

# **ASSEMBLY HUMAN RESOURCES COMMITTEE THE CITY AND BOROUGH OF JUNEAU, ALASKA**

March 6, 2017 6:00 PM  
Chambers

## **I. ROLL CALL**

## **II. APPROVAL OF AGENDA**

## **III. APPROVAL OF MINUTES**

- A. February 13, 2017 Human Resources Committee Meeting Minutes

## **IV. PUBLIC PARTICIPATION**

(Not to exceed a total of 10 minutes nor more than 2 minutes for any individual).

## **V. AGENDA TOPICS**

### **A. Board Matters**

1. Jensen-Olson Arboretum Advisory Board - Annual Report & Appointments
2. Parks & Recreation Advisory Committee - Annual Report & Appointments
3. Personnel Board - Appointments
4. Wetlands Review Board - Annual Report
5. Resolution 2792 - A Resolution Dissolving the Fisheries Development Committee and Repealing Resolution 2751.

The HRC, at its February 13 meeting, asked the Law Department to prepare the attached draft resolution (2792) and bring it back to the HRC for consideration. Resolution 2751 is also included in your packet for reference purposes.

### **B. Other Business**

## **VI. STAFF REPORTS**

### **A. Alaska Statutes - Title 4 Rewrite Project Information**

Attached is an update from Senator Peter Micciche on the Title 4 Liquor License statute changes to be introduced in the Alaska Legislature.

## **VII. COMMITTEE MEMBER COMMENTS AND QUESTIONS**

## **VIII. ADJOURNMENT**

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](mailto:city.clerk@juneau.org)

# **ASSEMBLY HUMAN RESOURCES COMMITTEE THE CITY AND BOROUGH OF JUNEAU, ALASKA MINUTES**

February 13, 2017 5:30 PM  
Chambers

## **I. ROLL CALL**

Chairman Jones called the meeting to order at 5:29 p.m.

Members Present: Chair Loren Jones, Beth Weldon, Norton Gregory, Debbie White

Other Assemblymembers present: Jerry Nankervis, Jesse Kiehl

Staff Present: Deputy Clerk Beth McEwen, Library Director Robert Barr, Eaglecrest Manager Matt Lillard, and Port Director Carl Uchytel

## **II. APPROVAL OF AGENDA**

*The agenda was approved as presented.*

## **III. APPROVAL OF MINUTES**

*Hearing no objection, the minutes of the January 9 and January 23, 2017 HRC meetings were approved.*

A. January 9, 2017 Human Resources Committee Minutes  
Approved

B. January 23, 2017 Special Assembly Human Resources Committee Minutes  
Approved

## **IV. PUBLIC PARTICIPATION**

*None.*

(Not to exceed a total of 10 minutes nor more than 2 minutes for any individual).

## **V. AGENDA TOPICS**

A. Board Matters

1. Juneau Public Libraries Endowment Board - Annual Report

Public Library Director Robert Barr gave an overview of the Juneau Public Library Endowment Board work over the past year. They meet once a year to manage the endowments that have been given to the library. He explained the investments which are invested half in equity and half in bonds through the CBJ Treasury office. He stated that the board did not choose to make any major decisions made

at the last endowment meeting other than to wait and see if the Jensen-Olson Arboretum Advisory Board decides to change any of their options. The Library Endowment Board tends to look at the Arboretum Board for guidance; their funds are invested in the same funds as those invested by the Library Board.

Ms. Weldon had a question about the annual report reference pertaining to a TMAS door traffic report. Mr. Barr explained that was in reference to the door counter statistics Mendenhall Valley Library. Rather than counting each in and out number with one final lump sum given at the end of the day, that counter records traffic in fifteen minute intervals. He said the interesting thing they learned from the data was that there were two large spikes in the attendance at that library: the first spike being when the middle school students were released from school and the second spike was when the high school students were released.

## 2. Sister Cities Committee - Annual Report & Appointments

Sister Cities Committee (SCC) Co-Chair Susan Baxter said that rather than doing a traditional annual report this year, they provided a copy of a newly created brochure about CBJ's Sister Cities relationships as found in the HRC packet. The committee's intent is to share this with their more active sister cities.

Ms. Baxter went on to highlight the upcoming exchanges over the course of 2017 with Whitehorse, YK, CA which include the hockey tournament in the spring and Canada's 150 year birthday celebration on July 1, 2017. It is the committee's hope to have Sister Cities Committee members along with JPD and some Assemblymembers go to Whitehorse in July to help celebrate that milestone.

She said that the SCC sent invitations to Whitehorse and Kalibo to attend the Juneau Innovation Summit but no one was able to attend. She said that the SCC will try to plan further in advance for these annual events. She did explain that the committee has encountered difficulties in keeping in touch with our sister cities as every time there is an administration change, the contact information changes or is unknown. An example of this is that Vladivostok has had 3-4 temporary mayors over the past two years and the contact information changes each time.

Mr. Jones thanked the committee for its work and Ms. Baxter for providing the updates to the HRC.

There were two seats on the Sister Cities Committee for terms beginning immediately and expiring January 1, 2020 and the only applicants were the two incumbents Susan Baxter and Miranda McCarty.

**MOTION** by Ms. White to recommend the Assembly reappoint Susan Baxter and Miranda McCarty to terms on the Sister Cities Committee expiring January 1, 2020. *Hearing no objection, the motion carried.*

## 3. Fisheries Development Committee - Annual Report & Discussion re: Committee Continuation

Fisheries Development Committee (FDC) Chair Jim Becker came and

discussed the work of the FDC for the past year. The FDC has struggled over the past year to have meaningful work to work on and as such, has had very few meetings. Last year, they had requested their membership be changed from seven to five members which the Assembly did.

Mr. Becker said that the FDC has been tasked to advise the Assembly on matters relating to fisheries and most recently sent a letter to the Assembly advising them on a request for funding related to SEAL Trust lands. Other work the FDC has been involved with in the recent past has been shoreside fisheries, specifically the one on North Douglas and the other one located at Sheep Creek.

He said there have been some recent conflicts with the various user groups at the Sheep Creek hatchery area and he recommends that the various user groups would benefit from coming together to have discussions about the uses of that area and the necessary amenities that go with that such as parking, toilets, traffic, etc...

Mr. Becker said that Port Director Carl Uchtyl has attended many of the FDC meetings and it was suggested that the Docks & Harbors Board (D&H) might be willing to consider incorporating the FDC as an ad hoc D&H subcommittee. Mr. Becker said that there was an upcoming D&H subcommittee meeting scheduled later that same week and that they would be discussing that topic at that subcommittee meeting.

Mr. Jones asked Mr. Uchtyl to address the HRC about this possible transition. Mr. Uchtyl said he was not at liberty to speak on behalf of the board since it had not yet been before the board but that he thought this was a feasible concept. He did say that he has seen how hard it has been for the FDC to try to get a quorum to have meetings and that since they did not have momentum, it was hard to be active or influential as a group. He said that it would be of great benefit to have the commercial fishing industry involved more with the work of the D&H board and that in fact, it took quite a few years before a commercial fisherman was even appointed as a member of the D&H board. He said their D&H Operations subcommittee will be meeting that week and they can discuss this issue at that meeting.

Mr. Jones said in speaking with staff, the Docks & Harbors Board could create an ad hoc committee as long as at least one of the D&H boardmembers was on the committee and it would be appointed by the D&H Board and to make recommendations to that board. He suggested that the HRC could request the Law Dept. to draft a resolution to disestablish the FDC to be brought back to the HRC before it would be forwarded to the Assembly.

**MOTION** by Ms. White for the HRC to request Law Department to draft a resolution disestablishing the Fisheries Development Committee and for that draft resolution to be returned to the HRC prior to being forwarded to the Assembly for adoption. *Hearing no objection, the motion carried.*

#### 4. Empowered Board Recruitment & Retention

Mr. Jones explained the Enterprise Board Appointment Process memo that he distributed at the January 9 and January 23 HRC meetings. He said when the full Assembly sits as the Human Resources Committee to interview applicants for the enterprise boards, there are often times questions that are asked regarding what types of skills the applicants are bringing in their potential service on a particular board.

His goal with this request is for each of the enterprise boards to work through a process, either with the City Manager's office, HRRM, or their own enterprise director, to look at what skills each board thinks would make their board productive. They would also be asked to look at what current members have those skills so that when a vacancy comes up, they will know what kind of skill(s) they are recruiting for. If those skills change, the board can let the Clerk/Assembly know for recruitment purposes.

Discussion took place regarding process. It was agreed by HRC that this would be in addition to the current recruitment/recommendation process. Mr. Jones said he would present an updated on this issue to the Assembly under the HRC report and he will work with the Clerk's staff to disseminate this out to the enterprise boards. He said, in light of all the current and upcoming work happen with respect to the budget, he does not intend to put a timeline on getting this back from the boards until later in the year.

#### B. Other Business

##### 1. Eaglecrest Board Memo re: Alcohol Sales and Possession Approved

Mike Stanley, Chair of the Eaglecrest Board and Eaglecrest Director Matt Lillard presented to the HRC.

Mr. Stanley explained that the board has appointed Nate Abbot to serve as interim general manager once Matt Lillard leaves effective March 3 and until a permanent general manager is appointed. He said they have begun advertising for the general manager position and they are targeting July 1 by which to have a permanent appointment.

Mr. Stanley said that as far as the alcohol issues - there are two separate issues the board is requesting the Assembly to consider.

1) The first request is to expand the premises currently covered under Resolution 477 to allow for other Eaglecrest facilities other than just the day lodge when private parties are booked and have alcohol catering as part of their lease. Mr. Stanley explained that this is more of a housekeeping measure and would expand other locations at Eaglecrest such as the Eagle's Nest, Porcupine Lodge, as well as other potential future sites.

2) The second concept is new and was part of the Master Plan process in 2012.

This concept would be to allow for the Eaglecrest Board to lease a portion of its premises for the sales and consumption of alcohol similar to what is being done at the Airport or at Centennial Hall. They would contract with a licensed vendor who would then obtain all the necessary licenses and permits and would provide all the necessary staff with the required training and TAMS cards. Ms. Stanley said this is not intended to be a full on bar scene, but rather a place to be able to serve their clients. He said when they worked on the Master Plan, the survey taken showed showed strong support from Eaglecrest users but those who do not use Eaglecrest surveyed as being in opposition to this proposal.

Ms. Weldon thanked Matt for his service at Eaglecrest and wished him well in the future. She asked about having to separate the alcohol service areas from the rest of Eaglecrest and how they may propose doing that.

Mr. Stanley explained that it would be a requirement per the alcohol laws and that their board thought it could be fairly easily done in the mezzanine area and possibly also have a yurt/umbrella type of facility would be on the outside but close to the lodge.

Mr. Jones said that a lot of people were expressing concern about the long drive down. He has heard the counter arguments to that when folks say that everyone is already consuming alcohol in the parking lot as part of a tailgating activity. He said the current code section includes language that prohibits alcohol consumption in a CBJ parking lot and he asked if there were any comments from Eaglecrest staff or the board about that practice.

Ms. Stanley said that part of the idea the board has is that their proposal would be to help regulate that activity by bringing it inside where it would be in a more controlled environment. He said that as for the parking lot and current practice, they are not an enforcement entity and they don't go out and ticket those who are drinking in the parking lot. He did say that the board has not discussed that particular aspect with respect to the language in the resolution/ordinance.

