

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes – March 22, 2020

MEETING NO. 2020-10: The Special Meeting of the City and Borough of Juneau Assembly held in the Assembly Chambers of the Municipal Building, was called to order at 10:00 a.m. by Mayor Beth Weldon.

I. FLAG SALUTE

II. ROLL CALL

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

Assembly Absent: None.

Staff Present: City Manager Rorie Watt, City Attorney Robert Palmer, Deputy City Manager Mila Cosgrove, Municipal Clerk Beth McEwen, Tom Mattice, Robert Barr, Matt Scranton

Clerk's note: The Assembly Chambers were configured to allow for greater spacing between Assemblymembers as well as the public who attended this meeting in person and cleaning measures were conducted between each public speaker in the room providing testimony.

III. Approval of the Agenda

Under approval of the agenda, Ms. Hughes-Skandijs requested taking up Item B. Resolution 2886 regarding Travel before considering Item A. Resolution 2885(b).

Mr. Jones objected to the agenda and asked the City Attorney to address whether this was a legally constituted meeting and whether or not the required public notice had been given.

Mr. Palmer referenced CBJ Charter 3.12 in which a Special Assembly meeting could be called by three Assemblymembers. Mr. Palmer stated that the meeting was called by Mr. Smith, Ms. Gladziszewski and Ms. Hale on Saturday morning. Shortly thereafter, an agenda was pushed out for the public between 10a.m. and noon. He said that the substance that is on this Special Assembly meeting, the two resolutions on the agenda, did not go out until approximately 9p.m. the previous night. He said that, under normal circumstances, the Charter does require 24 hours public notice of items for consideration. That said, there is a provision in the Charter that allows insufficient public notice when the Assembly is declaring an emergency. He stated that in consultation with the members that asked for this meeting, he wrote into the "Whereas" clauses language that is akin to declaring an emergency such that a threshold level that this meeting can suffice. However, he recognizes that public notice on incredibly important civil liberty and business issues may not need to be done in such short order such that in the manager's report there is a suggestion that the Assembly may want to continue to hold this over for public testimony and hearing on Monday night. However, that is up to the Assembly to decide that the

public health urgency is strong enough if the Assembly decides they want to take these items up for public hearing and action at this meeting.

Mr. Jones said he objected to the agenda as he does not believe this was a legally constituted meeting.

Mr. Bryson asked if the Assembly could vote on whether this was a legally constituted meeting or not.

Mr. Palmer read Charter section 3.12(c) and said that the Assembly could vote on the question as to whether they wished to consider this a legal meeting.

CBJ Charter 3.12 (c) A special meeting at which a state of emergency is declared and identified by the assembly shall be a legal meeting although proper notice may not have been given of the meeting.

MOTION by Ms. Gladziszewski to consider this a legal meeting under the provisions in Charter 3.12(c).

Mr. Bryson objected.

Roll Call Vote on considering this a legal meeting

Ayes: Gladziszewski, Smith, Hughes-Skandijs, Hale, Edwardson

Nays: Jones, Bryson, Triem, Weldon

Motion passed 5:4

IV. AGENDA TOPICS

B. Resolution 2886 A Resolution Mandating People Traveling into the City and Borough of Juneau Must Quarantine Related to COVID-19

As the COVID-19 pandemic spreads into Alaska, Assemblymembers raised concerns that the City & Borough of Juneau should impose additional social distancing measures. This resolution would require people traveling into the City and Borough of Juneau by plane or boat from outside of Alaska or from a community with confirmed COVID-19 cases to self-quarantine for 14 days.

One option for the Assembly would be to discuss this resolution today and set it for public hearing and action at a Special Assembly meeting on Monday night.

Public Comment

Jim Clark, a resident of downtown Juneau, expressed his concerns regarding the affect this resolution might have on Capital move issues. Firstly, he questioned if the Assembly has the legal authority to require self-quarantine. He said that he believes that authority rests with the

Governor and that there are provisions in AS 18 that allow for court orders that can require quarantine. He said that if they look at AS 26.23.020(G)(7) they would find that authority only exists with the Governor and this does not exist with a political subdivision such as Juneau even with Home Rule municipality powers. Secondly, setting that aside, his concern has to do with the fact that the capital building is closed and the public isn't going in there willy nilly. There aren't people traveling such as lobbyists going to the capital building as they can't. He urged that the Assembly leave how things at the capitol are to be managed up to the legislators and staff so they can get their work done. He said that he thinks it is a bad idea to tell legislators and staff that they will have to quarantine for 14 days and it sends out a bad message to say that we are closing the capitol. He commended the manager and Assembly for the work they have been doing to address COVID-19 issues but he was concerned that this resolution does not allow for any exceptions. He suggested they may want to urge people to self-quarantine but that they should be careful about the message this sends. He said he didn't know how we could constitutionally prevent a legislator from going on the floor of the House or Senate, they all have keys to get in there. He asked that this be thought through more thoroughly and to provide for certain exceptions.

