings without being excused by the assembly; or (3) is medically incapacitated for more than three consecutive regular meetings without being excused by the assembly; then the assembly may declare such office to be vacant. A vacancy shall be filled pursuant Chapter 11.10.

~~If, in the event of an attack in the City and Borough area a member of the assembly is missing and presumed dead or is missing for more than three days or is physically, mentally or legally unable to exercise the powers and duties of the manager's office the assembly may declare such office to be vacant.~~

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

Adopted this _____ day of _____, 2020.

Attest:

Beth A. Weldon, Mayor

Elizabeth J. McEwen, Municipal Clerk

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

Ordinance 2020-16: An Ordinance Amending the Civil Defense Code to Improve City and Borough of
Juneau Procedures for Emergencies.

MANAGER'S REPORT:

Chapter 03.25 was originally created in 1967. This ordinance would amend the Civil Defense Organization chapter to be consistent with current emergency management practices and to clarify out of date code sections.

This ordinance was heard at the March 13, 2020, Assembly Human Resources Committee.

RECOMMENDATION:

This item is set for public hearing and the Manager recommends the Assembly adopt this ordinance.

ATTACHMENTS:

Description	Upload Date	Type
☐ Ord. 2020-16	4/1/2020	Ordinance

Presented by: HRC
Introduced: 03/26/2020
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-16

An Ordinance Amending the Civil Defense Code to Improve City and Borough of Juneau Procedures for Emergencies.

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 Title. Title 3 Administration, is amended to read:

Chapter 03.25 Emergency Management Organization ~~Civil Defense Organization~~

03.25.010 Established.

There is hereby created the City and Borough Emergency Management Organization to plan for, respond to, recover from, and mitigate ~~civil defense organization to and recover from~~ prevent minimized, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, ~~or natural causes,~~ public health threats, or similar emergencies. The emergency management ~~civil defense~~ organization shall consist of the director, the members of the assembly, the officers and employees of the City and Borough, and such additional members, volunteer or otherwise, who may be selected by the director or the assembly.

03.25.020 Director.

The director of the City and Borough emergency management ~~civil defense~~ organization shall be the manager, or someone appointed by the manager, if there is such an appointed person, who shall serve until removed or until replaced by the manager. The director shall have responsibility for the organization, administration, training and operation of the emergency management ~~civil defense~~ organization, subject to the direction and control of the manager if the director is a person other than the manager.

03.25.030 Continuity in office.

The provisions of chapter 03.35 of this title "Continuity of Government" are hereby made applicable to all members of the City and Borough emergency management ~~civil defense~~ organization.

03.25.040 Authority of director of the emergency management organization ~~civil defense~~; duties and responsibilities.

(a) The director of emergency management organization ~~civil defense~~ shall have the authority to request the declaration of the existence of an emergency by the assembly or by higher authority. In the event that it is deemed necessary to declare the existence of an emergency without delay, the director may, if the assembly is not in session, do so, but such action shall be subject to confirmation by the assembly at its next meeting.

(b) The duties and responsibilities of the director of the emergency management organization ~~civil defense~~ shall include the following:

- (1) The control and direction of the actual or training efforts of the emergency management ~~civil defense~~ organization of the City and Borough;
- (2) The determination of all questions of authority and responsibility that may arise within the emergency management ~~civil defense~~ organization of the City and Borough;
- (3) The maintenance of necessary liaison with other municipal, area, state, regional, federal or other emergency management or civil defense organizations;
- (4) The marshaling, after the declaration of an emergency as provided for above, of all necessary personnel, equipment or supplies from any department of the City and Borough to aid in the carrying out of the emergency operation ~~civil defense~~ plan;
- (5) The issuance of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the emergency operation ~~civil defense~~ plan;
- (6) The issuance of reasonable rules and regulations, which are necessary for the protection of life and property in the City and Borough, including rules and regulations applicable to blackouts and air raids;
- (7) The supervision of the drafting and execution of mutual aid agreements entered into by the City and Borough;
- (8) The supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions;
- (9) The authorizing of agreements, after approval of the City and Borough attorney, for the use of private property for air raid shelter and other purposes;

(10) The supervision of the drafting and execution of the emergency operation ~~civil defense~~ plan, and the constant updating of such plan as required. The emergency operation ~~civil defense~~ plan shall be adopted by the assembly by resolution.

