

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**
April 8, 2019, 6:00 PM.
Assembly Chambers - Municipal Building

AGENDA

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. APPROVAL OF MINUTES**
 - A. December 10, 2018 Assembly Committee of the Whole Minutes**
- IV. AGENDA TOPICS**
 - A. TBMP Update - Verbal Report from Kirby Day**
 - B. Sleep Off Center Discussion**
 - C. Moderate Drought Impacts - Staff Verbal Report**
 - D. On Site Consumption Regulations - Information Only**
- V. ADJOURNMENT**

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

December 10, 2018, 5:30 PM.

Assembly Chambers - Municipal Building

Assembly Work Session - No Public Comment

I. ROLL CALL

Deputy Mayor Maria Gladziszewski called the meeting to order at 5:30 p.m.

Assemblymembers present: Mayor Beth Weldon, Mary Becker, Jesse Kiehl, Loren Jones, Rob Edwardson, Carole Triem, Wade Bryson, Maria Gladziszewski and Michelle Hale

Assemblymembers absent: None

Staff present: City Manager Rorie Watt, City Attorney Rob Palmer, Deputy Manager Mila Cosgrove, Municipal Clerk Beth McEwen, Chief Housing Officer Scott Ciambor; Community Development Director Jill Maclean, Emergency Manager Tom Mattice, Finance Director Bob Bartholomew, Port Director Carl Uchytel, Port Engineer Gary Gillette

II. APPROVAL OF AGENDA

The agenda was approved as presented.

III. APPROVAL OF MINUTES

A. September 24, 2018 Assembly Committee of the Whole Minutes

B. October 22, 2018 Assembly Committee of the Whole Minutes

MOTION by Ms. Becker to approve the minutes with minor corrections. *Hearing no objection, the minutes of the September 24 and October 22, 2018 Committee of the Whole meetings were approved.*

IV. AGENDA TOPICS

A. Affordable Housing Fund Discussion

Chief Housing Officer Scott Ciambor gave a presentation regarding the Affordable Housing Loan Fund. He gave an overview of the background of the Affordable Housing Loan Fund and the timelines involved with the recommendations regarding a way to improve how those funds are administered and distributed. He gave the committee information about a similar program in place in the City of Vancouver, WA as a model to follow for what CBJ might want to do moving forward. Mr. Ciambor explained that whether the administration/review of the Affordable Housing Loan Fund applications are done by staff or through the Affordable Housing Commission, it is still up to the Assembly ultimately to make the final decisions on how much funding would be given out and to which projects.

Ms. Gladziszewski noted that the question for the COW is whether to move this function from the Affordable Housing Commission over to staff.

Mr. Ciambor answered a number of questions from Assemblymembers regarding the eligible uses of the funds, how, when, and under what circumstances they would have as to whether the funds would be used as grant funds or loan funds. Mr. Ciambor explained that the grant funds are eligible for use by non-profit entities but that the for-profit sector would need to apply for the loans and grants would

not be available to the for-profit developers.

Mr. Ciambor explained that the long term affordability for housing is one of the key goals to the program and extra points could be added to the scoring of the applications for those or similar issues if the Assembly wanted to identify their areas of importance.

Mr. Kiehl asked that they build in language to the application that prioritizes loans over grants to keep the corpus of the fund available for revolving loans. Mr. Ciambor said he would try to work on some language in the application relating to the priorities of uses of the Affordable Housing Funds.

Ms. Hale noted that her read of the materials had the loans going to private developers who would take out zero interest loans to build affordable housing whereas the grants were being used by non-profits to provide things such as housing for homeless persons.

Additional discussion took place regarding the proposed process, how priorities would be determined by the Assembly and carried out in the application/review process. Discussion also took place regarding the replenishment of loan funds and sources for additional monies to go into the Affordable Housing Fund. Mr. Watt also noted that the prior Assembly, when it put the Sales Tax extension on the ballot, it put in \$2,000,000 in funding to be raised over five years going into the loan fund at \$400,000 per year. Additional funds in future years may come from sources such as the federal government, and/or any settlement dollars received from the sale of the Gastineau Apartments property.