Ms. Hughes-Skandijs asked if this resolution was amended to allow exceptions for the legislature, would he be comfortable with adoption of this resolution. Mr. Clark responded to the situation last year where special legislative sessions were held outside of Juneau. His concerns had to do with the message that this sends out to the legislature, their staff, and the rest of the state.

Mike Satre, a Valley resident, spoke as a representative of Hecla Green's Creek Mine. He said that when they received the notice of this meeting yesterday and saw the titles of the resolution, they became very concerned. They wrote a comment letter and sent it to all the Assembly last night. He said that the mandated quarantine is problematic to their business. They have many of their employees who come in from around Alaska as well as from outside Alaska. They have been exempted from other state health mandates and alerts because they are considered a critical infrastructure industry as determined and defined by federal and state mandates. He asked the Assembly as they consider quarantine mandates that they consider reasonable exemptions for all critical industries, including those that Mr. Clark brought up. Ultimately, Hecla Green's Creek Mine will comply with whatever rules the federal, state, and local agencies decide to enact. He encouraged them to also consider what happens when someone arrives in Juneau and is supposed to quarantine; once they leave the airport, there is no knowing where they go or if in fact they are quarantining. As for his employees, they will make sure they follow the laws. He encouraged the Assembly to consider the significant burden and impacts this will have on the private sector.

Ms. Hale thanked Mr. Satre for his letter and testimony. She asked Mr. Satre if the Assembly put certain exemptions in the resolution would Greens Creek have the capacity to limit contact of their employees by taking them from the airport by bus straight to mine transport and/or modify their staffing to shifts or locals only in the event disease spread became an issue. Mr. Satre said

they have been working on all contingency plans to ensure continuity of operations and everything is on the table for consideration.

Ms. Gladziszewski asked Mr. Satre to explain their current operating procedures and if this order was put in place what impact that would have. Mr. Satre explained that their workers have been encouraged and told to stay home if they have any symptoms of COVID-19 or been in contact with anyone with COVID-19. He explained the mine's liberal leave policy and that employees are paid to stay home if they are experiencing any sign of illness associated with COVID-19. So far, the mine has implemented a number of measures, including cancelling large group meetings, temperature checks on all employees as they check in, and social distancing and food handling protocols have been changed in their cafeteria. Common areas such as gyms etc... have been closed. They have established a quarantine/isolation area in Hawk Inlet. They have been communicating constantly with their employees so they know exactly what the rules are before they leave home. He said this is a very fluid situation and he asked the Assembly to give them some time to work out all the intricacies of these health mandates and shift their protocols to meet those requirements.

Lacey Wilcox, a resident of the Salmon Creek area, said she was speaking on behalf of the Marijuana Industry Association which is a statewide trade group representing marijuana establishments. She said that she appreciates being considered an essential business. She asked that if the Assembly was considering possible exemptions to a quarantine mandate that they consider exempting marijuana wholesalers within that exemption as they are not allowed to ship marijuana across the state, they are only allowed to transport and deliver those in person. Wholesalers are required to travel with their product, in a chain of custody, to their retailers across the state and deliver the product in person and these quarantine restrictions would prevent that from happening and it would also hinder them from turning around and processing the next order if they had to wait two weeks between each of those trips. She said they are taking many precautions already in the industry such as those required to travel already limiting exposure to those in the wholesale and resale locations.

Ms. Hughes-Skandijs asked about the wholesalers traveling to smaller communities. Ms. Wilcox explained that their wholesalers do provide to retail stores around the state but their industry is trying to modify things so that the wholesalers are providing to regional areas primarily such as the Juneau wholesalers providing product to the Southeast communities like Ketchikan, Sitka, etc... Ms. Hughes-Skandijs asked her about any precautions they are already taking within those communities where COVID cases have been occurring such as Ketchikan. Additional discussion took place between Assemblymembers and Ms. Wilcox about the precautions the marijuana employees are taking as well as how that is affected by the state regulations with respect to the marijuana industry.

Assembly Action

Ms. Hughes-Skandijs asked Mr. Palmer if he could address the legal questions that were raised by Mr. Clark.

Mr. Palmer said that Alaska is in unchartered territory. He said that he quickly looked up the statutes referenced by Mr. Clark and that Mr. Clark was spot on about the Governor's authority to mandate imposition of quarantine. Mr. Palmer said that during his research of this topic over the past two weeks when they first started looking at it cruise ships coming, he is of the belief a Home Rule municipality in Alaska shares the same powers as the Governor with respect to this. Just because we have not articulated a code section that states that a municipality can issue quarantine or isolation, doesn't mean they don't have the power to do so. He said that he is of the belief that if the Assembly chooses to, it can have a quarantine and isolation power that is the same as the Governor. He said that if it ever comes down to use or force or an enforcement tool, they will probably need to have an emergency ordinance that specifically codifies that and outlines it in more detail.