03.25.050 Functions and duties.

The functions and duties of the City and Borough emergency management ~~civil defense~~ organization shall be distributed among such departments, divisions, services, and special staff as the assembly shall prescribe by resolution. Any such resolution shall set forth the form of organization, establish and designate services, assign functions, duties and powers, and designate officers and employees to carry out the provisions of this chapter. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the federal government and the recommendations of the ~~civil defense agency of the state~~.

03.25.060 Reserved. ~~Civil defense workers oath required.~~

~~Each person serving as a member of the City and Borough civil defense organization shall, prior to assuming duties, take an oath which shall be substantially as follows:~~

~~"I _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of, or an affiliate of, any political party or organization,~~

~~group, or combination of persons that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am a member of the City and Borough of Juneau Municipal Civil Defense organization I will not advocate or become a member or affiliate of any organization, group or combination of persons or of any political party that advocates the overthrow of the government of the United States or of this State by force or violence."~~

03.25.070 Lights during blackouts declared public nuisances.

Any light displayed contrary to any order, rule or regulation promulgated pursuant to the provisions of this chapter constitutes a public nuisance, and when deemed necessary in order to protect life or property during blackouts or air raids, the police are authorized and directed to enter upon any premises within the City and Borough, using reasonable force, and extinguish lights or take other necessary action to make effective any order, rule or regulation promulgated under the authority conferred by this chapter.

03.25.080 Unauthorized warning or all-clear signals prohibited.

Any unauthorized person who operates a siren or other device so as to simulate a blackout signal or air raid, or the termination of a blackout or air raid, is guilty of a violation of this chapter, and shall be subject to the penalties imposed by this chapter.

03.25.090 Conflicting ordinances, orders, rules and regulations suspended.

At all times when the orders, rules and regulations made ~~and promulgated~~ pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, rules, orders and regulations insofar as the latter may be inconsistent therewith.

03.25.100 Conflict with state or federal statutes.

This chapter shall not be construed so as to conflict with any state or federal statute, or with any military or naval order, rule or regulation.

03.25.110 Municipal or private liability.

(a) This chapter is an exercise by the City and Borough of its governmental functions for the protection of the public peace, health, safety. Consistent with Alaska law, ~~and~~ neither the City and Borough, the agents and representatives of the City and Borough, nor ~~or~~ any individual, receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation made ~~promulgated~~ pursuant to the provisions of this chapter, shall be liable for any loss or damage sustained to person or property as a result of such activity.

(b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City and Borough a license or privilege, or otherwise permits the City and Borough to inspect, designate and use the whole or any part, or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack, shall, together with all successors in interest, if any, not be civilly

liable for the death of, or injury to, any person or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.

03.25.120 Emergency declared by governor.

If the governor declares that ~~an a civil defense~~ emergency exists in the event of actual enemy attack upon the United States or the occurrence within the state of a major disaster resulting from enemy sabotage or other hostile action, ~~or natural causes,~~ public health threat, or similar emergency it shall be the duty of the emergency management ~~civil defense~~ organization to cooperate fully with the state ~~civil defense agency~~ and with the governor in the exercise of emergency powers as provided by law.

03.25.130 Expenses of ~~civil defense~~ emergency management.

No person shall have the right to expend any public funds of the City and Borough in carrying out any emergency management ~~civil defense~~ activity authorized by this chapter without prior approval by the assembly, nor shall any person have any right to bind the City and Borough by contract, agreement or otherwise without prior assembly approval. In the event of any disaster, and for the duration of the exigency, City and Borough contracts or purchases may be entered without regard to the procedures or formalities otherwise prescribed, when the object of the contract or purchase is to procure such services, supplies, equipment or materials as may be necessary to combat any disaster, or to protect and provide emergency assistance to victims of a disaster. ~~This section is ordained under the authority of Charter section 5-16; it is~~

~~not a waiver of any other Charter requirement or of any provision in the ordinance creating the finance department and stipulating fiscal procedures.~~

03.25.140 Emergency locations; governmental powers.

(a) Whenever, due to an emergency consistent with this chapter ~~resulting from the effects of enemy attack~~, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place, or places thereof, the assembly may meet at any place within or without the City and Borough limits on the call of the manager or any four members of the assembly, and shall proceed to establish and designate by ordinance, resolution or other manner alternate or substitute sites or places as the emergency temporary location, or locations, of government where all or any part of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of the City and Borough, and may be within or without the state.

