

Presented by: The Manager
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-03

An Ordinance Amending the City and Borough of Juneau Code Related to Aquatics Facilities and Repealing the Associated Sunset Date.

WHEREAS, the Juneau voters approved a proposition in October 2014 amending the Charter to give the Assembly discretion to establish a board to oversee the City and Borough's aquatics facilities; and

WHEREAS, Ordinance 2015-23(b) amended the City and Borough code to create a new chapter, Chapter 67.10 Aquatics Facilities, with an automatic sunset date of May 28, 2018; and

WHEREAS, Ordinance 2018-19 extended the sunset date to June 30, 2019.

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

Section 1. Classification. Except for Section 2, which is a non-code ordinance, this ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Repeal of Sunset Date. The sunset date created by Ordinance 2015-23(b) and extended by Ordinance 2018-19 is repealed. Chapter 67.10 no longer has a sunset date.

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2 **Section 3. Amendment of Section.** CBJ 67.10.010 Board of directors, is amended to
3 read:

4 **67.10.010 Board of directors.**

5 (a) The aquatics board shall consist of nine ~~seven~~ voting members appointed by the assembly
6 to serve without compensation for staggered three-year terms, ~~and one liaison from the~~
7 ~~Juneau School District. The liaison shall not have the power to vote or be counted in~~
8 ~~determining whether a quorum of the board is present.~~ Members of the board shall serve at the
9 pleasure of the assembly. Terms shall commence on July 1. Appointments to fill vacancies shall
10 be for the unexpired term. In the event a seat has six months or less remaining to the
11 unexpired term, the assembly, at its discretion, may choose to appoint the member to the
12 remainder of the current term as well as to the full term immediately following the expiration
13 date of the unexpired term. No board member who has served for three consecutive terms or
14 nine years shall again be eligible for appointment until one full year has intervened, provided,
15 however, that this restriction shall not apply if there are no other qualified applicants at the
16 time reappointment is considered by the assembly.
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18 (b) No board member, or member of a board member's immediate family or household, may be
19 employed by an aquatics facility owned by the City and Borough. One board member shall be
20 from and represent the Juneau School District. One board member shall be from any local
21 swim organization that rents a pool facility. To the extent possible, appointments to the
22 remaining seven seats on the aquatics board shall include persons having skills relevant to
23 matters concerning the aquatics facilities. No more than two members of the aquatics board
24 shall be a member or employee of any local swim organization, or the immediate family
25 member of any member or employee of any local swim organization.

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2 (c) The parks and recreation department director may participate in any board proceedings
3 like a member but shall not have the power to vote and shall not be counted in determining
4 whether a quorum of the board is present.
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6 **Section 4. Amendment of Section.** CBJ 67.10.020 General powers, is amended to read:

7 **67.10.020 General powers.**
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9 (a) Subject to state laws and City and Borough ordinances, the aquatics board shall make
10 policy decisions and generally direct ~~exercise all powers necessary and incidental to the~~
11 operation and maintenance of the municipally-owned aquatics facilities according to the best
12 interests of the public and in a sound business manner. The aquatics board:

13 (1) Shall be responsible for generally directing the operation, maintenance,
14 development and marketing of the municipally owned and operated aquatics facilities,
15 except as otherwise provided by the assembly by resolution.
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17 (2) Shall prescribe the terms under which persons and groups may use the aquatics
18 facilities under the board's management and establish and enforce standards of
19 operation.
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21 (3) May adopt regulations pursuant to CBJ 01.60 necessary for the administration of
22 the aquatics facilities under the board's management.
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24 (4) Shall facilitate and receive citizen input on the management and operations of the
25 aquatics program.

~~(b) The aquatics facilities shall conform to the City and Borough Personnel Management Code,~~
~~the City and Borough Personnel Rules, Personnel Classification Plan, and the City and~~

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2 ~~Borough Manager's Administrative Policies. The aquatics facilities shall utilize the services of~~
3 ~~the human resources and risk management department when hiring or terminating any~~
4 ~~employee, when responding to grievances, in labor agreement negotiation, and in substantial~~
5 ~~disciplinary matters.~~

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7 (be) All legal services for the aquatics board and aquatics facilities shall be provided by or
8 under the supervision of the municipal attorney.