Mr. Edwardson said that the first thing he wanted to express was his appreciation for those who voted no in holding this meeting. He said that while it may have seemed like it, voting yes was not easy either. He said his reasoning for voting yes goes back to 1987 when he swore his first oath to uphold and defend the constitution and the laws mean a lot to him. He said that he had his name down to ask for a Special Meeting on Thursday if the Mayor hadn't called one as he wanted to know what the Assembly's legal authorities were with respect to the airports and he said that he still didn't have an answer to that question. He said that he understands Home Rule and sovereign authority but he wants to hear about case law and where they might stand on this.

Mr. Palmer explained that the United States Constitution, 10th Amendment vests all powers articulated in the U.S. Constitution to the states. Alaska's Constitution has an incredibly broad grant of authority to Home Rule municipalities and the Supreme Court for the State of Alaska has interpreted that to mean that unless expressly prohibited by law, Home Rule municipalities have the greatest power that any municipality can have. He said that as he sits before them in this meeting, he has reviewed a handful of quarantine cases from across the U.S. dating back to about 1850 and there was a grouping of cases between 1850 and 1930ish in the U.S. was concerned about various contagious diseases and the cases that he looked, the appellate courts in those states have all given deference to the municipality. If there was a contagious disease and a medical reason to require a quarantine, the courts found that municipalities had the right to require citizens to quarantine even if they otherwise had a right to travel. In summary, he said that going from the U.S. Constitution, to the Alaska Constitution and the power of Home Rule municipalities granted by those, he is of the belief at this time that the Assembly has those powers to require quarantine if they should choose to invoke it. Mr. Edwardson thanked Mr. Palmer for this explanation.

Ms. Triem asked what the options were and what resources would be available to enforce quarantine. Mr. Palmer explained that with respect to the enforcement question, the first

approach is always to seek voluntary compliance with any laws that are enacted. Because it is a tenuous balance, if the government has to exercise force, whether that is through arrest or an injunctive order where a judge is required to issue an order, that sucks up incredibly valuable resources and causes disputes that can suck up other significant resources. He said with respect to the question as to whether or not they can do things differently, yes, as he mentioned earlier, if the Assembly wishes to be able to have the use force enacted, the Assembly would need to enact an emergency ordinance. He noted that the civil defense ordinance is a little outdated and it was reviewed by the Assembly Human Resources Committee the week prior and will be before the Assembly COW at tomorrow's meeting for further discussion. He said that if the Assembly deems it necessary, he said that ordinance could easily be converted to an emergency ordinance at short notice.

Mayor Weldon asked Mr. Watt to address the question related to resources available. Mr. Watt said that as a practical matter, there are hundreds of people coming in at the airport and ferry terminal a day. At this time they do have a facility large enough to require people to quarantine and we do not have the personnel to monitor that number of people. It would be impossible to do that with the personnel that we have.

Mr. Smith said that he has been looking into the legislature and how that would impact them. Currently there were no members of the Senate out of town and two members of the House who were not in town. They were rapidly moving to adjournment. There are definitely some concerns about being a welcoming capital. He said that he thinks at this time, that impact is somewhat limited. In terms of voluntary compliance, he spoke with the screeners at the airport and if the Assembly did require a self-quarantine, the screeners would make travelers aware of those requirements.

Mr. Bryson said he is trying to bring his family members home to Juneau. His wife and two of his children are not in Juneau, they left before travel restrictions were in place. Peru has closed its borders. They are working with the State Department to try to get his daughter home from Peru. She is not the only exchange student from Juneau are trying to come home. He said that college kids are also trying to come home as schools are starting to close down. He said that he understands the need for self-quarantine and his family has already begun to make those provisions for when his family is able to come home. He said that denying Juneauites the ability to come home does not benefit this community.

Mr. Smith called for a point of order stating that the resolution does not state that individuals are not allowed to come to Juneau, it just has a mandatory quarantine of 14 days.

Mr. Bryson said that with respect to looking at possible exemptions and people going to work, he asked what they do next when we actually have cases and what will happen when they are in recovery but there are still a few cases at the hospital and we are trying to put our community back in order. Mayor Weldon noted that there was no motion on the floor and this was the time

to ask questions. Mr. Bryson asked how what the plans will be on how to handle our community when we do get cases in Juneau. Not just how we will handle this for now but what will happen over the next few months.

MOTION by Ms. Gladziszewski to adopt Resolution 2886.

Ms. Gladziszewski said in addressing Mr. Bryson's questions, she hopes they can try to be methodical and try to solve one problem at a time as they can. She said that she totally understands Mr. Bryson's concerns and that is why they have planners in the EOC who are trying to figure out all those scenarios for them. This is step one. The Governor has done almost this and sent out a strong recommendation for this, this is the next step to make it mandatory in Juneau. She said they are trying to go down this road and to do it incrementally and methodically. She said there are many, many reasons not to do this, it complicates businesses and everyone in town. Ms. Gladziszewski shared a Boston Globe Article from March 13 which provided a cautionary tale from Italy saying "Don't do what we did." She said that nine days ago when this article was written, they had 1266 deaths and nine days later, as of today they had 5825 deaths in Italy. She said that Italy was on a trajectory and we have the benefit of seeing what happened and take actions to protect public health here in Juneau. She said that she spoke to her friend in Italy who said to learn the lessons from them, stop the head games and don't think it isn't going to happen to us. Ms. Gladziszewski said that we have the benefit of seeing what this has been doing elsewhere in the world and we shouldn't be distracted by all the squirrels but should implement the precautions necessary to protect public health here in Juneau.