**MOTION** by Mr. Gregory that the HRC ask the Attorney to draft an ordinance regarding alcohol consumption on an expanded Eaglecrest premises, not limiting it to just the day lodge, for special events as is currently found in Resolution 477. Also, to forward to the Assembly the question pertaining to alcohol sales at Eaglecrest and to bring that up at the COW. *Hearing no objection, the motion passed by unanimous consent.*

## **VI. STAFF REPORTS**

### **A. HRC Scheduling Matters**

One item to be considered is the recent vacancy on the Airport Board and that was for a member whose term would regularly end at the end of June 2017. In addition to that seat, there is one other seat on the Airport Board that will be coming up for term expiration as of June 30, 2107.

Also in June, there are three other boards for which the Full Assembly sitting as the

HRC would be interviewing applicants and those are the Eaglecrest Board, Docks & Harbors Board, and the Aquatics Board. He suggested that if the members wanted to meet in late April/early May sometime to just decide the appointments to the Airport Board, they could make the two appointments at that time, one to begin immediately and the other to begin July 1 and that would be one less board to deal with in June.

He said there have been additional COW meetings schedule and the upcoming budget cycle and he appreciates if members did not want to add many more additional meetings to those already on the calendar.

Members discussed the calendar and options and decided to schedule the following dates for the Full Assembly as HRC:

**Monday, April 24 at 5:30 p.m.** taking the place of the regular HRC meeting for the Full Assembly sitting as the HRC to interview applicants for the Airport Board only.

**Wednesday, June 7 at 5:00 p.m.** to interview applicants for the Aquatics, Eaglecrest, and Docks & Harbors Boards followed by a Special Assembly meeting for board appointments.

## **VII. COMMITTEE MEMBER COMMENTS AND QUESTIONS**

## **VIII. EXECUTIVE SESSION**

## **IX. ADJOURNMENT**

*There being no further action to come before the committee, the meeting was adjourned at 6:11 p.m.*

To: CBJ

From: Ed Buyarski, Chair of Jensen Olson Arboretum Advisory Board

Re: 2016 JOAB Annual Report

During 2016, many questions about commercial use and tourism were discussed among ourselves and with CBJ staff. Several scenarios were forwarded to the SEAL Trust Board to verify that the uses conform to the Conservation Easement that governs the use of the Arboretum. At this time, only CBJ staff or arboretum volunteers can provide small guided tours at the Arboretum. Per the Conservation Easement, commercial use is prohibited that requires a CBJ Parks & Recreation permit. Taxis are allowed to drop off/pick up passengers at the Arboretum, but are not allowed to provide a tour at this time. Donations from tourists are encouraged in the drop box provided.

Coordination with the Friends of JOA held another successful wine tasting fundraising event in the late summer of 2016. Plans at this time are to hold the event every other year. Funds collected are available to the Arboretum Manager for plant and garden purchases. Some of these funds may also be used to help pay for the long needed parking lot along Glacier Highway in 2017.

The JOA Board and CBJ staff discussed long term Arboretum finances. The main discussion point was the use of funds that have been collected in rent from the Arboretum Manager. It was decided that these funds would be transferred into a CIP for sunroom improvements at the Managers residence. Any funds leftover from the construction of the sunroom would be transferred to the endowment. There is an ongoing conversation with where to place the endowment funds—remain with CBJ in a conservative investment account or move it to Juneau Community Foundation for a potential increase return on investment.

Coming events include Master Gardener tours in May 2017, along with Public Gardens Day and American Primrose Society National Show planned for 2018.

Respectfully submitted:

Ed Buyarski

February 2017

Attachment: 2016 Attendance Record



## JENSEN-OLSON ARBORETUM ADVISORY BOARD ATTENDANCE 2016

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	2/10/16	5/18/16	8/17/16	11/9/16
Ed Buyarski, Chair Appt: 4/07	P	P	P	P
Kristin Bartlett Appt: 8/15	P	A	P	P
Shawn Eisele Appt: 11/14	P	P	A	P
Peter Froehlich Appt: 4/10	A	A	P	P
Kim Garnero Appt: 2/11	A	P	A	P
Patricia Harris Appt: 4/07	P	P	P	P
Nell McConahey Vice-Chair Appt: 11/14	P	P	A	P
Steve Moseley Appt: 2/15	A	A	A	A
Deborah Rudis Appt: 10/09	P	P	P	A

LEGEND: **A** – Absent / **P** – Present



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## CBJ BOARDS, COMMITTEES, COMMISSIONS & TASK FORCES

### Jensen-Olson Arboretum Advisory Board Fact Sheet

**Title:** Jensen-Olson Arboretum Advisory Board

**Type of Board/Commission/Committee:** Advisory

**Affiliated Department:** Parks and Recreation

**Status:** Active

**Governing Legislation:**

-Resolution 2377

-Date Created: December 11, 2006

-Sunset Date: N/A

To reference the general rules of procedure and informational booklet for all boards, please see the documents available on the [General Board Information page](#).

**Description:** The Arboretum Advisory Board will advise on the Arboretum's guiding vision as provided by Caroline Jensen: "The vision of the Arboretum is to provide the people of Juneau a place that both teaches and inspires learning in horticulture, natural sciences, and landscaping; to preserve the beauty of the landscape for pure aesthetic enjoyment; to maintain the historic and cultural context of the place and its people." The board shall advise and assist the Director of Parks and Recreation on issues including, but not limited to, capital campaigns and fund raising, and programmatic direction consistent with the guiding vision above.

**Membership:** Section 1. Jensen-Olson Arboretum Advisory Board Established. There is established a board of nine persons, which shall be known as the Jensen-Olson Arboretum Advisory Board. (a) The Assembly shall appoint members of the board to three-year terms. To the extent practicable, one shall be a representative of the horticulture or botanical community, two shall be representatives of the financial community, one shall be a representative from Discovery Southeast, one shall be a working artist, one shall be a representative of the Southeast Alaska Land Trust, one shall be the Superintendent of the Juneau School District or designee, and two shall be representatives of the public.

**Officers:** Chair

**Quorum:** 5

**Term Limits:** None.

**Annual Appointment Period (Annual Reports Due):** January

**Meetings:** Section 5. Regular Meetings. The Arboretum Advisory Board shall meet at least quarterly. The Endowment Subcommittee shall meet at least twice per year.

**Special Facts:** Section 3. Endowment Subcommittee Established. A three member Endowment Subcommittee shall be established from the Arboretum Advisory Board consisting of one of the financial community members, the member from the horticultural or botanical community, and one of the public members. The presence of all members of the subcommittee shall be required for a quorum and any action of the subcommittee shall require at least two affirmative votes. Section 4. Endowment Subcommittee Purpose. (a) The Endowment Subcommittee shall advise and make recommendations to the Director of Parks and Recreation and the board regarding the Jensen-Olson Arboretum Endowment Fund, which shall comprise all gifts and donations designated for the Endowment Fund bequeathed to the City and Borough by Caroline Jensen. (b) Endowment Fund monies shall be maintained in a trust account managed by the Finance Department in accordance with CBJ 57.05.040, for the purpose of augmenting the Arboretum's budget and not supplanting normal operational funds. (c) The Endowment Fund will be managed with the intent to preserve the principal, including the use of interest income to protect the value of the principal from devaluation due to inflation. The board shall advise the Parks and Recreation Director annually whether and how much of the income it recommends be expended each year for the benefit of the Arboretum and to accomplish the goals of the September 30, 1993,

Administrative Agreement Concerning the Jensen-Olson Arboretum.

**Staff Contact:** Merrill Jensen - 789-0139 - [Merrill.Jensen@juneau.org](mailto:Merrill.Jensen@juneau.org)

**Website:** <http://www.juneau.org/parkrec/aac.php>

[Back to List](#)

Jensen-Olson Arboretum Advisory Board

Governing Legislation: Resolution 2377

Total # of Seats - 9 seats: 2 Financial, 1 horticultural or botanical, 1 Discovery SE, 1 artist, 1 SEAL, 1 School District, 2 Public

Active Member or Liaison	Board Membership	Title	First Name	Last Name	Type of Seat	Office Held	Current Term Begins	Term Expires	Original Appointment Date	Reappointed 1	Reappointed 2	Reappointed 3	Comments
Yes	Jensen-Olson Arboretum Advisory Board	Mr.	Ed	Buyarski	Public: Horticultural	Chair	2/23/2015	1/31/2018	4/2/2007	3/16/2009	1/30/2012	2/23/2015	Horticultural Seat
Yes	<b>Jensen-Olson Arboretum Advisory Board</b>		<b>Open Seat</b>	<b>Open Seat</b>	<b>Public</b>			<b>1/31/2018</b>					<b>Formerly held by Steve Moseley</b>
Yes	Jensen-Olson Arboretum Advisory Board	Mr.	Peter	Froehlich	Public		3/21/2016	1/31/2019	1/1/2007	4/26/2010	1/28/2013	3/21/2016	Retired District Judge
Yes	Jensen-Olson Arboretum Advisory Board	Ms.	Patricia	Harris	SEAL Trust Rep. Seat		2/23/2015	1/31/2018	4/2/2007	3/16/2009	1/30/2012	2/23/2015	SEAL Trust Representative
Yes	Jensen-Olson Arboretum Advisory Board	Mr.	Eric	Ouderkirk	Public		2/23/2015	2/28/2018	2/23/2015				USDA Forest Service - Alaska Region, Regional Landscape Architect; Liaison from PRAC
Yes	<b>Jensen-Olson Arboretum Advisory Board</b>	<b>Ms.</b>	<b>Nell</b>	<b>McConahey</b>	<b>Public (Artist)</b>	<b>Vice-Chair</b>	<b>11/10/2014</b>	<b>1/31/2017</b>	<b>11/10/2014</b>				<b>Self Employed Artisan</b>
Yes	Jensen-Olson Arboretum Advisory Board	Mr.	Shawn	Eisele	Discovery Southeast Rep.		3/21/2016	1/31/2019	11/10/2014	3/21/2016			Executive Director of Discovery S.E.
Yes	Jensen-Olson Arboretum Advisory Board	Ms.	Deborah	Rudis	Public: Financial seat		3/21/2016	1/31/2019	10/12/2009	10/21/2009	1/28/2013	3/21/2016	
Yes	Jensen-Olson Arboretum Advisory Board	Ms.	Kristin	Bartlett	School Superintendent's Designee		9/2/2015	n/a	9/2/2015				School District Representative
Yes	<b>Jensen-Olson Arboretum Advisory Board</b>	<b>Ms.</b>	<b>Kim</b>	<b>Garnero</b>	<b>Public: Financial</b>		<b>2/7/2011</b>	<b>1/31/2017</b>	<b>2/7/2011</b>	<b>1/27/2014</b>			<b>Treasurer True North FCU</b>
Yes	Jensen-Olson Arboretum Advisory Board	Ms.	Lauren	Verrelli	Staff Liaison	staff liaison	n/a	n/a	n/a				
Yes	Jensen-Olson Arboretum Advisory Board	Mr.	Merrill	Jensen	J-O Arboretum Manager	staff liaison	n/a	n/a	n/a				
Yes	Jensen-Olson Arboretum Advisory Board	Mr.	Brent	Fischer	Staff Liaison	staff liaison	n/a	n/a	n/a				
Yes	Jensen-Olson Arboretum Advisory Board	Mr.	Kirk	Duncan	Staff Liaison	staff liaison	n/a	n/a	n/a				



**PARKS & RECREATION ADVISORY COMMITTEE**

155 S. Seward Street  
Juneau AK 99801  
(907) 586-5226

To: Assembly Human Resources Committee

From: Christopher Mertl, Chair  
Parks & Recreation Advisory Committee

Date: January 30, 2017

Subject: Parks & Recreation Advisory Committee 2016 Annual Report

The City & Borough of Juneau Parks & Recreation Advisory Committee (PRAC) meets the first Tuesday of each month at 6:00 P.M. in the Assembly Chambers. The PRAC is comprised of nine members appointed by the Assembly for three-year terms.