(b) During the period when public business is being conducted at the emergency temporary location, or locations, the governing body including its boards, commissions, committees and other officers of the City and Borough shall have and possess, and shall exercise at such location all of the executive, legislative and judicial powers and functions conferred upon such body and officers by or under the Constitution or laws of the state, and the Charter and ordinances of the City and Borough. Such powers and functions may be exercised in the light of the exigencies of the emergency situation without regard to, or compliance with, time consuming procedures and formalities prescribed by rule or ordinance, and all acts of such body

and officers shall be valid and binding as if performed within the territorial limits of their City and Borough.

03.25.150 Penalty Violations.

(a) It is unlawful for any person willfully to obstruct, hinder or delay any member of the emergency management civil defense organization in the enforcement of any rule or regulation issued pursuant to this chapter, or do any act forbidden by rule or regulation issued pursuant to this chapter, or do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter.

~~(b) It is likewise unlawful for any person to wear, carry or display any emblem, insignia, or any other means of identification as a member of the City and Borough municipal civil defense organization unless authority so to do has been granted to such person by the proper officials.~~

~~(b) A violation of this section is a Class B misdemeanor. Convictions for violations of the provisions of this chapter shall be punishable according to section 01.40.010 of this Code.~~

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

Adopted this _____ day of _____, 2020.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

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

Emergency Resolution 2889 An Emergency Appropriation Resolution Appropriating \$200,000 to the Manager for an Emergency Rental Assistance Program; Funding Provided by the Affordable Housing Fund.

MANAGER'S REPORT:

COVID-19 continues to change our community. To protect the public health and welfare, social distancing requirements have been implemented, including the closure of non-essential businesses and ordering people to hunker down. Many people who work in businesses that have closed are people that rent. As a result, demand on existing rental assistance programs is up and expected to rise. This resolution would provide funds to support the rental assistance program currently offered by the nonprofit Alaska Housing Development Corporation.

This topic was discussed at the Special Assembly meeting on April 2. An opportunity for public testimony was provided at the Regular Assembly meeting on April 6 after which the Assembly continued this resolution to April 13.

On April 9, the Economic Stabilization Task Force recommended the Assembly postpone action on this item for a week to give the task force additional time to make an informed recommendation.

RECOMMENDATION:

This emergency appropriation resolution is set for Assembly action.

ATTACHMENTS:

	Description	Upload Date	Type
☐	Res 2889	4/7/2020	Resolution
☐	RED FOLDER - Economic Stabilization Task Force Letter to the Assembly	4/13/2020	Cover Memo

Presented by: Assembly
Presented: 04/06/2020
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Emergency Serial No. 2889

An Emergency Appropriation Resolution Appropriating \$200,000 to the Manager for an Emergency Rental Assistance Program; Funding Provided by the Affordable Housing Fund.

- A. WHEREAS, consistent with Charter 9.10(b), upon declaration by the Assembly that a public emergency exists and describing the emergency in clear and specific terms, the Assembly by resolution may make emergency appropriation upon approval by all Assemblymembers present or by seven of its membership, whichever is the lesser number; and
- B. WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and is easily transmittable person to person; and
- C. WHEREAS, on March 11, 2020, the World Health Organization (“WHO”) declared the virus a pandemic; and
- D. WHEREAS, on March 11, 2020, the State of Alaska declared a public health emergency in response to the anticipated outbreak of the virus in Alaska; and
- E. WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency in response to the virus pandemic; and
- F. WHEREAS, on March 16, 2020, the Assembly declared a local emergency in response to COVID-19; and
- G. WHEREAS, on March 22, 2020, the City and Borough of Juneau (“CBJ”) received its first positive case of COVID-19; and
- H. WHEREAS, there are approximately 5,000 rental units in the CBJ; and
- I. WHEREAS, workforce housing in the CBJ typically equates to less than 120 percent of the area median income (AMI); and
- J. WHEREAS, nearly half of the renters make less than 80 percent of the AMI and approximately 70 percent of those renters have unaffordable rental costs; and
- K. WHEREAS, renters need immediate support as many worked in businesses that have closed or reduced hours because of COVID-19 and social distancing requirements; and