9 (c) Shall annually provide to the assembly a written review of the aquatics program. The
10 review shall include public usage, financial trends, facility maintenance needs, capital needs,
11 and the efficiency of the program operation.

12 (d) Shall annually provide a personnel evaluation to the parks and recreation department
13 director of the aquatics manager's performance in supporting the board and implementing
14 board direction. The aquatics manager personnel evaluation and the board's deliberation of it
15 shall be confidential unless the aquatics manager requests a public discussion.

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17 (e) Shall participate in the selection process for the hiring of the aquatics manager. In the
18 event the board does not support the hiring recommendation of the parks and recreation
19 department director, the board chair shall timely notify the city manager. The city manager
20 shall then make the hiring decision.

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22 **Section 5. Amendment of Section. CBJ 67.10.050 Meetings, is amended to read:**
23 **67.10.050 Meetings.**

24 (a) The aquatics board shall meet at least once each month at an accessible location and time
25 to be designated by the board. The board chair may cancel a monthly meeting when a quorum

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2 will not be present. Subject to public notice requirements, any three board members may call
3 for a special meeting.

4 (b) Every meeting of the board, including its committees, shall have an agenda. The agenda
5 shall be prepared by the board or committee chair in consultation with the aquatics manager.
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8 **Section 6. Amendment of Section.** CBJ 67.10.070 Manager designated, is amended to
9 read:

10 **67.10.070 Aquatics Manager designated.**

11 The aquatics manager shall provide staff support to the board but is supervised by the
12 parks and recreation department director. ~~The chief executive officer of the aquatics facilities~~
13 shall be the parks and recreation department director.
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15 **Section 7. Amendment of Section.** CBJ 67.10.080 Director; duties and responsibilities,
16 is amended to read:

17 **67.10.080 Aquatics manager; Director; duties and responsibilities.**

18 The aquatics manager ~~director~~ is responsible for the overall supervision of the municipally-
19 owned aquatics facilities under the aquatics board's policy direction ~~management~~. The aquatics
20 manager's ~~director's~~ authority and duties shall include, but are not limited by, the following:
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- 22 (1) To be responsible for carrying out all applicable laws, ordinances and regulations.
23 (2) To be responsible for carrying out policies established by the aquatics board not in
24 conflict with policies established or adopted by the assembly or manager.
25 (3) To prepare an annual budget as required by City and Borough ordinance.

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2 (4) To attend all meetings of the aquatics board and its standing committees except as
3 otherwise directed by the board and not otherwise conflicting with other duties of the position
4 of aquatics manager ~~parks and recreation director~~.

5 (5) Direct and supervise the maintenance and operation of the municipal pools.

6 (6) Keep the aquatics board fully advised on the financial circumstances of the program
7 budget, the physical condition, and the maintenance needs of the aquatics facilities.

8 (7) At the direction of the aquatics board, prepare draft regulations and draft fee changes
9 for consideration.

10 (8) Assist the aquatics board in all matters, including the preparation of the annual report
11 to the assembly.

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14 **Section 8. Amendment of Section. CBJ 67.10.100 Preparation and submission of**
15 **budget, is amended to read:**

16 **67.10.100 Preparation and submission of budget.**

17 The aquatics manager ~~director~~ shall prepare the budget in accordance with approved City
18 and Borough procedure and shall submit it to the aquatics board for approval. The aquatics
19 manager shall submit to the board the draft Capital Improvement Plan no later than December
20 1 and the draft operating budget no later than February 1.

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22 The operating portion of the budget submitted by the aquatics board shall, to the extent
23 practical given safety concerns and maximizing operating hours of the pools, minimize its
24 general fund subsidy. The aquatics board shall make its recommendations and submit the
25 budget to the ~~City and Borough~~ city manager for transmittal to the assembly in the same
manner as general government departments.

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Section 9. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk