

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

May 22, 2017, 6:00 PM.

Assembly Chambers - Municipal Building

Assembly Work Session - No public testimony

**I. ROLL CALL**

**II. APPROVAL OF AGENDA**

Hearing no objection, the agenda was approved as presented.

**III. APPROVAL OF MINUTES**

**A. May 1, 2017 Committee of the Whole Meeting Minutes**

Hearing no objection, the minutes of the May 1, 2017 Committee of the Whole meeting were approved with corrections.

**IV. AGENDA TOPICS**

**A. Lands in Trust**

Mr. Gregory said he is a member of the Central Council of Tlingit Haida Indian Tribes of Alaska (CCTHITA) but did not think that it was a conflict of interest. Ms. Mead said he would only have a conflict if his loyalty favored one entity over the other and that it was a matter for the Assembly to rule upon. Hearing no objection, Mr. Nankervis said that Mr. Gregory could participate in the discussion.

Ms. Mead said in considering a Fee to Trust application the federal regulations dictate what the Bureau of Indian Affairs (BIA) reviews. BIA would like to know the potential impacts on regulatory jurisdiction, real property taxes and special assessments, and jurisdictional problems and potential conflicts of land use which might arise. She described potential regulatory and jurisdictional impacts, the application of PL280 (federal law), and that CBJ code would not be enforceable on any trust property absent an agreement from CCTHITA.

Ms. Mead described the Memorandum of Agreement (MOA) provided by CCTHITA that addressed issues of law enforcement, easements for water and sewer, the provision of fire service and the application of the building and fire codes, street snow removal, zoning and tax implications on this "patchwork" of properties - some in trust, some not, in the subject area. She is still seeking a response from the federal government regarding questions she has about this trust application and a potential reservation proclamation for this property.

Ms. Mead said the proposed MOA is not required by the BIA. The BIA wants to hear a factual analysis of any impacts of the land going into trust. She said there are unanswered policy questions in the proposed agreement.

Ms. Mead said the Assembly's comment period deadline is June 5, absent another extension, and she was seeking direction from the Assembly regarding:

- 1) the authority to draft a letter to the BIA regarding the potential regulatory and jurisdictional issues,
- 2) direction from Assembly as to whether it wishes to take a position on these applications, for/against/neutral in the letter, and,
- 3) direction / interest in pursuing an intergovernmental agreement with CCTHITA.

# DRAFT

In response to Assembly questions, Ms. Mead said when land is held by the federal government in trust for a native tribe, the owner is the federal government. Trust land can become reservation land, which is more sovereign. Metlakatla is the only reservation in Alaska. Any gaming must be on a reservation.

Mr. Richard Peterson, President and Ms. Corrine Garza, Chief Operating Officer were present.

Ms. Garza referred to talking points distributed to the Assembly and explained the map of the subject lots, which were currently used as parking for the Andrew Hope building, the subject of a future BIA application. The building must be used for a tribal government building at minimum until the end of a current loan. That is the intended use of the property. CCTHITA had similar concerns and liability for safety on its property as does CBJ. The Andrew Hope building is a condo association and the parking is part of the package for the current tax exempt loan that runs for 13 more years. She distributed packets to the Assembly with information about an Open House on May 30 to explain to the public what they are doing and what these applications are about.

Mr. Kiehl asked about a long-term vision for the property and what any agreement between CBJ and CCTHITA would look like at the end of the 13-year loan. Ms. Garza said the vision is for use as a tribal government building. It is on the original site of the Juneau Indian Village. The tribe never received any land when settling with the Federal government for the taking of the Tongass. They have purchased every piece of property. Ms. Garza said CCTHITA wants to be a good neighbor and struggles with issues of abandoned vehicles and litter, similar to CBJ lots in the village. We are residents and citizens of CBJ and have no hidden agenda. CCTHITA hires about 220 people and more than half live in Juneau. They contribute \$8 million in client benefits annually. They operate programs similar to Catholic Community Services, including Head Start and the Second Chance program, which are open to tribal members and non-members alike.