- L. WHEREAS, federal and state resources may be available too late or insufficient to be of assistance to renters or landlords who need immediate assistance; and
- M. WHEREAS, providing rental assistance now prevents the need for additional costs and services in the future, which is in the public's interest; and
- N. WHEREAS, failing to provide rental assistance would result in further adverse impacts to Juneau's economy and social service network; and
- O. WHEREAS, the Alaska Housing Development Corporation, a nonprofit corporation and also known as Gruening Park in partnership with Gastineau Human Services, has an existing rental assistance program that has experienced increased demand due to the COVID-19 public emergency.

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

Section 1. Emergency Appropriation. There is appropriated to the Manager the sum of two hundred thousand dollars (\$200,000.00) for an Emergency Rental Assistance Program, to be granted to the Juneau Community Foundation only for disbursement to the Alaska Housing Development Corporation.

Section 2. Source of Funds:

Affordable Housing Fund	\$ 200,000.00
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Section 3. Emergency Rental Assistance Program Purpose and Terms. The program is subject to the following terms and conditions:

- (a) Rental assistance is for people who have lost employment as a result of COVID-19 or people who cannot earn wages as the result of a loss of childcare due to COVID-19.
- (b) Rental assistance is prioritized for people who earn less than 120 percent of the area median income as calculated by the United States Department of Housing and Urban Development.
- (c) Applicants must provide sufficient proof of lay-off and/or eviction notices, lack of day care, 30-day bank statements, and leasing information.
- (d) The Manager is directed to report back to the Assembly on the number of applicants and disbursement of funds.

Section 4. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this ____ day of _____, 2020.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



Economic Stabilization Task Force

Appointed by the City & Borough of Juneau's Mayor

Email: Economic-Stabilization@juneau.org

Mail: 155 S Seward Street, Juneau, AK 99801

www.beta.juneau.org/assembly/economic-stabilization

April 13, 2020

Dear Mayor Weldon and Assembly Members:

You tasked the Economic Stabilization Task Force (ESTF) with evaluating Emergency Resolution Serial No. 2889, "An Emergency Appropriation Resolution Appropriating \$200,000 to the Manager for an Emergency Rental Assistance Program; Funding Provided by the Affordable Housing Fund."

We understood your expectation for the ESTF was to provide recommendations to you preferably in time for consideration at your April 13, 2020 special Assembly meeting.

The Task Force has had very little time to adequately assess the scope and impact of the Emergency Resolution. Thus far we can report to you the following:

- The Family First Coronavirus Response Act (FFCRA) creates a safety net to support those whose employment is adversely impacted by the virus by:
 - Adding \$600/week to Alaska's regular unemployment amount.
 - Establishing \$600/week unemployment benefit for those who would not normally qualify, including the self-employed and gig workers.
 - Creating 2 weeks paid leave at either 2/3 or full salary, depending on cause, for those employed but unable to work. There are coverage gaps in this provision, as being "sheltered at home" is not necessarily a qualifying cause.
 - Creating 10 weeks of FMLA type leave at 2/3 salary for those employed but unable to work due to lost childcare, and issuing funds for up to \$1200 per person, \$500 per child. All people eligible for the Emergency Resolution funds should receive this full amount. The first wave of these deposits was issued Saturday, April 11th, but further dates are unclear.
- Unemployment benefits may take time to process, and the State has had challenges handling the volume and the new types of applicants eligible under the CARES Act. However, the benefits are retroactive.

Our work thus far shows that these provisions will provide levels of support over varying periods of time, but that urgent need cannot be assumed based upon a lost job or lost childcare. Rather, the determination of the nature and amount of support needed will truly be a case-by-case evaluation.