Mr. Jones said that puts him as the leader of the squirrels as he disagrees with Ms. Gladziszewski in many ways except for her statements about the very many reasons not to pass this Resolution. Mr. Jones expressed his concerns about the whereas clause (N) in the resolution that references the CBJ's civil defense code 3.25.040(d)(6). That section is up before the COW but he doesn't see that section being applicable to this situation and doesn't even know if it would fit the situation if it were changed and passed out of COW. He said they just passed Resolution 2884 the other night, with the whereas clause (T) that states that the City Manager will seek approval prior to issuing any order 1) relating to private property, 2) relating to mass quarantine or isolation and 3) related to the rationing of goods or supplies. He also noted that the whereas clause (U) stated that a public health related order, if any, shall be consistent with federal or state public health official recommendations. He said that he doesn't agree with the whereas clause of this Resolution that this would have the same effect as a rule issued by the Manager. Mr. Jones said that this order would be consistent with state public health recommendations. He said that in our attempt to assuage fears and concerns, he asked the City Attorney if the whereas clause N of the resolution would be consistent with current law and/or an amended version of the ordinance if it changes while also being consistent with Resolution 2884 if this Resolution 2886 passed.

Mr. Palmer said that as it stands now, an order issued by the Manager would have the same effect as if this resolution was adopted. As he mentioned earlier, if the Assembly wanted to

impose the ability to use force, either by arrest or otherwise to enforce one of these, they would need to pass an emergency ordinance to convey that power.

Mr. Edwardson said he supports this resolution to have the opportunity to flatten the curve. He said the critical path involved isolation units, ventilators, O2 units and to be sure the hospital can treat people as the need arises. One of the ways to do that is telling people to quarantine. When we talk about enforcement, we talk about law breakers. Most people follow the law and enacting a law requiring quarantine gives people and employers an out to ensure they and their employees are complying with legal requirements while also doing the right thing to flatten the curve. Mr. Edwardson said that he supports this resolution and this isn't a matter of opposing or supporting this out of fear but out of data and experiences from other communities. He took an oath and is upholding the oath.

Ms. Triem said that she won't vote against this resolution. The Assembly has a duty to think of those things that are being dismissed as distractions tomorrow's problems. She said that she feels that economically, the nine Assemblymembers are financially in a place where they can weather this issue for the moment. However, they have passed ordinances and the Governor has issued mandates that have caused people to lose their jobs and that is a matter of crisis to people and not to be dismissed as a squirrel but an important issue to consider. She said that she hopes they have the capacity to think of both the public health aspects as well as the impacts those have on the lives of the residents of Juneau. That is the job that the Assemblymembers took on when they agreed to serve and if they don't look at all aspects of this, they will be failing their duty to the community.

Ms. Triem stated that she would like to make an amendment to section 2 of the resolution to provide an exemption for medical professionals traveling into the community to provide essential public health services. The Assembly took a 5 minute recess during which Ms. Triem consulted with the City Attorney on the wording of her amendment.

AMENDMENT 1: to section 2 by Ms. Triem to include a sentence that reads: "People performing essential public health duties shall quarantine except as necessary to protect the health and safety of others."

Ms. Gladziszewski objected to the amendment and asked for some additional information about this. Mr. Palmer explained that this has been an ongoing conversation for the past weeks and BRH CEO Chuck Bill has been seeking guidance over past week(s) as they do have health care workers who travel to perform specialized medical services that no others in our community are able to provide.

Additional discussion took place regarding the nuances of who would or would not fall under this amendment language and the types of medical services they would be providing if they were exempted from quarantine. Ms. Triem said that she was proposing this amendment envisioning

the worst case scenarios as they were happening in Italy and that health care professionals would be held to the required quarantine protocols unless they were performing lifesaving services.

*Ms. Gladziszewski withdrew her objection and **Amendment #1 passed by unanimous consent.***

Ms. Hughes-Skandijs asked for clarification with respect to Mr. Jones' comments regarding the civil authority of the manager under CBJ 03.25.040(b)(6) and if he has delegated that authority to someone else. Mr. Palmer said that the City Manager currently has that authority and has not delegated it out and due to the current situation, is not likely to delegate that authority at this time

Ms. Hughes-Skandijs asked for some clarification on the state health mandates talking about the high risk, medium risk zone and if this changes the entire lower 48 into a high risk zone. Mr. Palmer clarified that it does change the entire lower 48 into a high risk zone and it also turns any Alaska community that has a confirmed COVID case into a high risk zone as well.