In 2016 PRAC included members from a broad-spectrum of the community including professionals, construction trades, federal employees, local non-profits, and sports clubs who brought their understanding and leadership in developing and maintaining CBJ Parks and Recreation (P&R) programs. The PRAC terms are staggered so there is continuity by overlapping appointments. In 2016 we welcomed two new members to the PRAC. PRAC's working relationship with the Department has increased as a result of the active and insightful engagement by Mr. Duncan. The PRAC, along with the Staff of Juneau Parks and Recreation Department have made lasting impacts on Juneau's recreation opportunities.

In 2016 PRAC held nine public meetings and one special meeting. The special meeting was focused on developing a fireworks ordinance for CBJ managed parkland. Another focus item for the year was the initiation of updating the P&R Comprehensive Plan (Master Plan).

Over the last year during its nine meetings, the PRAC took public comment on a wide range of issues, providing support for several Parks & Recreation initiatives, and making recommendations to the Assembly. Planning and management highlights of 2016 include:

- Accessible Tourism
- 3+1+1 Summary
- Savikko Park 11pm closure
- 1% for the arts waterfront art

- Douglas Cemetery Maintenance
- Fireworks in CBJ Parks
- Whale Park/Seawalk Update
- Juneau Park Foundation
- Lena Development Permit
- ADA motorized mobility devices on P&R trails
- Lena Loop Land Disposal
- Update of P&R Master Plan
- Gunakadeit Park
- SEAL Trust Letter of Support for N. Douglas lot access
- Hut-to-Hut concept
- Planning for 1% Sales Tax
- Priority Based Budgeting
- Parliamentary Training discussions
- Cope Park Improvements
- Eagle Valley Center Plan
- Franklin and Front St. Reconstruction
- Lands Management Plan
- Off Highway Vehicle (OHV) Park
- P&R Cost Recovery
- P&R Fees & Charges
- Project Playground ADA upgrades
- Recognition Program for Volunteers/Contributors
- Savikko Field Resurfacing
- Social Media Use to Promote P&R
- Treadwell Advisory Board updates
- Aquatic Board updates
- USFS Mendenhall Glacier Recreation Planning

2016 marks the start of the long overdue update of the P&R Comprehensive Plan (also called Master Plan). The Plan, originally adopted in 1997, with a recommendations chapter updated in 2007 will guide and assist the department on the needs of the community and address the gaps in the current system over the next 10 to 20 years. Currently in phase two of five, this process will provide a roadmap to achieve the long-term vision of Parks and Rec within our community.

This is the second year where significant effort was placed in unifying the various P&R facilities and divisions to work towards common goals. Focus included customer service, operations, efficiencies, revenue generation, and marketing and has strengthened the facilities and department as a whole.

Preliminary numbers indicate that use at the Treadwell Arena was up nearly 5% with revenue increasing and expenditures declining. This resulted in the arena's highest cost recovery to date at just over 60%. Areawide Recreation adult programs indicate that volleyball participation is consistent with previous years and the program pays for itself. Dimond Park Aquatic Center (DPAC) is now selling wraps, cookies and coffee and revenue is up at both pools.

On behalf of the PRAC, we would like to thank Parks & Recreation staffs for their hard work in providing the facilities and services that contribute to the quality of life for us all in Juneau. Despite the significant budget cuts to the department they have made significant efforts to become more efficient and do more with less. The Department's facilities, staffing and programs add significantly to the quality of life of our residents and visitors to the Capital City. We would also like to thank the Assembly for their support and, in particular, our current Assembly Liaison Maria Gladziszewski for her guidance.

Finally, thank you for this opportunity to serve our community. If you would like more information please call me at 907-988-9000.

Attachment: 2016 Attendance Record

**PARKS AND RECREATION ADVISORY COMMITTEE (PRAC)  
ATTENDANCE 2016**

Tuesdays @ 6pm unless specified	1/5	2/2	3/1	4/5	5/3	6/7	7/5	8/2	9/6	9/9 Special Meeting	10/11*	11/1	12/6
Josh Anderson	P	N/A	P	P	P	N/A	N/A	P	P	P	P	P	P
Odin Brudie	P	N/A	A	P	P	N/A	N/A	P	A	A	P(t)	P	P
Frances Dowd	P	N/A	P	P(t)	P	N/A	N/A	A	P(t)	P	A	P	A
Traci Gilmour	P	N/A	P	P	P	N/A	N/A	P	P	P	P	P	P
Brett Farrell <small>Appointed 7/11/16</small>								P	P	P	P	P	P
Christopher Mertl <small>Chair 3/3/15 Re-elected 4/5/16</small>	P	N/A	P(t)	A	P	N/A	N/A	P	P	P	P	P	P
Eric Ouderkirk	P	N/A	P	P	A	N/A	N/A	P	P	P	P(t)	P	A
Chris Prussing <small>Appointed 7/11/16</small>								P	P	A	P	P	A
Tom Rutecki	P	N/A	P	P	P	N/A	N/A	P	P	P	P	P	P

**LEGEND: A – Absent / P – Present/ P(t) – Present Telephonically N/A- No Meeting**  
*\*Date moved*



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## CBJ BOARDS, COMMITTEES, COMMISSIONS & TASK FORCES

### Parks & Recreation Advisory Committee (PRAC) Fact Sheet

**Title:** Parks & Recreation Advisory Committee (PRAC)

**Type of Board/Commission/Committee:** Advisory

**Affiliated Department:** Parks and Recreation

**Status:** Active

**Governing Legislation:**

-Resolution 2646 (Repealed Bylaws and Res 711 and Res 1082)

-Date Created: April 01, 1964

-Sunset Date: N/A

To reference the general rules of procedure and informational booklet for all boards, please see the documents available on the [General Board Information page](#).

**Description:** The purpose of the PRAC is to act in an advisory capacity for planning and development of all aspects of juvenile and adult recreation in the City and Borough. This direction includes authority to advise the Assembly and the Parks and Recreation Department Director on issues affecting parks and recreation in the community. A secondary purpose of the Committee is to act as a citizens' proponent for parks and recreation facilities, recreation activities, and trails within the City and Borough. The Committee shall gather relevant information from all sources available, hold public meetings as necessary on issues under review, and report to the Assembly concerning the status of the above-named issues.

**Membership:** The PRAC consists of nine public members.

**Officers:** Chair, First Vice Chair, Second Vice Chair

**Quorum:** 5

**Term Limits:** None

**Annual Appointment Period (Annual Reports Due):** February

**Meetings:** First Tuesday of each month at 6pm in the Assembly Chambers

**Special Facts:** Resolutions 711 and 1082 and the bylaws were repealed by the adoption of Resolution 2646 on June 3, 2013.

**Staff Contact:** Kirk Duncan, Parks & Recreation Director - 586-5226 - [Kirk.Duncan@juneau.org](mailto:Kirk.Duncan@juneau.org)

**Website:** <http://www.juneau.org/parkrec/prac.php>

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Parks Recreation Advisory Committee

Governing Legislation: Resolutions 2646

Total # of Seats: 9 public seats, 1 Assembly liaison

Active Member or Liaison	Board Membership	Title	First Name	Last Name	Type of Seat	Office Held	Current Term Begins	Term Expires	Appointment Date	Re-appointed 1	Re-appointed 2	Comments
Yes	Parks & Recreation Advisory Committee	Assembly member	Maria	Gladziszewski	Assembly Liaison	Liaison	n/a	n/a	n/a			Assembly Liaison 2015-2016, 2016-2017
Yes	Parks & Recreation Advisory Committee	Mr.	Mike	Eberhardt	Ex-Officio Rep from State Parks		n/a	n/a	n/a			Ex-Officio Rep from State Parks
Yes	Parks & Recreation Advisory Committee	Mr.	Eric	Ouderkirk	Public		2/23/2015	2/28/2018	2/23/2015			USDA Forest Service - Alaska Region, Regional Landscape Architect; Liaison to Jensen-Olson Arboretum Advisory Board
Yes	Parks & Recreation Advisory Committee	Mr.	Josh	Anderson	Public	Vice-Chair	3/1/2014	2/28/2017	2/24/2014			Member: Douglas Island Riders Assoc., Juneau Douglas Motocross Association; Appointed 1/12/2015 to 1% for Art Panel for 16b Cruise Berth Project
Yes	Parks & Recreation Advisory Committee	Ms.	Christine	Prussing	Public		7/11/2016	2/28/2019	7/11/2016			Retired CBJ Employee
Yes	Parks & Recreation Advisory Committee	Ms.	Traci	Gilmour	Public		4/1/2013	2/29/2019	4/1/2013	2/8/2016		Self Employed Massage Therapist. Member of Juneau Sports Association, Amateur Softball Assn., Juneau United States Bowling Congress
Yes	Parks & Recreation Advisory Committee	Mr.	Christopher	Mertl	Public	Chair	3/1/2014	2/28/2017	8/24/2009	3/21/2011	2/24/2014	PRAC Liaison to Assembly Lands Committee, Treadwell Arena Advisory Board, and Juneau Urban Forestry Partnership; Member: Juneau Hockey Officials, Juneau Adult Hockey, TrailMix, DBA, Park Foundation
Yes	Parks & Recreation Advisory Committee	Mr.	Tom	Rutecki	Public		2/23/2015	2/28/2018	4/2/2012	2/23/2015		Former Member of PRAC, PRAC Rep to YAB, Aquatics Member
Yes	Parks & Recreation Advisory Committee	Mr.	Odin	Brudie	Public		3/1/2014	2/28/2017	3/21/2011	2/24/2014		Member: Juneau Nordic Ski Club, TrailMix, Juneau 4H Cross-country Ski Club; Liaison to Eaglecrest Board
Yes	Parks & Recreation Advisory Committee	Ms.	Frances	Dowd	Public		3/21/2016	2/28/2019	2/23/2015	3/21/2016		SE Reign Sports, LLC-Adult Basketball League Participant & Referee
Yes	Parks & Recreation Advisory Committee	Mr.	Brett	Farrell	Public		7/11/2016	2/28/2018	7/11/2016			Marine Exchange of AK Assistant Director; Liaison to TrailMix
Yes	Parks & Recreation Advisory Committee	Mr.	Kirk	Duncan	Staff Liaison	staff liaison	n/a	n/a	n/a			
Yes	Parks & Recreation Advisory Committee	Ms.	Lauren	Verrelli	Staff Liaison	staff liaison	n/a	n/a	n/a			



City and Borough of Juneau  
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<http://www.juneau.org>

## CBJ BOARDS, COMMITTEES, COMMISSIONS & TASK FORCES

### Personnel Board Fact Sheet

**Title:** Personnel Board

**Type of Board/Commission/Committee:** Appeal

**Affiliated Department:** Personnel

**Status:** Active

**Governing Legislation:**

-CBJ Charter Section 3.14

-CBJ Code 44.05.060

-Personnel Board Rules of Procedure

-Date Created: July 01, 1970

-Sunset Date: N/A

To reference the general rules of procedure and informational booklet for all boards, please see the documents available on the [General Board Information page](#).