Mayor Koelsch said he and President Peterson have met monthly since November and he appreciates and respects their communications. Mayor Koelsch said he is a bit cautious about how to proceed due to unanswered questions and asked if there is any possibility of obtaining more review time from the BIA. Ms. Mead said CCTHITA is not agreeable to more than 30 days and the request would need to be made to BIA. Ms. Garza said the subject lots are used for parking and they did not think a big agreement was necessary for those. The applications for the lots under the Andrew Hope Building were forthcoming for public comment and would be more involved. Mayor Koelsch said the subject lots were "building blocks" and he appreciated any time available for further education.

Mr. Gregory asked about the MOA and the statement from CCTHITA that there would be no Payment in Lieu of Taxes (PILT) and the effect on fire and police protection. Ms. Mead said that the agreement read that CCTHITA is requesting fire and police protection without payment.

Mr. Nankervis asked if CCTHITA had control over the use of the subject lots for parking lots. Ms. Garza said CCTHITA had a \$4.5 million tax exempt loan agreement for the subject lots and the Andrew Hope building with restrictions to maintain the subject lots as parking for the building. Mr. Nankervis thanked Ms. Garza and Mr. Peterson for their information.

The Assembly discussed the matter and asked several questions of Ms. Mead.

Hearing no objection, there was no opposition to continuing to work with CCTHITA on a MOA.

Hearing no objection, the Assembly authorized the attorney to draft a letter to BIA regarding regulatory and jurisdictional issues.

*MOTION, by Gregory, to support the CCTHITA application for fee land into trust.*

Ms. Becker objected and said she did not have enough information and would like more answers to the questions raised by the city attorney.

# DRAFT

Roll call:

Ayes: Gregory, Weldon, White

Nays: Becker, Gladziszewski, Jones, Kiehl, Koelsch, and Nankervis

Motion failed, 3 Ayes, 6 Nays.

*MOTION, by Mr. Kiehl, to direct the City Attorney to continue discussions with CCTHITA regarding an agreement that will enable the Assembly to support these applications.*

*MOTION, by Nankervis, to amend the motion by adding that continued discussions should include two Assemblymembers, chosen by the Mayor, to participate in those discussions with the City Attorney and City Manager, in order to provide an Assembly perspective in those discussions.*

Ms. Becker objected.

Roll call on the amendment:

Ayes: Gregory, Weldon, White, Gladziszewski, Jones, Kiehl, Koelsch, and Nankervis

Nays: Becker,

Amendment passed, 8 Ayes, 1 Nay.

Hearing no objection, the main motion, as amended, passed.

## **B. Community Wellness Strategy**

Mr. Watt explained the Wellness Strategy/Homeless Strategy in the packet. He also noted a recent letter received from Juneau Coalition on Housing and Homelessness to the Assembly. Mr. Watt gave a brief overview of history of dissolution of the CBJ Health and Social Services Department. Since that time, CBJ has provided funds, but has distanced itself from provision of services. CBJ's most recent involvement has been to fund the Housing First program and the bridge loan.

Mr. Watt said that regarding the homeless issue, he has been in a reactive mode and has not been able to proactively make decisions. There are many support programs with tight budgets trying to keep diverse missions alive.

Following discussion, and hearing no objection, Mr. Gregory, Ms. Gladziszewski and Ms. White volunteered to serve on a task force, to work with Mr. Ciambor and the Juneau Housing and Homelessness Coalition, to hold a conversation on the issues regarding homelessness in Juneau and to report back to the Assembly. Ms. White offered, and was appointed, to serve as chair.

## **C. Alcohol at Eaglecrest Ski Area**

*MOTION, by Weldon, to refer Resolution 2793 to the Assembly.*

*MOTION, by Kiehl, to amend the Resolution 2793, in section 3 to limit sales of alcohol at special events to the sale of beer and wine only. Hearing no objection, it was so ordered.*

Hearing no objection, Resolution 2793, as amended, was forwarded to the Assembly.

## **V. ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 7:49 p.m.

Submitted by Beth McEwen, Deputy Clerk