Further, the Alaska Court System has directed that no eviction or foreclosure processes be considered before June 1, 2020. SB 241, signed into law on April 10, 2020 as Chapter 10, SLA 20, provides similar short-term relief and does prevent landlords from even beginning the process of eviction for non-payment of rent. Finally, any person with a federally backed mortgage (which applies to more than half of the mortgages in the country) cannot begin eviction proceedings for failure to pay until the end of July, and then must give 30 days' notice. (CARES Act Section 4024(b))

Some of the questions that we believe warrant further review include but are not limited to the following:

- Is AHDC poised to remit funds based upon the gap in reimbursement and not the full rental amounts for 60-75 renters for 2-3 months? This may extend the grant monies for a larger population of renters.
- Emergency Resolution 2889, Section 3(b) states that the assistance is prioritized for “people” who earn less than 120% AMI, but we are unclear whether the standard is household/family AMI or individual. What are the implications both financially and upon the number of people served by the choice of one standard or the other?
- What is the date that Alaska signed the unemployment agreement with the Federal Government, which starts the clock for the extra \$600 payment for those receiving state unemployment. Further, what is the time frame before funds from both those programs will actually be in people’s hands? The press is reporting potential delays.
- The CARES Act only extends protections to US Citizens and legal residents. What is the estimated number of individuals or households in Juneau left unprotected by this standard? Is it the Assembly’s intent that these individuals or households be eligible for this assistance?
- How would this program intersect with housing assistance provided by other federal, state or tribal organizations? What new programs are coming online that will provide this or similar relief? For instance, is there opportunity with AK Can Do initiative led by Rasmuson Foundation, Alaska Community Foundation and United Way?
- What ways can we assist with people’s anxiety, both renters and landlords, as they wait for these funds? In this regard, the Task Force is reaching out to Alaska’s credit unions and banks to seek their voluntary support for mortgage forbearance for people whose mortgages are not protected under the CARES Act.

We hope that you find this information useful and have attached a more comprehensive accounting of information we looked as reference. If it is the will of the Assembly that we pursue these questions, we respectfully request that you permit us the remainder of the week to do so. We are mindful that there are many citizens who await positive action on this resolution and are under stress because of the uncertainty of their respective short-term and long-term lease arrangements.

Sincerely,



Appointed Task Force Members

Max Mertz, Co-Chair • Linda Thomas, Co-Chair • Theresa Belton • Bruce Botelho • Eric Forst

Ken Koelsch • Lauren MacVey • Laura Martinson • Terra Peters

Rental Assistance

Summary of current information

One of the three stated purposes of the task force is to examine state and federal government financial assistance program and identify gaps that exist. On the topic of needed rental assistance, this document is intended to be a summary of our current state of information.

1. INCOME SUPPORT FOR INDIVIDUALS

The Family First Coronavirus Response Act (FFCRA) (signed 3/18/20, effective 4/1/20, expires 12/31/20) creates two provisions for families impacted by the virus:

Emergency Paid Sick Leave Act (EPSLA)(29 CFR 826)

Employers impacted: Private employers with less than 500 Employees, as well as public agencies. Employers with fewer than 50 employees can be exempted from providing this leave if providing it would jeopardize the viability of the business as a going concern. Employers are reimbursed for the benefit through refundable tax credits.

Employees who qualify:

1. Quarantine order
2. Health care advice
3. Symptomatic
4. Caring for individual in 1 or 2
5. Caring for child whose school or day care is closed
6. Substantially similar issue

Benefit – up to 80 hours of paid sick leave (for part time, average worked over a 2 week period).

- If subject to quarantine or symptomatic, pay will be greater of regular pay or minimum wage up to \$511/day.
- If other reason, entitled to 2/3 pay.

Emergency Family Medical Leave Expansion Act (EFMLEA)

The FFCRA extended FMLA type provisions to protect people who are unable to work due to loss of childcare.

Employers impacted: Private employers with less than 500 Employees, as well as public agencies. Federal government has some restrictions. Employers with

fewer than 50 employees can be exempted from providing this leave if providing it would jeopardize the viability of the business as a going concern.