**Description:** 44.05.060 Personnel board. ... (d) Responsibilities. The personnel board shall hold meetings, conduct hearings, and issue findings and conclusions in employee appeals as provided in the personnel rules. The personnel board may order reinstatement, or the payment of back pay for an employee, or take other action as appropriate. The personnel board may not order the payment of attorneys' fees or costs for either party to an appeal, or the payment of damages, either compensatory, punitive, medical, therapeutic, or otherwise, to an employee. The personnel board may from time to time review and make recommendations to the manager on the personnel rules and amendments to the rules. ... g) Duties of the personnel board . In addition to other duties imposed on the board, it shall administer the policy established by chapter 44.10, entitled "Labor Relations," and shall have duties which shall include: (1) Determining the units appropriate for collective bargaining; (2) Certifying or decertifying of employee organizations as exclusive representatives; (3) Conducting representation elections; (4) Resolving disputes, including mediation and fact finding; (5) Determining the extent of and remedy for unfair labor practices.

**Membership:** Per CBJ Code 45.05.060(a) Board established. There shall be a personnel board composed of five members who shall be appointed by the assembly. All appointments shall be for staggered three-year terms. No member of the personnel board who has served for three consecutive terms or nine years shall again be eligible for appointment until one full year has intervened, provided, however, that this restriction shall not apply if there are no other qualified applicants at the time reappointment is considered by the assembly human resources committee. (b) Qualifications. Members of the personnel board shall be residents of the City and Borough who shall serve without pay. The assembly will seek persons who have experience in the field of employee relations or personnel management to serve on the personnel board. Two seats shall be designated for members with a background in labor, two designated for members with a background in management, and one for a member of the general public. A member of the personnel board shall not be an employee of the City and Borough or a member of employee's immediate family or household or an employee of any collective bargaining organization which represents any City and Borough employees, other than those employed by the school district. When openings appear for designated labor seats, the Juneau Central Labor Council, AFL-CIO, will be asked to provide an endorsement for three applicants it believes meet the qualification to be designated as having "a background in labor" and meet all other requirements of this section 44.05.060(b).

**Officers:** Chair, Vice Chair, Clerk

**Quorum:** 3

**Term Limits:** No member of the personnel board who has served for three consecutive terms or nine years shall again be eligible for appointment until one full year has intervened, provided, however, that this restriction shall not apply: (1) If there are no other qualified applicants at the time reappointment is considered by the assembly human resources committee, or (2) To qualified board members serving in board seats for which a specific occupation or expertise is set

forth by ordinance.

**Annual Appointment Period (Annual Reports Due):** January

**Meetings:** At the call of the chair upon receipt of an appeal by the Clerks Office.

**Special Facts:** Changes to the membership designated seats of the Personnel Board were last made via Ordinance 2011-03(c) effective March 31, 2011.

**Staff Contact:** City Clerk's Office - 586-5278 - [City.Clerk@juneau.org](mailto:City.Clerk@juneau.org)

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## PERSONNEL BOARD

**Total # of Seats: 5**  
**(1 public, 2 labor, 2 management)**

**Governing Legislation: CBJ Code Section 44.05**

Active Member or Liaison	Title	First Name	Last Name	Type of Seat	Office Held	Current Term Begins	Term Expires	Appointment Date	Reappointed 1	Comments
Yes	Mr.	Kenneth	Southerland	Management		4/11/2016	1/31/2019			<i>appointed to the seat formerly held by Joan Cahill</i>
Yes	Ms.	Nancy	Sutch	Management		4/11/2016	1/31/2019	6/30/2014	4/11/2016	<i>appointed 6/2014 to unexpired term vacated by Nicki Neal.</i>
<b>Yes</b>	<b>Ms.</b>	<b>Cindy</b>	<b>Spanyers</b>	<b>Labor Rep.</b>		<b>3/17/2014</b>	<b>1/31/2017</b>	<b>3/17/2014</b>		<b>previous member 1996-2008</b>
<b>Yes</b>	<b>Mr.</b>	<b>Rodney</b>	<b>Hesson</b>	<b>Labor Rep.</b>		<b>3/17/2014</b>	<b>1/31/2017</b>	<b>3/17/2014</b>		<b>IBEW Local 1547</b> <b>Asst. Business Manager</b>
Yes	Ms.	Judith	Porter	Public		3/16/2015	1/31/2018	1/30/2012	3/16/2015	Previous member served 4/2008 - 1/2011
Yes	Ms.	Laurie	Sica	Staff Liaison	staff liaison	n/a	n/a	n/a		
Yes	Mr.	Dallas	Hargrave	Staff Liaison	staff liaison	n/a	n/a	n/a		

**Beth McEwen**

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**From:** Dallas Hargrave  
**Sent:** Monday, January 30, 2017 2:46 PM  
**To:** 'Akunionmaid@gmail.com'  
**Cc:** Beth McEwen  
**Subject:** FW: Juneau Central Labor Council Appointees

Thanks Nadine!

**From:** Nadine Lefebvre [<mailto:akunionmaid@gmail.com>]  
**Sent:** Monday, January 30, 2017 2:44 PM  
**To:** Dallas Hargrave  
**Subject:** Juneau Central Labor Council Appointees

I am the current President of the Juneau Central Labor Council, AFL-CIO. We will endorse both Cindy Spanyers and Rodney Hesson for reappointment to the the CBJ Personnel Board.  
If there are any additional documents or statements required for our compliance with CBJ code 44.05.060, do not hesitate to contact me directly.

In Solidarity,

Nadine Lefebvre, President  
Juneau Central Labor Council  
Affiliation: ASEA/AFSCME Local 52



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

**DATE:** March 2, 2017

**TO:** CBJ Assembly Human Resources Committee and CBJ Planning Commission

**FROM:** Teri Camery, Senior Planner  
Community Development Department

**SUBJECT:** Wetlands Review Board Annual Report 2016

### **BACKGROUND**

The City and Borough of Juneau Wetlands Review Board was established in 1992 to implement the Juneau Wetlands Management Plan (JWMP). The Board also acts as a technical advisory body to the Assembly, the Planning Commission, and CBJ's Community Development Department on a variety of wetland and riparian area issues, including commenting on U.S. Army Corp of Engineers' wetlands fill permits, Comprehensive Plan updates, and federal, state, and local projects and land disposals that affect wetlands, streamside areas, and other sensitive habitats.

### **2016 BOARD MEETINGS AND MEMBERSHIP**

During 2016 the Board held four regular meetings and three special meetings. Planning Commission members on the Board were Percy Frisby and Ben Haight. Ben Haight switched to a different committee mid-year and was replaced by Commissioner Kirsten Shelton-Walker. (In early 2017, Commissioner Kirsten Shelton-Walker left the Board and was replaced by Commissioner Dan Miller.) Irene Gallion was appointed to the Board in February. Andrew Campbell served as Board Chair throughout the year while Brenda Wright served as Vice-Chair. No board member terms expired in 2016.

Following is a list of 2016 members with their area of expertise:

Kirsten Shelton-Walker, Economist, Planning Commission Member  
Percy Frisby, Energy Analyst, Planning Commission Member  
Dr. Lisa Hoferkamp, Chemistry Professor  
Brenda Wright, Fisheries Biologist  
Nina Horne, Hydrologist  
Andrew Campbell, Civil Engineer  
Dr. Hal Geiger, Fisheries Biologist

Amy Sumner, Marine Biologist  
Irene Gallion, Land Use Planner

Regarding Board membership, the Juneau Wetlands Management Plan states the following:

*The Board is composed of seven members of the public at large and two representatives of the CBJ Planning Commission. Board members are appointed by the Assembly. When making appointments, the Assembly is required to consider obtaining the 'broadest possible representation from those technical fields with knowledge of the values, functions and uses of wetlands, such as fish or wildlife biology, geology, hydrology, land use planning, and engineering'.*

As noted, Board members (except for Planning Commission representatives) are required to have technical expertise regarding wetlands in one of the fields listed above. Current Board representation in these fields includes the following:

Fish or Wildlife Biology	Represented by three biologists and one chemist
Geology	None represented
Hydrology	One represented
Land Use Planning	One represented
Engineering	One represented

During 2016, the Board lacked representation from a geologist and this continues to be true to date.

### **MAJOR BOARD REVIEWS FOR 2016**

#### **Project Reviews:**

- Advisory review of the Peterson Creek Major Subdivision.
- Advisory review of the Hidden Valley (Upper Lemon Creek Creek) Gravel Extraction Conditional Use Permit.
- Advisory review of the Pederson Hill Creek Major Subdivision.
- Advisory review of the Ridgeview Major Subdivision.
- Advisory review of the West Douglas Road Extension.
- Advisory review of the Honsinger Pond Re-zone application.

#### **Wetland Assessment Method and Juneau Wetlands Management Plan Update review:**

- Full-day Saturday workshop for scientific review of WESPAK-SE wetland methodology used in the Draft Juneau Wetlands Management Plan. The methodology was also reviewed in a second special meeting and was an agenda item at two regular meetings, for a total of four meetings.
- Review of the final contract draft of the Juneau Wetlands Management Plan (see explanation below).

### **COASTAL IMPACT ASSISTANCE PROGRAM MAPPING GRANT**

The Habitat Mapping Project was a four-year project funded through the federal Coastal Impact Assistance Program (CIAP). This project, which required a draft rather than a final Juneau Wetlands Management Plan, was completed in June 2016. CBJ received \$1.6 million from the CIAP Program, through a 2010 state legislative authorization, for habitat mapping within the Borough. Federal CIAP funds were managed through cooperation with the State of Alaska Department of Commerce and Department of Natural Resources. No local match was required for the funds.

The CBJ Habitat Mapping Project had two components: 1) new accurate mapping of salmon streams through high-resolution aerial photography; and 2) a major update of the Juneau Wetlands Management Plan with updated and expanded wetland mapping and categorical analysis of wetland values through the use of aerial imagery and on-site “ground-truthing.” The project mapped salmon streams and wetlands with an emphasis on properties near proposed development and along the road system. New LiDAR data (which shows topography) and aerial imagery were acquired under contract in May-June 2013. The WESPAK-SE wetland assessment method was finalized and formally approved, with major revisions addressing Southeast Alaska conditions, in January 2014. The Wetlands Review Board played a critical role in analyzing the WESPAK-SE assessment method during the course of many meetings from 2013-2016. Specifically, in 2016 the Board held a series of special meetings to delve deeply into the details of the WESPAK-SE assessment method to ensure the scientific integrity of the method. After this extensive review, the Board concluded that their concerns had been alleviated and the method was sound.