MOTION by Mayor Weldon to direct staff to draft a resolution which moves control of the Affordable Housing Fund to the Assembly and remove it from the Affordable Housing Commission including Mr. Kiehl's amendment [regarding loan priority language to be developed by Mr. Ciambor]. *Hearing no objection, the motion carried.*

Mayor Weldon said that given the adoption of the above motion, the adoption of the Housing Action Plan, the hiring of the Chief Housing Officer and a Homelessness/Housing Coordinator, are there any functions left for the Affordable Housing Commission or do we thank them for their service on this very difficult board and dissolve the commission.

Mr. Ciambor said that much of his work comes through the housing action plan and through the City Manager. Mr. Watt noted that this is a detailed weedy issue and he does not see that the Affordable Housing Commission has been able to send advice to the Assembly in a meaningful manner. Mr. Watt commented that this is a detailed/weedy issue and it is hard to get time on the Assembly's agenda to bring these issues in depth to them for decision making. He said he has not seen that the commission has been able to find a path to community and provide helpful advice to the Assembly. He said they have put a lot of focus on the issue, and as a result, the Assembly has adopted the Housing Action Plan and created the staff needed to address it. Mr. Watt said that he feels it is at a point that staff can now do the work and get the information to the Assembly for decision making most effectively.

Ms. Gladyszewski asked if it was the consensus of the body to refer the Affordable Housing Commission and its possible sunset to the Assembly Human Resources Committee for review and consideration. *Hearing no objection, that will be the next steps for the Affordable Housing Commission.*

B. Ordinance 2018-41 An Ordinance Amending the Land Use Code Relating to Alternative Residential Subdivisions.

Ms. Gladyszewski noted that they discussed this ordinance at the last COW meeting and asked that it be brought back with some requested changes. Ms. Maclean was present to answer any questions from the Assembly.

Mr. Kiehl said he appreciated the Title 49 Committee for its additional level of work on this ordinance. He said that he had an opportunity to discuss the changes with CDD Director Maclean earlier in the

day and said he would only suggest one change to the six bullet points as spelled out in Ms. Maclean's December 6, 2018 memo and that would be to remove the word "separated."

MOTION by Mr. Kiehl to amend the ARS Ordinance 2018-41(b) to include 6 bullets from the December 6, 2018 memo with the removal of word "separated" such that the first section would read:

49.15.920(e)(3)(F) Density (p.4):

Five percent in the RR, D-1, D--3, D-5, and D-10SF zoning districts, and ten percent in the D-10, D-15, D-18 and LC zoning districts for providing shared use pathways to facilitate safe pedestrian and bicycle movement within the development and to ensure non-vehicular access to open space, common facilities and to public services

Hearing no objection, the motion passed.

C. Waterfront Infill Development (Archipelago Area)

Mr. Watt provided information regarding the amended appraisal. He noted that in September, the Assembly asked him to enter the negotiations to make sure the values were being looked at properly. He worked with Docks and Harbors staff and they gave direction to the appraiser to value all the pieces of the land components. The appraiser has done that and the appraisal is in the packet. He said there was one slight change that happened along the way resulting a little more property to the city to accommodate proper turning radius in the vehicle staging area. In the red folder is a subset updated appraisal that shows the new net amount of \$922,175. The full updated appraisal has been posted online for everyone to see.