Employees who qualify:

- Unable to work because caring for child under the age of 18 whose school or place of care is closed due to public health emergency (CV19)

Benefit – up to 12 weeks of leave, first two weeks of which are unpaid under this program. Next 10 weeks must be paid at 2/3 pay. Capped at \$200/day.

Employees must be guaranteed comparable job and end of leave period.

To Summarize – these two provisions ensure at least 2/3 income for people who have jobs but cannot be at them because of CV19 impacts. People who work for businesses with over 500 people, or businesses under 50 employees who were exempted, will be a potential gap (if not covered by the PUC unemployment program). For those receiving 2/3 income, if they are no longer paying childcare expense, the loss of the expense might offset the lost income. However, for those with school age kids that did not have RALLY in their budget, the loss of 1/3 income will create a shortfall that does not appear to be covered by other assistance programs. Further, for people whose employers are exempted from the protections provided, or who have been with their employer for less than 30 days, will most likely have to turn to unemployment.

<https://www.federalregister.gov/documents/2020/04/06/2020-07237/paid-leave-under-the-families-first-coronavirus-response-act>

CARES Act Economic Impact Payments:

- To be eligible:
 - o Must be US Citizen or legal resident
 - o Has work eligible Social Security number
 - o Is not a dependent, or eligible to be a dependent, of another tax payer
- The amount of the check depends on income
 - o Single-filers with AGI of \$75,000 or less will receive \$1,200.
 - o Married taxpayers filing jointly with AGI of \$150,000 or less will both receive \$1,200.
 - o Single-filers who are head of households with AGI of \$112,500 or less will receive \$1,200.
 - o The amount of the check will decrease by \$5 for every \$100 by which AGI exceeds the threshold for a taxpayers' tax filing status.

The first wave of these payments is going to arrive the week of April 13th. Those taxpayers who used ACH with their 2018 or 2019 tax returns will receive payment first. There is no published schedule for subsequent waves of payments.

Unemployment enhancements

The CARES Act extends normal unemployment benefits in two fashions:

Federal Pandemic Unemployment Compensation program Section 2104

- Provides an extra \$600/wk in addition to regular state provided unemployment benefits. The Alaska maximum weekly amount is \$370/week, minimum is \$56/week. There is a dependent allowance of \$24/week per dependent for up to three.
- The benefits starts (and can be retroactive to) the date on which Alaska enters into the agreement with the Federal Government. We do not know when that agreement was signed, so do not know the effective date of this benefit.
- This benefit cannot be paid out after 7/31/20.

Pandemic Unemployment Assistance program Section 2102

This benefit significant expands unemployment to those not normally eligible. It is payable for CV19 related unemployment starting January 27, 2020 and program runs through 12/27/20

- Provides up to 39 weeks of unemployment benefits of \$600/week
- Intended to provide benefit to:
 - o Those who have exhausted their entitlement to regular unemployment
 - o Those not normally eligible to unemployment because self-employed or limited recent work history. May include gig economy workers, clergy, working for religious organizations and those not covered by the unemployment under some state laws.
 - o Those who have had to quit work because not covered under the EFMLEA program would qualify under this provision.

To Summarize

Unemployment benefits have been significantly enhanced and expanded under the CARES Act. We understand that unemployment benefits in Alaska typically arrive within three weeks, and are retroactive. HOWEVER, the state was not prepared for the influx in applicants or the expanded programs. Alaska unemployment went from quite low to these current very high levels, and the department is struggling to serve the current volume. As of April 8th, the state application didn't even allow for those who would qualify under the Section 2102 program to apply.

There is significant relief available even to those who wouldn't normally qualify for unemployment, but access to the funds is slow.

2. PAYCHECK PROTECTION PROGRAM

The PPP is a loan portion of the CARES Act (section 1102) targeted at small business relief. While it is a loan, there is a forgiveness feature that rewards employers by forgiving the debt if they keep their employee count and salaries up. If employers did have to lay people off between February 15th and April 26th, they have until June 30th to return to prior salary levels in order to have the debt fully forgiven.