The Juneau Wetlands Management Plan Update contract was awarded to Bosworth Botanical Consulting (BBC) in April 2014. The contract included a partnership with nationally recognized wetland scientist Dr. Paul Adamus. BBC completed a total of 360 wetland assessments in the 2014 and 2015 field seasons and completed the final draft of the Juneau Wetlands Management Plan in May 2016, according to contract requirements.

### **JUNEAU WETLANDS MANAGEMENT PLAN**

#### **Current Wetlands Plan**

CBJ conducted wetland analysis and mapping in the mid-1980s, which resulted in adoption of the Juneau Wetlands Management Plan (JWMP) in 1992. The plan identified high value (Category A and B) and low value (Category C and D) wetlands within the developing areas of the borough at that time. The plan has been used continuously for over 20 years and identifies approximately 160 individual wetland units. (An additional 54 wetland units were identified in a small 2006 study.) Each wetland unit has a separate, detailed scientific analysis of wetland functions to support the high or low value wetland category. Until 2006, CBJ had permitting authority over low-value C and D wetlands through a special agreement with the U.S. Army Corps of Engineers, with an expedited review process to



encourage development in these areas. State and federal agencies must also consider JWMP rankings and scientific analysis in their permit reviews, thus allowing for less restrictive development in low value areas.

Before implementation of the JWMP, scientific information on individual wetland areas was limited or unavailable and all wetlands were considered equal by permitting agencies. Adoption of the JWMP, among the first of its kind in the U.S., changed this approach by identifying wetland areas that are suitable for development. In the first ten years following adoption of the JWMP, the plan worked exactly as intended. Wetlands categorized as low value areas were quickly developed.

This great benefit of the JWMP is now diminished precisely because the vast majority of C and D wetlands have been filled. The scientific information supporting the JWMP is 25 years old, and CBJ has changed substantially in that time period due to development and natural factors such as glacial uplift. New development and infrastructure have also altered drainage patterns and changed wetland boundaries. As a result, the JWMP is inaccurate in many areas. The developing area of the CBJ has also expanded far beyond the boundaries of the original plan.

### **Wetlands Plan Update**

The comprehensive update of the JWMP through the Habitat Mapping Project addressed these issues, with the intent to restore the JWMP as a scientifically-supported wetland management plan that both promotes development and provides wetland protection in critical areas.

A draft Juneau Wetlands Management Plan was finalized according to the grant and contract requirements in May 2016. The new plan primarily addresses large, vacant city properties due to the difficulty of getting landowner permission for wetland assessments on private properties. The CBJ Lands Division and CBJ Public Works and Engineering Department have used the wetland boundaries and wetland assessments provided in the plan to assess several projects, including the Renninger Major Subdivision, Pederson Hill Major Subdivision, and the West Douglas Pioneer Road.

### **Next Steps**

The Wetlands Management Plan remains in draft form and needs to be substantially revised at the departmental level before staff takes the plan forward for formal approval by the Wetlands Review Board, the Planning Commission, and the Assembly. CDD does not have a timeline for plan approval at this time due to higher priority issues such as revision of the streamside setback ordinance. Though in draft form, the Plan has been useful for many CBJ agencies. The information has also been actively utilized by the approximately eight individual property owners who gave CDD permission to conduct wetland assessments on their properties.

**CDD staff for the Wetlands Review Board**

Teri Camery, Senior Planner; [teri.camery@juneau.org](mailto:teri.camery@juneau.org) 586-0755

Information is also available on the Wetlands Review Board website at [www.juneau.org/cddftp/WRB/](http://www.juneau.org/cddftp/WRB/)

**2016 Board Meeting Dates**

**Regular Meetings:**

January 21

March 3

June 16

October 20

**Special Meetings:**

March 12 Saturday workshop

April 7

April 21

**2016 Wetlands Review Board Attendance**

	1/21	3/3	3/12	4/7	4/21	6/16	10/20			regular	regular
	Reg	Reg	Spec	Spec	Spec	Reg	Reg			missed	attended
Campbell	0	X	X	X	X	0	0			2	2
Wright	X	X	X	X	X	X	X			0	4
Sumner	X	X	X	X	X	0	0			2	2
Horne	X	X	X	X	0	X	X			0	4
Hofer-kamp	X	X	X	X	X	X	X			0	4
Haight	0	0	0	0	X	0	--			3	0
Gallion	X	X	X	X	X	X	X			0	4
Frisby	--	X	0	0	0	X	0			2	2
Shelton-Walker	--	--	--	--	--	--	0			1	0
Geiger	X	0	X	0	X	X	X			1	3



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## CBJ BOARDS, COMMITTEES, COMMISSIONS & TASK FORCES

### Wetlands Review Board Fact Sheet

**Title:** Wetlands Review Board

**Type of Board/Commission/Committee:** Advisory

**Affiliated Department:** Community Development

**Status:** Active

**Governing Legislation:**

-CBJ Code 49.10.700

-CBJ Coastal Management Plan - Volume 2 -Juneau Wetlands Management Plan

-Date Created: June 01, 1995

-Sunset Date: N/A

To reference the general rules of procedure and informational booklet for all boards, please see the documents available on the [General Board Information page](#).

**Description:** The City and Borough of Juneau established a citizen's Wetlands Review Board in 1992. By ordinance, the Board functions as an advisory body to the Planning Commission and the Director of the Community Development Department on wetlands issues, such as CBJ comments on wetland permit applications being considered by the U.S. Army Corps of Engineers; implementation of the Juneau Wetlands Management Plan; the protection of stream side riparian areas; and the conduct of CBJ, State and federal projects that affect wetlands and streams.

**Membership:** The Board is composed of seven members of the public at large and two representatives of the CBJ Planning Commission. Public board members are appointed by the Assembly. When public members are appointed, the Assembly is required to consider obtaining the "broadest possible representation of members with knowledge of the values, functions and uses of wetlands, such as fish or wildlife biology, geology, hydrology, land use planning and engineering." (CBJ 49.10.710 and 720). Appointments are for three year terms. The Board meets approximately monthly. The presence of five members constitutes a quorum and any action of the Board requires five or more affirmative votes to be approved.

**Officers:** Chair & Vice Chair

**Quorum:** 5

**Term Limits:** None

**Annual Appointment Period (Annual Reports Due):** December

**Meetings:** 3rd Thursday of each month at 5:15pm in the City Hall Conference Room #224

**Special Facts:**

**Staff Contact:** Teri Camery - 586-0755 - [Teri.Camery@juneau.org](mailto:Teri.Camery@juneau.org)

**Website:** <http://www.juneau.org/cddftp/WRB/>

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**Wetlands Review Board**
**Governing Legislation: CBJ Code 49.10.700-49.10.790**
**Total # of Seats: 9 total: 7 Public seats 2 Planning Commission seats**

Active Member or Liaison	Title	First Name	Last Name	Type of Seat	Office Held	Current Term Begins	Term Expires	Appointment Date	Reappointed 1	Reapp. 2	Reapp. 3	Reapp. 4	Comments
Yes	Ms.	Amy	Sumner	Public		1/11/2016	12/31/2018	1/28/2013	1/11/2016				Environmental Analyst, State of AK DOT/PF
Yes	Mr.	Andrew	Campbell	Public	Chair	4/7/2014	12/31/2017	1/1/2004	12/1/2004	1/28/2008	2/28/2011	4/7/2014	General Contractor Admiralty Construction
Yes	Dr.	Harold "Hal"	Geiger	Public		1/11/2016	12/31/2018	1/25/2010	1/28/2013	1/11/2016			St. Hubert Research Group: Biologist-Statistician
Yes	Ms.	Nina	Horne	Public		4/7/2014	12/31/2017	11/5/2012	4/7/2014				Hydrologist, Administrator
Yes	Ms.	Irene	Gallion	Public		1/11/2016	12/31/2018	1/11/2016					DOWL Planner/Office Mgr.
Yes	Ms.	Brenda	Wright	Public		2/2/2015	12/31/2018	8/6/2007	1/12/2009	1/30/2012	2/2/2015		Retired Fisheries Biologist
Yes	Dr.	Lisa	Hoferkamp	Public		4/7/2014	12/31/2017	2/28/2011	(previously served 1/2002-12/31/2009)	4/7/2014			UAS Chemist, Member of American Chemical Society, Member Society of Wetland Scientists
Yes	Mr.	Percy	Frisby	Planning Commission Rep.			n/a						<i>Planning Commission Liaison (Appointed by PC on 1/27/2016)</i>
Yes	Mr.	Dan	Miller	Planning Commission Rep.			n/a						<i>Planning Commission Liaison (Appointed by PC 1/2017)</i>
Yes	Ms.	Teri	Camery	Staff Liaison	Staff Liaison		n/a						

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

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

**Serial No. 2792**

**A Resolution Dissolving the Fisheries Development Committee and  
Repealing Resolution No. 2751**

WHEREAS, the Assembly, by Resolution No. 2751 adopted on May 2, 2016, reestablished the Fisheries Development Committee to advise and assist the Assembly regarding all aspects of fisheries development and enhancement in the Juneau area, including expanded salmon production such as wild stock stream enhancement and aquacultural development, infrastructure requirements, cold storage facilities, secondary processing facilities, fisheries terminal facilities, and recreation fishing opportunities; and

WHEREAS, the Human Resources Committee, at its meeting on February 13, 2017, moved to dissolve the Fisheries Development Committee; and

WHEREAS, the Assembly appreciates the work done by the Fisheries Development Committee and the valued contributions made by its members.

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

**Section 1.** The Fisheries Development Committee is hereby dissolved.

**Section 2. Repeal of Resolution.** Resolution No. 2751 is repealed.

**Section 3. Effective Date.** This resolution shall be effective immediately after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

---

Kendell D. Koelsch, Mayor

Attest:

---

Laurie J. Sica, Municipal Clerk

Presented by: The Manager  
Introduced: 05/02/2016  
Drafted by: A. G. Mead

## RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2751

### **A Resolution Reestablishing the Fisheries Development Committee, and Repealing Resolution 2418.**

WHEREAS, fisheries development, including the production, harvesting, primary and secondary processing, and transporting businesses associated with commercial and recreational fisheries, continue to be a very important area of economic activity in Juneau; and

WHEREAS, in Resolution No. 2418 the Assembly determined that the establishment of a fisheries development committee would assist in furthering the goal of fisheries development in Juneau; and

WHEREAS, it is in the public interest to reduce the membership on the Fisheries Development Committee from seven to five members to better meet quorum requirements and recruitment needs.

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

**Section 1. Committee Reestablished.** There is reestablished the City and Borough of Juneau Fisheries Development Committee. The Committee shall consist of five members appointed by the Assembly to serve for three-year staggered terms. In future appointments, the Assembly shall endeavor to select persons with demonstrated interest in fisheries development, including but not limited to such areas of interest and experience as commercial fishing, sport fishing, processing and transporting of fish, support, service, and supply needs of the commercial fishing fleet and recreational fishing boats, aquacultural development, and fish habitat protection and enhancement.