Ms. Hale spoke in support of this resolution and she also spoke to the current case load in Alaska and do everything that we can to prevent cases from coming into Juneau. Everything they are looking at implementing has an economic impact but their first steps need to take the precautions that protect life.

Mr. Bryson said he would like to propose an amendment that would exempt essential personnel to allow them to work right away, such as the legislature.

Mayor Weldon took an at ease so Mr. Bryson could have a few minutes to work with the attorney on proposed language for his amendment.

AMENDMENT #2 by Mr. Bryson to include the following wording to Section 2: "People that are engaged in critical business or entities are exempt from the quarantine requirement. They are still required to comply with all state health mandates."

Objections by Mr. Smith, Ms. Hale, and Ms. Hughes-Skandijs.

Ms. Hughes-Skandijs asked about the definition of the terms "critical business or entities." Mr. Palmer explained that term was defined in Resolution 2885 but it would be up to the maker of the motion if he wanted to include that same definition with his amendment.

Mr. Smith and Ms. Hale objected to the motion stating that their primary concern is to have this window of time to stop and slow down the spread of the pandemic.

Ms. Gladziszewski said that the squirrels and other things are not trivial and she doesn't not think of them lightly, however, she spoke of the critical path in medical terms and recounted her training as an EMT. She said that everything that she will do in making these public health decisions will be guided by that training and those life and death decisions that will have to be made by health care professionals as this pandemic unfolds. She said that will never criticize anyone for the votes they make today as they are all trying to do the best for the community.

Ms. Hughes-Skandijs said that she understands the practical effect of the amendment and would vote against it. She appreciates what Mr. Bryson is trying to do but they have a unique situation in which public health and economic health are competing with each other. She said that it would defeat the purpose of what 2886 is trying to accomplish so would be voting no.

Mr. Edwardson asked for clarification on the definitions related to critical business and entities.

Additional discussion took place between Mr. Palmer, Mr. Edwardson, and Mr. Bryson and an at ease was taken to work on the definition language.

Mr. Bryson withdrew his initial Amendment and replaced it with the following amendment:

Amendment #2 add to SECTION 2 “People that are engaged in critical business or entities are exempt from the quarantine requirement and they are still required to comply with all state health mandates. Critical businesses or entities are defined as in Attachment A titled Critical Workforce Infrastructure on packet page 13.”

Ms. Gladziszewski objected and said we only have this one tool to put in place until we can get more tools such as testing and vaccines.

Amendment by Ms. Hughes-Skandijs to change the definitions by Mr. Bryson’s and remove Attachment A and replace it with the term “government functions.” She then spoke to her amendment being narrow enough for the legislature to complete its session.

Mr. Smith and Ms. Hale spoke to the legislature issues and also the timeline for this resolution to be in effect for three weeks.

Additional discussion took place and Ms. Hughes-Skandijs removed her amendment to Mr. Bryson’s amendment. They then talked about how many people the exemptions would be allowed to travel without requiring quarantine. Mr. Watt said that the short answer is that he doesn’t know. He did look at the statistics from Ms. Wahto that has shown travelers that have been arriving that have been going through the airport is down 65% from the usual travel numbers. Ms. Gladziszewski shared her concerns about the messaging coming from a wide variety of different government agencies.

Mr. Smith shared his concerns about the asymptomatic cases that could be walking off those flights and not even realize they were carriers.

Ms. Hale spoke to the circumstances that will be different in three weeks and that the State of Alaska is on the curve already going up. She read from a letter that was sent to the Governor from Emergency Department medical staff that said they believe the time to shut down any non-essential out of state travel is now as is travel within the state to smaller communities.

Mr. Bryson called for the question. Mayor Weldon over ruled that and said she was waiting for others to talk before she did and she had not yet had a chance to speak. She said that she is in

support of Mr. Bryson's amendment. She said they are working very hard to follow the science and watching very closely what is happening with the state mandates and tracking flights, etc... She commented that 1/3 of our workforce is public sector and 2/3rds of the workforce is private sector and they also need to let some critical functions happen.

ROLL CALL VOTE on Amendment #2

Ayes: Bryson, Edwardson, Jones, Triem, Weldon

Nays: Gladziszewski, Hale, Smith, Hughes-Skandijs

Motion passed 5:4

Mayor Weldon asked for the Clerk to restate the motion before the body.

Ms. McEwen stated that the MAIN MOTION would be to adopt Resolution 2886 as amended with Amendments 1 & 2 as shown above.

Mayor Weldon said that she hasn't spoken to this yet and she was going to object to the motion. The reason she was objecting because she has been a supervisor for many years and as a supervisor, she learned that even if you have the authority to do something, if you don't have the means to enforce it, it is just as good as the paper it is written on. We may have the authority and even possibly have the ability to quarantine people but we simply do not have the staffing capacity to do so. We have six police officers on duty at any given time and she would rather see them taking care of the things they need to take care of rather than trying to track people down to make sure they are in quarantine.