These loans first became available on April 3rd, and financial institutions have been struggling to get them out the door. There is far more volume than the FI's have bandwidth (and perhaps liquidity) to process, but progress is being made and money is starting to flow.

To summarize – there is reason to hope that the introduction of PPP funds to local business will slow future layoffs and perhaps get some of those who were let go back to work.

3. MORATORIUMS AND FORBEARENCE

SB 241

This is the Alaska CV19 Relief bill. It was signed into law April 10, 2020. It contains several related provisions that apply to natural persons.

Section 21 – Moratorium on Evictions for Non-payment of Rent

- Protection through June 30, 2020
- Statutory causes of action for eviction are suspended for persons suffering financial hardship as a result of CV19
- Person seeking protection shall provide Landlord a sworn statement
- No moratorium on eviction for other reasons
- Does not relieve obligation to pay rent owed

Section 24 – Moratorium on Foreclosures

- Statutory cause of action for foreclosure is suspended thru June 30th
 - o Person seeking protection shall provide State a sworn statement
 - o Debt is still owed.
- Doesn't apply to vacant or abandoned property

AK Court Orders

AK Supreme Court Order 1957 indicates judges should suspend/relax certain court rules and allows judges to suspend cases that are not high priority. Eviction and foreclosure are not considered high priority cases.

AK Supreme Court Order 8131 (now extended through May 31st) suspended all superior and district court proceedings between March 23 and May 31st, except a defined list (all safety oriented, foreclosure and eviction are not included in the list).

An Administrative order was issued April 3rd that in Section 29 explicitly states eviction hearings will not be held during the suspension period.

Alaska eviction process requires the Landlord to give the tenant notice, and then go through the court system to secure the eviction order to vacate the premises. If the courts won't hear the case, the Landlord can provide the notice, but cannot secure the actual order requiring tenants to vacate the premises.

Further, this restriction goes beyond SB 241 protections, because it means no foreclosure for any cause, not just failure to pay rent.

[CARES Act provisions on Forbearance, Foreclosure and Eviction](#)

The CARES Act has several provisions regarding eviction and foreclosure, but these protections only extend to federally "backed" mortgages. Loosely defined, these are loans securitized by Fannie and Freddie, or run through VA, USDA or other federal programs. These categories account for well over half of the mortgages in the US.

- Borrower on 1-4 family property (Section 4022(b)) can request forbearance up to 180 days, with another 180 days available.
- Borrower on multifamily properties (5+) (section 4023(b)), if current as of 2/1/20, must be provided at least 30 days forbearance on request, and extend that period 2 more times if requested by borrower. Further, if owner is receiving forbearance, tenants cannot be evicted.
- Foreclosure Moratorium (Section 4022(c)) – effective until May 17th, no servicer of a federally backed mortgage can initiate a foreclosure process, move for a foreclosure judgment, or execute a foreclosure related eviction or foreclosure sale. This isn't limited to CV19 related hardship, but doesn't apply to vacant or abandoned property.
- Eviction Moratorium (section 4024(b)) provides that until July 25th, a landlord cannot file a court action for eviction. After that 120 day period, they must give tenant 30 day notice to quit before pursuing eviction.

In Summary – Through June 30th, people can prevent landlords from pursuing eviction by attesting to CV19 related financial hardship. Further, Landlords cannot get a hearing in the courts to obtain an eviction notice (for any eviction proceeding) until June.

4. POTENTIAL STIMULUS DOLLARS FOR CITY

CARES Act Coronavirus Relief Fund (Section 5001)

- Allocates 1.25Billion to Alaska for:
 - o Necessary expenditures due to CV19
 - o That were not accounted for in the budget most recently approved prior to the virus
 - o That were incurred between March and December 2020.
- These funds will be remitted to the Governor for distribution throughout the state. There is discussion about direct payment to communities under 500,000 in a future federal relief bill, but that's still up in the air.

SB241

SB 241 contain the following provision:

Section 30 – AHFC shall provide financial assistance on a statewide, regional or community basis as necessary to address or prevent homelessness caused by COVID 19.

- Through end of emergency or November 15th
- Subject to appropriation

We have no information on how Section 30 will be implemented.