Mr. Watt said with respect to the broader project, he is not asking for the Assembly COW to decide on whether or not to do the project, but rather to consent to receive an ordinance authorizing a purchase and sale agreement between CBJ and Morris Communications. He said he has spent a lot of time on this with Mr. Uchytel, Mr. Gillette, Mr. Palmer, and their staff and he is quite comfortable on the values if they are going to move forward, he said in light of all the pieces taken into consideration, he believes it would be a fair, reasonable, and responsible way to calculate the value between the parties. He said there have been many other questions alongside this. Given the high cost of the project, do the merits of the project encourage them to do it? That is a different question than what he is asking at this time. There has been another question about if this project unduly benefits the adjacent property owner. He said in speaking to that briefly, all of our waterfront development projects have been a benefit to property owners nearby and even less nearby. As an example, the 16b cruise ship berths and seawalk projects have benefited the downtown retail district. Similarly, this project would benefit the uplands owner but it is pretty normal. It happens to be a key position piece of property in this area and it happens to be one of the few options for adding staging and open space on the waterfront so he doesn't fault them for their good decision for having property in a good location.

Mr. Watt said he feels the appraisal is fair and reasonable and results in less money towards Morris than was originally anticipated so he is asking the Assembly to agree to the introduction authorizing the purchase and sale. Ultimately, when they have that ordinance at public hearing, the public can come and testify and tell them what they think and that would be the time the Assembly makes the ultimate decision to authorize the purchase and sale and authorizing the transfer of funds or not.

Ms. Gladziszewski thanked Mr. Watt for doing the work the Assembly had requested and she opened it up for questions from the Assembly.

Mr. Edwardson said he had a pro forma question that he has previously asked; for us to draw up an ordinance, does that create an estoppel situation? If the property owner saw the drafting of an ordinance as a positive sign and started investing in changes, would CBJ be at risk at all? Mr. Palmer answered "no" to Mr. Edwardson's questions.

MOTION by Ms. Becker that an ordinance be introduced authorizing the purchase and sale agreement and that ordinance be sent to the Assembly for further discussion and asked for

unanimous consent.

Ms. Gladziszewski asked if anyone else had any questions or discussion before taking vote on the motion.

Mr. Kiehl asked about the reference in the assessor's report relating to the right to object language. Mr. Watt referred them to page 40 of the appraisal as found on packet page 107. He noted that the area shaded in purple in figure 4.6 is the area that is subject to the limited right to object. He said that generally he would prefer not to buy or create encumbered property that is subject to discussion at a future date. He said that Morris felt it was important to them, they wanted to invest in their property and they wanted to be sure there was some way to comment on CBJ's area. He said it is a limited portion and results in a fairly significant amount of money credited to the city. He said the vast majority of the proposed CBJ development would not be encumbered by that right to object.

A lengthy discussion took place regarding the right to object language with Mr. Palmer and Mr. Watt providing additional explanation in answer to questions from Assemblymembers. Members also asked what the impacts would be if this language was struck from the negotiated language. Staff explained that the resulting cost in striking this clause would be approximately \$250,000 CBJ would have to pay. Mr. Watt also gave information to the members about the ins and outs of the negotiations and that the Morris company felt strongly about the inclusion of this verbiage in the agreement. Due to the concerns raised by the Assemblymembers, Mr. Palmer said he was willing to draft the ordinance to be brought back to the Assembly for their consideration and amendment, if they wish to make changes. Ms. Hale asked what the process would be if they did object.

Mr. Bryson asked, outside of the right to object clause, how the balance of the project was favorable to the city and if the Manager could provide more detail on that. Mr. Watt explained that in light of the various property line changes and needs being met, both parties have something the other one wants and both substantially benefit from the proposed negotiation. He said from a property line standpoint, it makes perfect sense. Once those property lines are changed, the projects each party wants to develop can happen more economically. With respect to the macro questions he mentioned earlier such as "Given the cost of the project, do the project benefits merit it?" He said that is a separate matter he'll leave to the Assembly to decide. He said what they are really talking about is commercial activity that would impede or compete. The Wee Fishee Shop is a good analogy and Mr. Kiehl raised the scenario about public events which would be a temporary use. He said they need think about those types of uses and that these are details that should be worked out.

Additional discussion took place regarding the language related to what would or wouldn't be classified as "improvements."