**Section 2. Committee Purposes.** The purpose of the Committee shall be to advise and assist the Assembly regarding all aspects of fisheries development and enhancement in the Juneau area, including expanded salmon production such as wild stock stream enhancement and aquacultural development, infrastructure requirements, cold storage facilities, secondary processing facilities, fisheries terminal facilities, and recreational fishing opportunities. In carrying out its functions, the Committee should draw on the expertise of professionals in the field from the University of Alaska Southeast, the National Marine Fisheries Service, and the Alaska Department of Fish and Game as

technical advisors. The Committee shall perform such other functions and advise the Assembly on such other matters as the Assembly may request.

**Section 3. Staff Assistance.** Staff support and assistance to the Committee shall be provided by the Harbors Department, as available and appropriate.

**Section 4. Procedures.** The rules of procedure for Assembly advisory committees as established by Resolution No. 2550, as it may be amended from time to time, shall govern the conduct of business by the Committee.

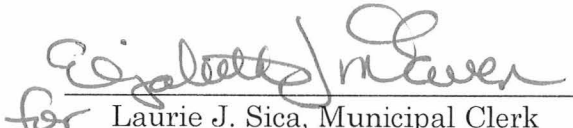
**Section 5. Repeal of Resolution.** Resolution 2418 is repealed.

**Section 6. Effective Date.** This resolution shall be effective immediately after its adoption.

Adopted this 2<sup>nd</sup> day of May, 2016.

  
Kendell D. Koelsch, Mayor

Attest:

  
for Laurie J. Sica, Municipal Clerk

## Beth McEwen

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**From:** Sen. Peter Micciche <Sen.Peter.Micciche@akleg.gov>  
**Sent:** Monday, February 27, 2017 5:14 PM  
**To:** Sen. Peter Micciche  
**Cc:** Rachel Hanke; Anna Brawley  
**Subject:** Title 4 (Alaska Alcohol Statutes) Final Bill Coming Soon!  
**Attachments:** Title 4 Review Project, 2017 Update Memo\_1-24-17.pdf; Title4Review\_1Page\_2-19-17.pdf

Dear Title 4 Review stakeholders,

You are receiving this note because you or your organization has participated in the Title 4 Review process since it began in 2012 as a project led by the Alaska Alcohol Beverage Control (ABC) Board, in partnership with diverse stakeholders across the state, to thoroughly review and suggest ways to improve Title 4, Alaska's alcohol statutes. Over 100 people have contributed to this effort in the last five years and the project could not have come this far without everyone's dedication and support.

I am pleased and honored to have worked with the stakeholder group since 2015 to bring this project to the Legislature for action. As you know, I introduced SB 99 in the 29<sup>th</sup> Legislature, the first version of a bill that would enact the statutory recommendations made by this group. The bill was a good start, but needed more work, so I've continued to work with the stakeholders to make sure that the new proposed legislation is sound public policy and a vast improvement over the current laws. In 2016 we celebrated the passage of SB 165, enacting some of the high-priority recommendations of this group, especially those that impact youth who engage in underage drinking and found themselves stuck with life-long consequences for one mistake.

Many of you have continued to work with us over the past year on the new package of recommendations. Others have not been involved recently, but have contributed to the success of this work earlier in the stakeholder process. I am writing to inform you that I will be introducing a new bill in the Senate within the next week that carries forward most of the remaining Title 4 Review recommendations, including many updates and improvements to the original bill. More details will be available when the bill is introduced, but in the meantime the two attached documents provide a general update on the package:

- A 1-page informational sheet about the Title 4 Review process and key recommendations from the five committees
- A memo presented to the ABC Board on February 1 with an overview of the work done since 2015

I have tried to reach out to all of the people who participated over the last five years, but please share this message with anyone else who has been involved and did not receive this email directly. I thank you all for your and your organization's involvement in this important project, and look forward to all of your support for the legislation I will be introducing soon!

Please accept my sincere thanks for all of your hard work on the Title 4 rewrite. We certainly could not have arrived at this point without your dedicated assistance and willingness to compromise.

Sincerely,

Peter



**SENATOR PETER A. MICCICHE**  
**ALASKA STATE LEGISLATURE**

**District O: The Bountiful Kenai Peninsula from Point Possession to Seward**

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# Title 4 Review: 2017 Update

## WHAT IS TITLE 4?

Alaska's Title 4 statutes regulate "the manufacture, barter, possession, and sale of alcoholic beverages in the state" (AS 04.06.090). The Alcoholic Beverage Control Board, Alcohol and Marijuana Control Office, law enforcement, and communities across the state enforce these laws.

## WHY REVIEW TITLE 4?

Much of the chapter has not been updated since 1980. Over time, incremental updates to the statutes, inconsistent interpretations of the law, and changing industry trends have reduced the effectiveness of Title 4. A systematic review of the statutes helps the Board carry out its mission and will benefit the organizations, municipalities and individuals whose work, community or business is affected by alcohol laws and regulations.

## GOALS OF TITLE 4 REVIEW

Stakeholders established shared goals as the foundation for developing recommendations:

### Promote a fair business climate and protect public health and safety.

- Create rational regulation for all tiers of the state's alcohol industry.
- Limit youth access to alcohol.
- Promote responsible alcohol use and reduce the harms of overconsumption.
- Implement change without negatively impacting existing businesses and responsible operators.

### Make Title 4 a clear and consistent legal framework for the ABC Board, licensees and law enforcement.

- Increase swiftness, proportionality and consistency of penalties.
- Increase local Title 4 law enforcement.
- Increase licensee accountability before the ABC Board for Title 4 violations.

## SUCCESS IN 2016: SB 165

In last year's session, Senator Micciche sponsored and the Legislature passed the first set of Title 4 Review recommendations. SB 165 was enacted in July 2016:

- Restores Minor Consuming Alcohol (MCA) as a true violation and promotes alcohol education.
- Changes ABC Board composition, designating one seat for a public safety representative.

## STAKEHOLDER-DRIVEN PROCESS

Since 2012, stakeholders representing the alcohol industry, public health, local government, law enforcement, public safety, education, and community advocacy sectors have dedicated over 11,000 hours to craft recommendations to improve Title 4. This group, led by the Title 4 Review Steering Committee, has continued to refine the package of recommendations and addressed several other emerging issues raised in the last two years.



## 2017 PRIORITY: SUPPORT LEGISLATION FOR TITLE 4 RECOMMENDATIONS

Working closely with Title 4 Review stakeholders, Senator Peter Micciche is planning to introduce a new bill this session to enact many of the group's recommendations.

Title 4's statutes are closely inter-related, and changes to the laws have impacts on communities and alcohol businesses statewide. A comprehensive bill ensures that the proposed changes are coordinated and can be implemented smoothly by the ABC Board.

Recommendations are organized in five categories, first developed by five Title 4 Review subcommittees:

1. Alcohol Licenses, Permits and Trade Practices
2. Underage Drinking and Youth Access to Alcohol
3. Local Option Communities
4. Regulation of Internet Sales of Alcohol
5. Role and Functions of the ABC Board and Staff

## TITLE 4 REVIEW WORK CONTINUES

Updating Title 4 is a complex, long term project! Implementing change will take time, and many details will be left to the ABC Board to determine in regulation.

There are many important issues identified by the group that have not yet been addressed, such as working with rural communities to improve local option laws. The stakeholder group will continue this important work in a future phase.

*For more information about the Title 4 Review project:*

Office of Senator Peter Micciche  
(907) 465-2828 | [rachel.hanke@akleg.gov](mailto:rachel.hanke@akleg.gov)

Alcoholic Beverage Control Board  
(907) 269-0350 | [AMCO.reg@alaska.gov](mailto:AMCO.reg@alaska.gov)

# Title 4 Review: 2017 Update

## KEY RECOMMENDATIONS

### Alcohol Licenses, Permits and Trade Practices

- Preserve the 3-tier system to prevent monopolies, but increase flexibility for small businesses by allowing manufacturers to own retail licenses.
- Preserve the population limits on licenses to manage health and safety impacts of having too many alcohol outlets, but provide flexibility for communities who serve tourists and visitors.
- Respond to innovative business concepts with endorsements (add-on privileges to existing licenses), instead of creating more license types.
- Level the playing field among existing license types with updated fees and consistent rules.
- Restructure Title 4 penalties to be proportional with the seriousness of each violation: most are currently Class A Misdemeanors, considered as too steep to be consistently enforced by police or the courts.

### Underage Drinking and Youth Access to Alcohol

- Restore Minor Consuming Alcohol and related offenses to a true violation, with incentives for alcohol education or treatment (*passed in SB 165*).
- Hold licensees, employees and other adults more accountable for serving minors with reasonable and consistent penalties.
- Require registration of all kegs, so adult “social hosts” of underage parties can be held accountable.

### Local Option Communities

- Increase availability of community-level data about alcohol shipments entering local option areas.
- Better regulation of transport and delivery of alcohol by common carriers.

### Regulated Internet Sales of Alcohol

- Regulate online sales by limiting to sales of wine.
- Collect excise taxes on all orders to Alaska customers.
- Ensure all alcohol deliveries are made only to adults.

### Role and Functions of the ABC Board and Staff

- Ensure balanced representation on the Board with a designated Public Safety seat (*passed in SB 165*).
- Allow the Board to provide a review and advisory opinion on future Title 4-related legislation.
- Improve the Board and agency staff’s resources and ability to interpret, administer, and enforce Title 4.

## BENEFITS FOR ALL ALASKANS

The Title 4 Review process relies on building consensus: finding common ground and crafting recommendations that, considered overall, will benefit all stakeholders. Each decision required compromise. Where possible, the group found “win win” solutions that have multiple benefits.

Overall, these changes will benefit all stakeholders:

### Benefits for Youth

- Ensures the penalty for underage drinking does not jeopardize a young person’s future.
- Incentivizes youth to seek alcohol education or treatment, or participate in community-based justice.
- Holds adults accountable who supply alcohol to youth.

### Benefits for the Alcohol Industry

- Manufacturers can expand production and continue to serve customers in retail establishments.
- Wholesalers have less administrative burden and are protected against unfair trade practices.
- Retailers have more opportunities to innovate, such as providing product samples at package stores, while protecting existing business investments.
- A streamlined, user-friendly Title 4 will be easier to understand and comply with for all businesses.
- Restructured penalties will encourage compliance, and reserve strict punishments only for serious crimes.

### Benefits for Public Health and Safety

- Helps prevent youth access to alcohol, while not criminalizing youth for one mistake.
- Preserves limits on the density of alcohol outlets, correlated with negative health and safety impacts.
- Promotes responsible service and consumption of alcohol at establishments and special events.
- Regulates alcohol purchases shipped directly to customers through online sales.
- Increases availability of data on alcohol in local option areas, and local enforcement of Title 4.
- Provides more resources for education about and enforcement of Title 4 at the state and local levels.

### Benefits for Local Governments

- Provides options to support economic development, tourism and hospitality with more liquor licenses.
- Increases resources available for educating local governments about their role in alcohol control.

