

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

June 21, 2016, 6:00 PM.
Municipal Building - Assembly Chambers

Special Meeting of the Committee of the Whole Public Hearing and Worksession

I. ROLL CALL

Deputy Mayor Jesse Kiehl called the meeting to order at 6:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Mary Becker, Jamie Bursell, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis, Kate Troll and Debbie White.

Assemblymembers Absent:

Staff present: Rorie Watt, City Manager; Amy Mead, Municipal Attorney, Mila Cosgrove, Deputy City Manager; Laurie Sica, Municipal Clerk.

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. June 6, 2016 Committee of the Whole Meeting Minutes

Hearing no objection, the minutes of the June 6, 2016 Committee of the Whole meeting were approved.

IV. AGENDA TOPICS

A. Ordinance 2016-23 An Ordinance Amending the City and Borough of Juneau Code to Add a New Title on Equal Rights.

Chair Kiehl thanked everyone for attending. He asked those testifying to provide their name and neighborhood, and he asked the audience to refrain from applause or comments on people's testimony. He said that written comments continue to be submitted.

The following people spoke in support of adoption of Ordinance 2016-23:

Mark Hutter
Ivan Baily
Willie Anderson
Art Roach
Rev. Melissa Engel
Elliott Tibbets
Father Gordon Blue
Sara Boesser
Jennifer Mannix
Kristen Bomengen
Rev. Sue Bahleda
Shirley Dean

Lin Davis
Marty Phelan
Justin Parish
Jennifer Fletcher
Kim Kiefer
Jeff Rogers
James Hoagland
Alavini Lata
Judy Crondahl
Sherry Wes
Representative Sam Kito
Millie Ryan
Karen Sewill
Cindy Boesser
Royce Snyder
Patty Ware

Brenda Bowers spoke in favor of the ordinance and suggested that the policy include the term "gender expression" in addition to sexual orientation and gender identity.

Tom Williams said he appreciated the public hearing and he opposed the ordinance in total. He was concerned that the ordinance requires landlords to accept certain types of payments that they may not want to accept, and was concerned about the language of accepting "any lawful payment," such as a government voucher. It give sexual orientation equal standing with religion and familial status and duplicates federal and state statutes, which is unnecessary and causes additional administrative costs to ensure businesses comply with this language.

Mr. Kiehl thanked everyone for their comments and said that the comment period is still open. This is the time for committee work and questions for staff. This ordinance will likely be scheduled for the Committee of the Whole work session in July.

Ms. White asked about the concern regarding housing. She asked if "lawful source of income" meant forcing landlords to accept Section 8 housing vouchers. Ms. Mead said that she would research this to understand if this would be an enforceable section of the ordinance, as Section 8 required a landlord to enter into a contractual agreement with AHFC.

Ms. White said Ms. Bower's testimony suggested there may be some protected classes omitted from the ordinance.

Ms. Gladziszewski had similar questions about "lawful source of income." She said the policy section was clear, but asked if it was necessary to outline in 12 pages and if the ordinance may conflict with other laws in an unintended manner.

Ms. Troll said the ordinance is an important statement to make and asked if there was a way to shorten and simplify the ordinance for ease of understanding and enforcement. Regarding the suggestion of adding the words "gender expression," she suggested that could be fixed by stating on page 11-12 that "gender identity" means "a person's gender related self-identity choice, regardless of the assigned sex at birth."

Ms. Becker said she also has a question about "lawful source of income" as now that marijuana sales were legal, as a landlord she would not want to be forced to take money from people who had lawfully raised money through drug sales. She asked for information on Representative Cathy Munoz bill on this topic related to this ordinance and enforcement of issues if the state law was adopted. Ms. Mead said the ordinance identified a prohibited act and gave private citizens the right to seek enforcement of a violation by bringing suit against a violator directly to court. The state law in Title 18 requires a complaint to be filed with the State Human Rights Commission before being filed in court. She said she would provide the Assembly with a table of comparison of the ordinance to state law.

Ms. Becker said she would like to know how adoption of the ordinance might affect education and the rights of schools to establish programs, such as any limitation on girls in boy's schools, for example.

Mayor Koelsch asked if there was any class left out of the definition. Mr. Kiehl said in one model act there were references to obesity separate from disability and he elected not to include that. He believed ADA provided sufficient coverage and treating it as a separate class is not needed.

Mayor Koelsch asked how a complaint was handled. Ms. Mead said it would be handled through a civil action in court. The burden of proof was upon the person bringing the suit and by the preponderance of the evidence to prove a violation and the remedies were outlined in the ordinance. A judge in court would make a ruling and apply sentencing. The ordinance provided for a deadline of 300 days from the act to file in court.

Ms. Gladziszewski said on page 5, line 24, there is a reference to rental units and the phrase "interior of the premises" and asked for an explanation of why the word interior was included.

Ms. Becker asked what the resolution of winning in court could be. Ms. Mead said that was included in 41.05.045 (b) on page 9. The court could order whatever relief that it deemed appropriate.

Ms. Gladziszewski questioned page 7, line 5, a statement that "provisions of 41.05.015 (a) shall not apply." On page 8 of 12, regarding "aiding, abetting or coercing a violation..." she asked for an explanation. Ms. Mead said it referred to being the instigator or forcing an illegal act - helping someone to do an illegal act. Ms. Gladziszewski asked if this was a standard in law. Ms. Mead said she would provide more information on this point. Ms. Troll said this may be a place to simplify, by stating only "an act forbidden under this chapter."

Ms. Bursell said for the most part the way the ordinance is written it is on spot. It may be long, but it provides specificity so that it can be utilized in specific situations. She was concerned that if it was simplified too much we would need to rely on interpretation in the future.

Mr. Kiehl said the next COW had a full agenda, the next meeting after that is July 25.

Mr. Watt said that if and when the Assembly passed the ordinance as is or amended, there would be an effort on staff's part to provide information and education on how to implement this policy. We have a duty to get out into the community to have informal sessions with business owners and landlords. We don't expect them to good readers of municipal ordinances and we can help.

Ms. White said her only concern about the ordinance is potentially requiring a landlord of a small apartment to be in a Section 8 housing arrangement.

Ms. Becker asked if this ordinance would take precedence over the land lord tenant act. Ms. Mead said it was not superceding it but should be read in conjunction with it.

Ms. Bursell asked for more information about the Section 8 housing program.

Ms. Mead said that at the next meeting she would provide a table to compare this ordinance with state statute and the Anchorage ordinance, and a response to some of the questions asked. She said she would investigate ways to simplify the ordinance.

Mr. Keihl thanked the Assembly and people present for the comments.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

None.

VI. ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 8:33 p.m.
Submitted by Laurie Sica, MMC, Municipal Clerk