Ms. Gladziszewski asked if there was any objection to the motion by Ms. Becker.

Mr. Jones noted his objection.

Ms. Gladziszewski called for a roll call vote on the motion authorizing the Manager to draft an ordinance to authorize the purchase and sale agreement between CBJ and Morris to be brought back to the Assembly for introduction.

Ayes: Becker, Bryson, Edwardson, Hale, Kiehl, Triem, Weldon, Gladziszewski

Nays: Jones

Motion carried 8:1

Ms. Gladziszewski and Mayor Weldon thanked Mr. Watt for his involvement in the negotiation process at the request of the Assembly and also thanked Messrs Uchytel, Gillette, and Palmer for their work as well.

D. Emergency Planning

Mr. Watt introduced Emergency Programs Manager Tom Mattice. Mr. Mattice is extremely effective in his role and highly regarded both locally and around the state. He also has other duties, notably avalanche forecasting which is really important to the community. While he doesn't often appear before the Assembly, he is a key reason we are able to be ready and respond in the event we have to call up the Emergency Operations Center (EOC).

Mr. Mattice said that in light of the recent earthquake in Anchorage and its aftermath, this is a good time to talk about emergency planning and response within our jurisdiction. He explained that Juneau has a lot of hazards that we face and there are a lot of hazards that we look at individually and develop emergency operations plans around those. We have a number of annexes to the Emergency Operation Plan (EOP) which deal with specific hazards to the jurisdiction. Most planning lies in "All Hazards" planning. Whether it is a cruise ship with a problem, a landslide, or an airplane with a problem, we know that mass casualties, sheltering our people, transportation are the common denominators to all emergency responses.

Mr. Mattice went through the steps that are followed when an emergency happens and how the Emergency Operations Center works and who is involved in the Incident Command system. He also instructed them on the role of the Assembly with respect to emergency declarations in the event of an emergency. Everyone working on an emergency is done through the EOC process which has evolved significantly in Southeast Alaska over the last decade.

Mr. Mattice also reminded everyone about the importance of personal preparedness because if people aren't prepared at home, they don't show up to work or to support the organization. It is also important to think about communication in the jurisdiction and he recommended everyone have a NOAA weather radio which is the one thing that can come on and alert you at anytime when all other forms of communication are turned off or not working. The NOAA radio will turn on in an emergency situation and you would grab your go bag and evacuate and you have everything you need to walk out the door and be able to plan and respond.

Mr. Mattice encouraged each member to have a "Go Bag" as well as Family and Reunification Plans which are available on the state's website at www.Ready.Alaska.Gov.

Ms. Gladziszewski thanked Mr. Mattice for coming before them with this information.

E. Assembly Goals (Updated documents to be provided at the meeting)

Deputy City Manager Mila Cosgrove provided an update of the spreadsheet with the Assembly Goals as arrived at during the December 1, 2018 Assembly Retreat.

She noted that the packet that came out had the consolidated goals front and back with the tally sheets but also, each individual goal had a separate page with tallies above the line and the things that did not have enough tallies to make the main list or were already completed. Ms. Cosgrove noted that the spreadsheet also included the "re-voting" of the economic development piece that everyone provided to Ms. Cosgrove.

Mayor Weldon thanked all the Assembly for a good retreat in which everyone was very engaged in the process. She also thanked Ms. Cosgrove for all her work before, during, and after the retreat and to Ms. McEwen for her work the day of the retreat.

MOTION by Mayor Weldon to adopt the goals as presented.

AMENDMENT #1: Mr. Jones said he thought under the Housing goal that the third and fourth items (Comprehensive Plan and Area Plans) were moved to the Economic Development goal. Ms. Cosgrove said it would be easy enough to move those around, it was listed under the Housing goal when the multi-voting had occurred. Hearing no objection, that amendment passed.