Mayor Weldon called for the Clerk to call the roll on the vote.

Ms. McEwen began calling the roll, Ms. Hale said she was disconnected and there was one additional amendment that she wanted to make in terms of the effective date on the resolution.

Mayor Weldon deferred to the City Attorney since they had already begun taking the vote on the motion Mr. Palmer said that in accordance with Roberts Rules of Order, once the question has been called, it is up to a majority of the body to stop the vote.

Mayor Weldon called for a brief recess to confer with the City Attorney.

MOTION by Ms. Hale to stop the vote on the Main Motion as amended by Amendments 1 & 2.

ROLL CALL VOTE on the motion to stop the vote.

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

Nays: Jones, Bryson

Motion passed 7:2

AMENDMENT #3 by Ms. Hale to change the effective date of Resolution 2886 to be effective as of midnight of the day it is adopted.

*Ms. Triem asked for ease of understanding if they could make it for 11:59p.m. Ms. Hale said she heard that and would agree with that change. **Mayor Weldon called for any objections to Amendment #3 as modified to the 11:59p.m., seeing and hearing no objection, Amendment #3 passed.***

ROLL CALL VOTE on the MAIN MOTION to adopt Resolution 2886 as amended by Amendments 1, 2, & 3 as shown above.

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

Nays: Bryson, Jones, Weldon

Motion passed 6:3

Mayor Weldon called for a recess from 12:15 – 12:36 p.m.

Mr. Jones gave Notice of Reconsideration of his vote on the Resolution 2886.

Mayor Weldon asked Mr. Palmer to remind everyone of the procedures with respect to Notice of Reconsideration. Mr. Palmer explained that Mr. Jones just gave notice of reconsideration so he could bring it up at the next Regular or Special Assembly meeting.

MOTION by Ms. Gladziszewski to take up immediate reconsideration which she said would require six votes and would be able to be taken up right now.

After a brief at ease, Mr. Palmer explained rules of procedure regarding Notice of Reconsideration under Rule 15 under the Assembly Rules of Procedures. He said that Mr. Jones' notice of reconsideration is ripe to be taken up at this time due to Ms. Gladziszewski's motion for immediate consideration. He stated that it would take six votes to take up immediate reconsideration and if that passed, the effect would be to place the main motion with amendments back before the body as though the initial vote had never happened.

Additional discussion took place regarding the Assembly Rules of Procedure as well as the effect of taking up immediate reconsideration. Mr. Watt noted that the meeting scheduled for Monday was a Committee of the Whole meeting. Mayor Weldon stated that if one was needed, she would call for a Special Assembly meeting to take up this matter if it wasn't resolved today.

After a brief recess, Mr. Palmer explained that if the motion for immediate reconsideration passes, then Mr. Jones' notice for reconsideration is mute and the Main motion as amended would be taken up for reconsideration right now. Mr. Palmer also explained that if the motion for immediate reconsideration fails, Mr. Jones' notice of reconsideration is still alive and he can choose to bring it up at the next Special or Regular Assembly meeting.

Roll Call Vote on the Motion for immediate reconsideration

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

Nays: Bryson, Jones, Weldon

Motion passed 6:3

Members asked Mr. Palmer about the status of the amendments which were previously adopted and if there would now be an opportunity under reconsideration to make additional amendments. Mr. Palmer explained that the amendments as previously passed are now part of the main resolution but if the body wanted to make further amendments, they could do so.

Mayor Weldon asked Ms. Hale if she had any additional amendments. Ms. Hale asked for a brief at ease.

Ms. Hale asked about Amendment 2 which adopted the entire Attachment A defining “critical businesses and entities” and asked she could replace it. Additional discussion took place regarding the list and definition. After further discussion Ms. Hale provided the following language to amend Amendment #2. Mr. Palmer clarified that such an amendment would be in order.

AMENDMENT #4 to Section 2 of the Resolution 2886 by Ms. Hale to strike through the following bulleted items on Attachment A to leave only four sectors in the definition.

“Transportation and logistics, Agricultural operations, including fishing and fish-processing, energy, critical manufacturing, raw material production for manufacturing, including mining and timber, water, wastewater and sanitation, and financial services.

Members spoke in favor and in opposition to the amendment and spoke to their concerns.

Ms. Hughes-Skandijs noted that the inclusion of Healthcare and Public Health is in conflict with the initial Amendment 1 and asked Mr. Palmer if this amendment was in order. Mr. Palmer noted that if there were conflicts between parts of the resolution, they can make those adjustments after the roll is taken on this amendment #4.

Roll Call Vote Amendment #4

Ayes: Gladziszewski, Hale, Smith, Hughes-Skandijs

Nays: Bryson, Jones, Edwardson, Triem, Weldon

Motion failed 4:5

Mr. Watt apologized for not noticing this earlier but he said that he realized that they may need either clarification or an additional amendment for those travelers who might be stuck in Juneau. For those instance in which Juneau was an interim stop on their journey such as getting off the jet and going to a hotel to stay overnight before taking a plane to another community so that they weren’t stuck in quarantine midway through their journey. Mr. Palmer said that the current language in resolution has requirement for social distance in case they have not yet reached their final destination.