*For more information about the Title 4 Review project:*

Office of Senator Peter Micciche  
(907) 465-2828 | rachel.hanke@akleg.gov

Alcoholic Beverage Control Board  
(907) 269-0350 | AMCO.reg@alaska.gov

# Title 4 Review: 2017 Update

## JANUARY 2017 UPDATE TO THE ABC BOARD

*Sent on behalf of the Title 4 Review Steering Committee*

January 24, 2017

To Chair Bob Klein and members of the Alcoholic Beverage Control Board:

Below is a summary and status update of the Title 4 Review project, as a supplement to the full summary report dated February 2015. This document provides a brief overview of the Title 4 Review process and its goals, the various stakeholders involved, the policy work that has taken place since publication of the original report, and some highlights of the anticipated legislative bill that will, if passed by the Alaska Legislature, enact the recommendations made through this process.

Title 4 Review project staff will prepare a more detailed update of the Title 4 Review report to accompany the new bill, including more information about recommendations developed since 2015. Please note that while most of the information in the original report is still accurate, several changes have been made to the recommendations, and new recommendations made, since its writing. Until the new set of recommendations is finalized and the report is updated, its contents should be considered informational only, and subject to change. Where this 2017 update differs from the 2015 report, this document should be considered the most recent and accurate information.

## WHY REVIEW TITLE 4?

Much of this chapter of Alaska law has not been updated since 1980. Over time, incremental updates to the statutes, inconsistent interpretation of the rules, and changing industry trends have reduced the effectiveness of Title 4 for businesses, communities and regulators alike. A systematic review of the statutes helps the Board carry out its mission and will benefit organizations and individuals whose work, community or business is affected by alcohol laws and regulations.

## GOALS OF TITLE 4 REVIEW

Stakeholders in this process established shared goals as the foundation for all recommendations:

### **Promote a fair business climate and protect public health and safety.**

- Create rational regulation for all tiers of the state's alcohol industry.
- Limit youth access to alcohol.
- Promote responsible alcohol use and reduce the harms of overconsumption.

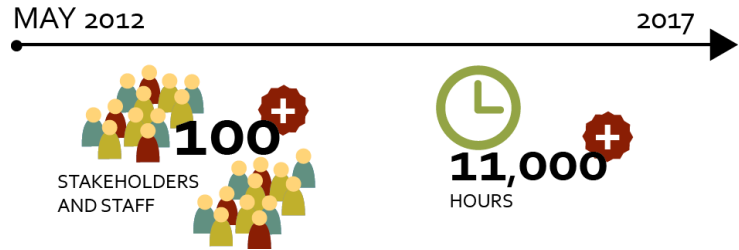
### **Make Title 4 a clear and consistent legal framework for the ABC Board, licensees and law enforcement.**

- Increase swiftness, proportionality and consistency of penalties.
- Increase local Title 4 law enforcement.
- Increase licensee accountability before the ABC Board for Title 4 violations.

## TITLE 4 REVIEW | January 2017 Update

### AN INCLUSIVE, STAKEHOLDER-DRIVEN PROCESS

Since 2012, stakeholders representing the alcohol industry, public health, local governments, law enforcement, public safety, education, and community advocacy sectors have dedicated over 11,000 hours to date to craft recommendations to improve Title 4. This group, working with the Title 4 Review Steering Committee, has remained involved in the process throughout, helping to refine recommendations and analyze new ideas brought forward since the original set of recommendations were put forward.



### Over 70 Participating Organizations

Representatives from many organizations have contributed to the success of this work:

49th State Brewing *	Eagles Lodge *
ABC Board	Fairbanks North Star Borough
Alaska Berries *	FedEx
Alaska Board on Alcohol and Drug Addiction	First Alaskans Institute
Alaska Cache Liquor *	Glacier Brewhouse + Orso *
Alaska CHARR	Gold Hill Liquor *
Alaska Mental Health Trust Authority	Haines City and Borough
Alaska Municipal League	Holland America *
Alaska State Fair *	Hooligans *
Alaska State Troopers	HottStixx *
Alaskan Brewing *	Hughes Gorski Seedorf Odsen & Tervooren
Alcohol and Marijuana Control Office (AMCO)	Humpy's Alaskan Alehouse *
Alaska Wine & Beer Wholesalers Association	Justice Improvement Solutions
Alyeska Resort *	K & L Distributors *
Anchorage Hospitality Retailers Association	Kenai Peninsula Borough
Anchorage Distillery *	Mat-Su Health Foundation
Anchorage Golf Course *	Mat-Su Borough School District
Anchorage Police Department	Midnight Sun Brewing *
Bear Tooth Grill + Broken Tooth Brewing *	Municipality of Anchorage
Brewers Guild of Alaska	NCADDJ
Brown Jug *	Odom Corporation *
Chilkoot Charlie's *	Rasmuson Foundation
Chilkoot Trail Outpost Lodge *	Recover Alaska
City and Borough of Juneau	SEARHC
City of Soldotna	Silver Gulch Brewing *
City of Wasilla	Sitnasuak Native Corporation
Department of Commerce, Comm. & Econ. Dev.	Stellar Wines Distributing *
Department of Education & Early Development	Tony's Bar *
Department of Health & Social Services	University of Alaska Anchorage
Department of Public Safety	University of Alaska Fairbanks *
Department of Revenue	UPS
Distillers Guild of Alaska	Village Public Safety Officers
Dorsey & Whitney	Volunteers of America
Double Shovel Cider *	Wine Institute

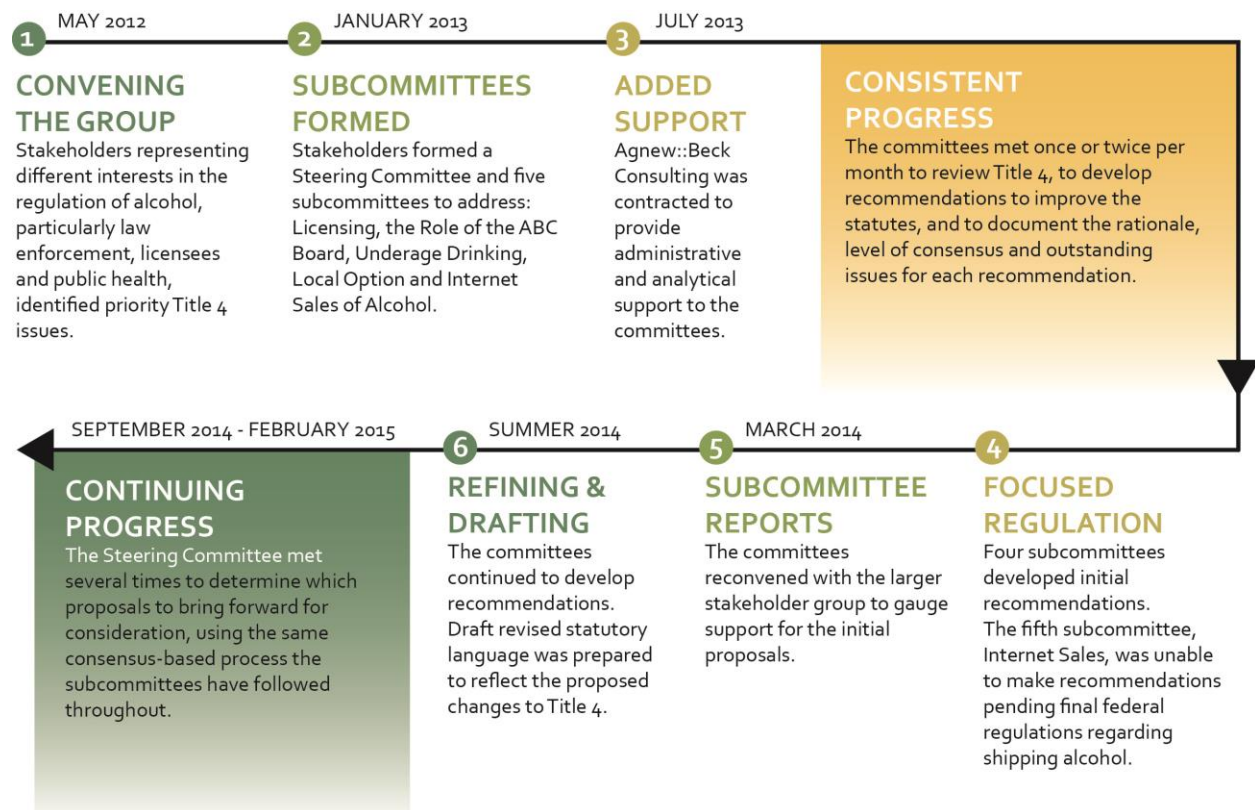
\* denotes Alaska license holder



## TITLE 4 REVIEW | January 2017 Update

### PROJECT TIMELINE: FIVE YEARS OF WORK

As detailed in the 2015 report, the Title 4 Review recommendations are the product of an extensive stakeholder process which has continued through the present. Following the timeline graphic is an update on what has happened in the last two years.



**April 2015** | Senator Peter Micciche introduced Senate Bill 99, which included the legislative language to enact all of the Title 4 Review recommendations. While efforts were made to thoroughly review the language for accuracy according to the group's intent, the bill had several flaws. At 100 pages, the bill also required more time than the 2015 session allowed. Sen. Micciche and the group determined to improve the bill during the interim and re-introduce in the following year.

**Summer – Fall 2015** | Alaska CHARR's Government Affairs Committee and several other industry stakeholders conducted a complete review of the bill language, identifying areas where more work may be needed and submitting comments, suggestions or new proposals. Staff for the Title 4 Review project met regularly with representatives to discuss each issue with the bill language, and the Steering Committee began revision of some aspects of the recommendations, ensuring that the changes still reflected the stakeholders' overall goals for the process and balanced in the interest of all sides.

**December 2015** | Recognizing that the package still needed significant work, and knowing that the 2016 legislative session would be focused on large policy issues like the state's fiscal crisis, the Steering Committee recommended a new, two-track process for Title 4 rewrite. The Steering Committee worked with Sen. Micciche to craft a streamlined bill (SB 165) with some priority recommendations that could be implemented sooner than the more complicated changes to licenses and permits. A new version of the comprehensive package would come forward the following session.

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**February 2016** | Sen. Micciche introduced SB 165, with proposed changes to ABC Board composition, changes to Minor Consuming Alcohol (MCA) and Minor on Premises penalties. See the following section for more information about SB 165.

**July 2016** | After several committee hearings, passage of the bill in both the House and Senate, and reconciliation between the two versions of the bill, SB 165 was signed into law by Governor Walker on July 6, 2016!

**August 2016** | Sen. Micciche re-affirmed his commitment to work with the Title 4 Review group to prepare a new version of the comprehensive bill. Sen. Micciche and the Steering Committee convened interested members of the stakeholder group to refine the contents of the comprehensive bill, starting with the language in SB 99, for introduction in the 2017 legislative session. Stakeholders submitted items for further discussion, as well as technical changes to the bill that were overlooked previously.

**Fall 2016** | Stakeholders met regularly to discuss each item brought for consideration, coming to consensus as much as possible on each issue. Additionally, the Internet Sales recommendations were further developed and refined with a group including Alaska stakeholders, representatives from major shipping carriers and a representative for out of state wineries.

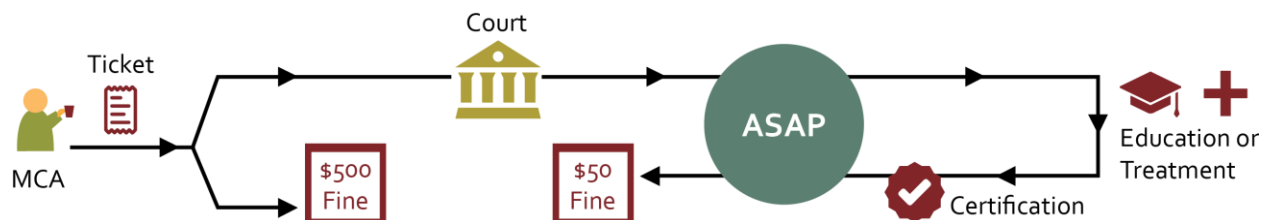
**November 2016 – January 2017** | Following direction from the discussions throughout the fall, Title 4 Review staff worked with Sen. Micciche's staff and Legislative Legal Services to draft new bill language based on the original work, and updated to reflect the current set of recommendations. While the group anticipates further discussion throughout the legislative process, the goal for the new draft bill is to ensure that it accurately reflects the intent of the group's work and addresses any drafting issues from the previous bill. At the time of writing, the stakeholder group is awaiting a complete draft for final review prior to its introduction during this 2017 session.

### SB 165: PRIORITY RECOMMENDATIONS ENACTED IN 2016

The first set of recommendations included in SB 165 have become law, including needed changes to the penalties imposed on minors who are found possessing or consuming alcohol (AS 04.16.050), or who enter licensed premises illegally (AS 04.16.049). The changes enacted in SB 165 are supported by a state plan, *Alaska's Strategies to Prevent Underage Drinking*, the work of a number of state agencies and departments, including the Department of Health and Social Services, the Alcoholic Beverage Control Board, the Division of Juvenile Justice, the Alaska Native Justice Center, the University of Alaska Anchorage Justice Center, the Alaska Mental Health Trust Authority, and the Alaska Court System.

#### Minor on Premises [AS 04.16.049] and Minor Consuming Alcohol, MCA [AS 04.16.050]

The new legislation restores Minor Consuming Alcohol to a true violation, with the process for reducing the fine outlined in the graphic below:



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- Each offense carries a fine of \$500, regardless of the number of prior convictions.
- If the youth appears in court, the fine may be reduced upon completion of a state-approved alcohol education or treatment program or community diversion panel within six months of the court hearing. For first and second convictions, the fine is reduced to \$50; for subsequent convictions, the fine is reduced to \$250. The fine reduction creates an incentive for the minor to seek education or treatment.
- The state's Alcohol Safety Action Program (ASAP) /Juvenile Alcohol Safety Action Program (JASAP) office would refer the young person to qualifying programs, certify completion of the program, and forward certification to the Court for the fine reduction.
- Removed from statutory penalties: mandatory completion of alcohol education or treatment, community work service, potential jail time, and suspension or revocation of driver's license.
- No information about convictions under AS 04.16.049 or -.050 will appear in the individual's record on CourtView, regardless of the outcome of the case or the age of the individual.
- If a violation is unpaid and the individual does not appear in court, the fine will be deducted from the minor's Permanent Fund Dividend. This is also a financial incentive against repeat offenses, since it requires education or treatment to get a fine reduction again.

The same penalty applies for Minor on Licensed Premises (04.16.049), which was previously a Class A Misdemeanor in Title 4, the default penalty for most violations of that title. This new process is intended to ensure swift and consistent enforcement of laws limiting youth access to alcohol, without a long-term stigma for a person for their behavior as a minor.

### Composition of the ABC Board [AS 04.06.020]

Alcohol affects many aspects of life in Alaska, and good regulation depends on balanced perspectives and consideration of how the ABC Board's decisions impact businesses, communities, and individuals. The Title 4 Review process recognizes the important role of the Board in carrying out the intent of Title 4, and recommended that balanced representation on the Board is necessary.

The five-member board previously had three designated seats, two for members of the alcohol industry and one for a member of the public representing a rural area; the other two seats were for members of the public. Rather than adding new seats to the Board, SB 165 changes the composition of the board as follows: the two designated industry seats are retained, as is the rural public member. One of the public seats is now designated for someone representing the public safety sector, which may include someone from law enforcement, the legal system, and others involved in this field. The original recommendation included a designated seat for a member of the public health field, but this was changed during the legislative process to instead retain one seat for a public member.

## SUMMARY OF DRAFT UPDATED RECOMMENDATIONS

As noted above, the updated Title 4 Review recommendations are still being finalized as of January 2017. In lieu of an exhaustive list and detailed information about each, below is a list of highlights and changes from the 2015 report. More information about the entire set of recommendations will be available soon, including new recommendations brought through the most recent stakeholder review process.



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### Examples of Changes to Previous Recommendations

- **Reduce penalties overall, and ensure that penalties are roughly proportional to the seriousness of the offense.** This recommendation is generally still intact, but several individual penalties have been adjusted further to ensure they are easy to implement and reflect the gravity of the offense. The group previously recommended per-unit penalties, e.g., a \$50 fine “for each alcoholic drink consumed in violation.” On further reflection, the group concluded that a single fine for a single violation is preferable. Additionally, the changes implemented from SB 165 for Minor on Licensed Premises and Minor Consuming Alcohol, allowing a minor to receive a fine reduction on completion of alcohol prevention education or treatment, will also be applied to an equivalent statute, Minor Purchasing or Attempting to Purchase (AS 04.16.060), whose penalty is currently a Class A Misdemeanor, like most of Title 4. Court data, and anecdotal evidence from law enforcement and the courts, have shown that offenses with excessively high penalties tend to be dismissed, or a violation is not issued in the first place.
- **Phase out existing Public Convenience licenses: instead, convert existing licenses to regular Restaurant or Eating Place licenses (AS 04.11.400).** The system of obtaining a restaurant license through a petition process intended to “serve public convenience” is widely acknowledged to be difficult to complete as an applicant, unnecessarily complex to administer by the Board and staff, and undermines the intent of the population limits on the number of outlets. The previous proposal to “phase out” existing licenses with limited transfers was controversial and not supported by Sen. Micciche or some of the stakeholders, since it would have negatively impacted existing businesses. The group has now proposed conversion of these licenses to be the same as other restaurant licenses, including transferability. Future demand for more restaurant licenses in smaller communities who serve a larger population would be addressed with a new proposal, outlined below.
- **Manufacturers allowed to own retail licenses (AS 04.11.450).** An important aspect of the three-tier system for alcohol control is separation between businesses who manufacture, distribute, and sell alcohol, designed to prohibit monopolies and known in Title 4 as Prohibited Financial Interest. The original recommendation would have allowed a brewery or winery to own a restaurant license, if one was available in their community according to the population limits; the new recommendation is to allow a brewery, winery or distillery to own any retail license, if one is available. The group recognizes that this does not strictly follow the three-tier system, but also recognizes that the rise in craft production is an important part of the changing industry. Wholesale licensees would still be prohibited from owning a business in the other tiers.

### Selected New Recommendations

- **Cider, still classified as wine for licensing purposes, treated similar to beer.** Cider is technically defined as a “wine” in both federal and state law, because it is made from a fruit. In terms of marketing and typical percent alcohol by volume (ABV), however, it is more like beer. Similarly, sake (a fermented rice beverage) is classified as a “brewed beverage” but has typical alcohol content closer to wine. The ounce limits on sales and sampling for manufacturers and package stores is intended to provide equivalent limits for products with different potencies, therefore these limits have been applied as appropriate for these products that do not fit the

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mold of their category. While the license type for each product will remain as defined in current law, cider under 8.5% ABV will be allowed to follow the sampling and sales limits for beer, while sake will have limits following those of wine.

- **Replacement for Public Convenience: a city may request a number of additional restaurant licenses from the Board.** As noted above, the Public Convenience process for obtaining a license is cumbersome for both the applicant and the Board. Public Convenience licenses have been concentrated in a few communities whose resident population is relatively small, affording them a limited number of restaurant licenses, but who tend to serve a much larger population of surrounding residents, visitors, tourists and/or seasonal workers. Some of these cities requested more input on the number of licenses they can be issued, pointing out that they have the law enforcement, zoning, and health resources to properly manage any negative effects of increased alcohol outlets in their community. A new proposal would allow certain communities with no available restaurant licenses to ask for an additional number of restaurant licenses from the Board, without changing the underlying population limits. These licenses would not be tied to a particular application, but would increase the number available in that community until they were all issued to future businesses.
- **Regulation of Internet sales of alcohol directly to consumers.** One major issue identified in the Title 4 Review process, but not addressed in the previous recommendations, is regulation of Internet sales: a business selling and shipping alcoholic beverages directly to a consumer. Most states prohibit online sales of alcohol, except wine from a winery or, in some states, a retailer. A new proposal would establish a Winery Direct Shipment License to allow consumers to purchase wine from a business in or out of state, and a shipment must be delivered in person to an adult by a common carrier approved by the ABC Board to transport alcohol. All sales to Alaska consumers would be subject to the state's excise tax, already paid on products made or imported into the state by Alaska manufacturers and wholesalers. This will provide for a level playing field between Alaska manufacturers, whose product prices already include the cost of the tax, and out of state manufacturers, who do not currently collect Alaska excise tax on products sold directly to consumers in Alaska.

### Local Option Recommendations Need More Work

Most of the Title 4 Review recommendations produced in 2015 are ready to move forward, but one significant portion of the work has been tabled until the next phase: recommended changes to Local Option laws. Despite several efforts to work further with rural communities and other stakeholders on the proposed changes, the group was not successful in completing another thorough review of this work, and recommends not implementing changes that have not had sufficient input from the communities they will impact. One of the recommendations in particular, increasing fines for bootlegging activity, was not in keeping with other changes to the criminal justice system enacted in SB 91 in 2016. The group acknowledges the profound impacts that existing high penalties for alcohol-related crimes have in Local Option areas, and some stakeholders are interested in exploring future recommendations to improve the Local Option system as a tool for communities to reduce the negative impacts of alcohol. This exploration needs to include Local Option communities at the table for careful deliberation about the best solution.

## TITLE 4 REVIEW | January 2017 Update

The proposal to regulate Internet Sales is expected to have some benefits for Local Option communities: there is no available data to estimate how much alcohol may be shipped into these areas from direct-to-consumer sales, which bypass the existing written order database established in AS 04.06.095 to allow the ABC Board, and individual package stores serving rural areas, to enforce the monthly purchase limits in place in Local Option areas. The proposed Winery Direct Shipment License would prohibit sales to consumers located in Local Option areas, and other online alcohol sales would be clearly illegal in statute. However, current law allows an Alaska package store to serve customers via mail, including in Local Option areas, provided that they consult the written order database prior to filling the order and recording the customer's order into the database. This purchase option will still be available to rural customers, while ensuring that all alcohol sales to Alaska consumers are taxed, documented, and compliant with the law.

### NEXT STEPS

Stakeholders are reviewing the draft legislation that reflects the updated set of recommendations that are based on consensus developed among the Steering Committee and the statewide stakeholder group. Once the draft is complete, Sen. Micciche plans to introduce the new bill.

For more information about the draft legislation, please contact:

**Office of Senator Peter Micciche**

Rachel Hanke, Legislative Aide

(907) 465-2828 | [rachel.hanke@akleg.gov](mailto:rachel.hanke@akleg.gov)