Mayor Weldon noted that the Main Motion for Resolution 2886 as amended by Amendments 1, 2, and 3 was on the floor for consideration.

Additional discussion took place regarding the fact that this resolution did not have pressure valve language in the same way that it is incorporated in Resolution 2885(b). Mr. Jones brought up his concerns regarding the effects of this resolution stripping civil liberties and other members weighed in on the balancing of civil liberties vs. trying to ensure the safety of public health for the community.

Mayor Weldon called for the vote on the main motion as amended.

ROLL CALL VOTE on the MAIN MOTION to adopt Resolution 2886 as amended by Amendments 1, 2, & 3 as shown above.

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

Nays: Bryson, Jones, Weldon

Motion passed 6:3

Mayor Weldon called for a recess from 1:48 – 2:00 p.m.

A. Resolution 2885(b) A Resolution Mandating People in the City and Borough of Juneau Hunker Down Related to COVID-19

As the COVID-19 pandemic spreads into Alaska, Assemblymembers raised concerns that the City & Borough of Juneau should impose additional social distancing measures. This resolution would do three things (1) order people to stay home as much as possible, (2) order non-critical businesses to close to the public, and (3) order critical businesses that stay open to comply with social distancing guidelines as much as possible. This resolution would expire in two weeks.

Version (b) of this resolution reflects a revision by the makers to change the effective date.

One option for the Assembly would be to discuss this resolution today and set it for public hearing and action at a Special Assembly meeting on Monday night.

MOTION by Mr. Bryson to postpone action on Resolution 2885(b) to a Special Assembly meeting to be called for March 23 but since members of the public have shown up here and listened for four hours to the Assembly discussion, to permit any members of the public who wished to speak on this resolution to be allowed to speak at this time.

Ms. Gladziszewski asked if after public testimony the Assemblymembers could ask questions but not debate it at this meeting.

Public Comment

Mark Ridgway, a Glacier Hwy. resident, said that in reading the Manager's Report for Resolution 2885(b) he said he thinks it is fundamentally misleading. Rather than saying that "as the pandemic spreads into Alaska..." it should read that "as the pandemic spreads throughout Alaska..." He said from the point of view of this public meeting, he is concerned about public meetings moving forward in light of looking at this room being at capacity. He appreciated the

discussion and deliberation that the Assembly has taken with respect to these issues and he especially appreciated Mr. Jones' concerns related to the protection of our civil liberties. He said it is for exactly that reason that he trusts the Assembly to make those hard decisions and he is willing to have some of his civil liberties abridge if it means protecting the public health of the community.

Linda Thomas, a Douglas resident, CEO of Alaska Brewing Company and a past member of the BRH Board and she is very supportive of all the Assembly has been doing with respect to these issues. She said that Alaskan Brewing Co. is considered a critical business according to the Department of Health and Social Services and Homeland Security as a beverage manufacturing organization. She had sent a letter to the Assembly approximately an hour prior to this meeting. She then explained why they are considered a critical infrastructure business. They have the capacity to bottle water and they have been working in cooperation with the city to manufacture hand sanitizer. She said they will have more information to share at tomorrow night's Assembly meeting but that she was available to answer questions if there were any. Mayor Weldon thanked Ms. Thomas and the Alaskan Brewing Company for manufacturing 18,000 gallons of hand sanitizer.

Lacey Wilcox, urged the Assembly to allow marijuana businesses to be considered in the critical businesses. She also noted that as they make a variety of changes in the future, marijuana industry business will not be eligible for any federal funding assistance.

Questions from Assemblymembers to staff re: Resolution 2885(b):

Mr. Jones noted that the language in the resolution mentions "marijuana dispensaries" and Mr. Jones said that there is no definition in state law for marijuana dispensaries. State law only mentions Testing, Cultivation, Retail Sales, and Manufacturing. He also asked the attorney to consider travel restrictions under the previous resolution adopted, and noted that all marijuana that is sold has to be tested and the only testing facility in Southeast Alaska is in Ketchikan. He then explained the marijuana industry process. He also asked about the rules with respect to bars, distilleries, and other similar industries would be addressed in Resolution 2885(b).

Mr. Palmer said that Mr. Jones' questions would be ripe for debate at tomorrow night's Special Assembly meeting and that his initial language for this resolution was taken almost verbatim from what Mayor Berkowitz' language was per the request of the three Assemblymembers who asked that it be drafted.

Mr. Smith asked about the limits to gatherings and gathering sizes. Mr. Palmer responded that there are some federal guidance and Governor mandates for certain communities such as the Ketchikan Gateway Borough that limits gatherings to no more than ten persons.

Item C. Assembly Communications with EOC.

Mr. Watt said that this is the Assembly's request to discuss this topic. He said that the Emergency Operations Center can provide communications to the Assembly as frequently as they wished to receive them. He said that as to policy choices, he feels it is best for the Assembly to provide policy direction to Manager and the Manager would provide those policy updates to the EOC. Thinks in terms of policy decisions, the Assembly should be the ones making decisions to the maximum amount possible. He said that there will be some instances in which he would could or should make those choices and provide the Assembly with information as soon thereafter as possible. He gave an example of when the Governor closed schools on Friday night for two week, he needed to make the decision to close pools, the rec facilities and the youth center on Saturday, and otherwise they would have had a problem on Monday before the Assembly had a chance to take action. He said that on Friday, the Governor extended school closures to May 1 so he thinks that it would be appropriate for the Assembly to extend that date because there is now time for them to do so. He said that policy decisions by the Assembly, by the Manager and EOC updates all swim together in that same pool. He will get them updates from the EOC as often as they want, he said they can schedule meetings as frequently as they want but in terms of making policy decisions, to the maximum extent possible, those should be done by the Assembly.

Mr. Edwardson said that one of the conversations he has had with a number of people is what is the role of the Assembly in the Emergency Operations Plan. He said that in 2016, the Assembly adopted the latest version of the EOP which is a good guide for the role of the Assembly. He agreed with Mr. Watt that the role of the Assembly is one of policy making and not tactical work. He asked what the Assembly could do to help facilitate things the fastest.

Mr. Watt said that they will be receiving an update from the EOC tomorrow night and the Assembly may want to consider then or at another meeting the extension of time for facility closures.

Ms. Hale asked what the EOC needs from the Assembly. Ms. Cosgrove said that to echo Manager Watt, they would be looking for policy decisions from the Assembly. If something is burning faster than the Assembly can act on them, they would look for action from the Manager with back-ups from the Assembly as soon as those were available. She said that there what they do not need from the Assembly at this time is help in standing up and running the operational aspects at this time. They do welcome the Assembly to share input if it looks like the EOC is missing something. She said they can discuss things more tomorrow and if any of this makes them uncomfortable, they need to share that with the EOC so they can address those.

Mr. Watt said that as he reads things like the civil defense code which was passed in a very different time, he noted that we do have the ability to call up meetings on very short notice if

necessary. There are very different communication regimes and if the EOC needs guidance they can call for a Special Meeting if necessary.

Ms. Gladziszewski said that she would be looking for clear direction from the EOC on when, what and how communications take place between the Assembly and the EOC so the Assembly doesn't overload the EOC with too many demands or too much information.

Mr. Smith said that knowing they will have an EOC update tomorrow, should they be expecting any action the Assembly needs to take tomorrow?

Ms. Cosgrove said she will need time to digest what the Assembly did today and see how that fits in with the overall strategy.

Mr. Jones recommended his fellow Assemblymembers to carefully read the COW packet materials, especially the document 2020-16 COWv1. He said that this is existing law but the proposal is to amending some of that. He said that the Assembly has declared an emergency, the Incident Commander (IC) has pretty broad powers without the Assembly needing to do anything. It can but doesn't require Assembly approval or adoption of what the IC or EOC does. In the Charter the Assembly has two employees, the City Manager and the City Attorney. The Manager appoints the IC unless or until they appoint another IC in their place. He said the role of Assembly is to manage the Manager, not their employees. He urged the Assembly to pay attention and read the materials carefully and that the chain of command stops with the City Manager.

Additional discussion took place and Mr. Edwardson pointed out that the Mayor is the liaison for the Assembly as defined in the EOP from 2016. Mr. Smith asked if the manager make orders under the Emergency Operation Center or if that falls to the IC. Mr. Palmer explained that the Assembly has given the Manager the authority to make those orders but this body has also, with the adoption of the language in the emergency declaration, made a strong presumption that as Mr. Watt made a few minutes ago, that policy decisions such as the mandating quarantine should be made by the Assembly and it would only be in instances such as the one the Manager described about facilities closures that the Manager would likely make.

Ms. Cosgrove said it would be helpful for the EOC to know from the Assembly if the communication they are receiving is not clear, what they are looking for. The EOC wants to bring them along and provide them with the information they are needing.

Mr. Edwardson noted that tomorrow night's Lands Committee meeting was cancelled in order to hold the Special Assembly meeting would take its place. Mayor Weldon noted that the timing of the Special Meeting is not yet set as they need to check to make sure it doesn't conflict with the Governor's press conference.

Mayor Weldon thanked staff for all the work that they have done over the weekend to make this meeting happen. She urged the public to be safe, to maintain social distancing and follow the CDC guidelines.

Ms. Hale thanked those who worked on making the sound system better.

V. ADJOURNMENT

There being no further business, the meeting was adjourned at 2:42 p.m.

Signed: _____
Elizabeth J. McEwen, Municipal Clerk

Signed: _____
Beth A. Weldon, Mayor