Ms. Hale extended her thanks to Mayor Weldon for running an interesting and engaged goal setting

session and great thanks to Ms. Cosgrove for all her work.

AMENDMENT #2: Mr. Kiehl asked for an amendment under Economic Development and that would be to the Economic Development goal that fell just below the cut off line and that was "Identify future industrial land." He said that has been on our list in the past and over the years he has served on the Assembly, they have seen the shortage of industrial land in Juneau be a problem. There has been conflict just within the past few months over how much commercial vs. industrial land we have and it is important that the Assembly keep this high on the task list. We have seen the shortage of Industrial Land become a problem and even in the recent past. He said that if you are going to have a city you are going to have businesses that don't smell good or make noise and he asked that the goals be amended to include "Identify future industrial land" to the Economic Development goal. Hearing no objection, that amendment passed.

Hearing no objection, the Goals were adopted as amended above.

V. EXECUTIVE SESSION

A. CLIAA Litigation Update

MOTION by Mr. Kiehl to recess into Executive Session to discuss a matter, which by law may be kept confidential, specifically the CLIAA litigation update as it may have a deleterious affect on the finances of the City and Borough of Juneau.

There being no public individual to speak to the motion and no objection from the Assembly, the meeting entered into Executive Session at 6:54p.m.

The Assembly returned from Executive Session at 8:44p.m. and reported that they gave direction to the City Attorney and the City Manager regarding the pending litigation with CLIAA.

VI. ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 8:45p.m.

Respectfully submitted,
Beth McEwen, MMC
Municipal Clerk



**Tourism Growth and Juneau
Community Meeting in Partnership with TBMP**

Date: Tuesday, April 23

Time: 5:00PM to 6:30PM

Location: Elizabeth Peratrovich Hall

Purpose: To promote public awareness and participation to pro-actively ensure growth in tourism is positive for Juneau.

Cruise tourism is growing at an unprecedented rate in Southeast Alaska. The volume of visitors in the summer of 2019 is expected to be more than 16 percent over levels in the summer of 2018: a record 1.31 million visitors. This number will to continue to grow by another 6 percent by the summer of 2020, impacting members of the community both positive and negatively.

To foster community understanding and dialogue, JEDC will partner with TBMP (Tourism Best Management Practices) to host a public forum titled *Tourism Growth and Juneau*. The purpose of this forum is to share information with the community on activities underway to manage the impact of increased tourism volume, to provide opportunity for community feedback on what more can be done, to gather input on perceived capacity bottlenecks, and to explore opportunities and strategies to ensure this tourism growth is positive for Juneau.

The agenda will provide:

1. An overview of the state of tourism in Juneau.
2. Information on efforts underway to manage anticipated impacts of visitor volume increase, from organizations such as TBMP and CBJ, among others.
3. A facilitated session to gather feedback from Juneau citizens about impact and capacity concerns and gather ideas for strategies to maximize benefit to Juneau while minimizing adverse impact on community.

More information: Brian Holst bholst@jedc.org or Kirby Day kday@hagroup.com



CAPITAL CITY FIRE/RESCUE

*820 Glacier Ave
Juneau, Alaska 99801*

Date: April 8, 2019

To: Maria Gladziszewski, Chair
Assembly Committee of the Whole

Thru: D. Rorie Watt, City Manager

From: Rich Etheridge, Fire Chief

Re: Community Service Response & Sleep Off Center

Capital City Fire Rescue, (CCFR) was asked by the Manager to review the viability of taking over management of the Community Service Response and Sleep Off program currently managed by Bartlett Regional Hospital's Rainforest Recovery Center. There are several factors that make such a review timely including a substantially reduced need for onsite monitoring of inebriated individuals, a shifting of need to more proactive community services for high end EMS users, and a desire to enhance CCFR's fire readiness capabilities.

After careful review of challenges and opportunities presented by the proposed change, it was determined that transferring the Sleep Off program to CCFR is a viable option providing benefits to BRH, CCFR and the broader community.

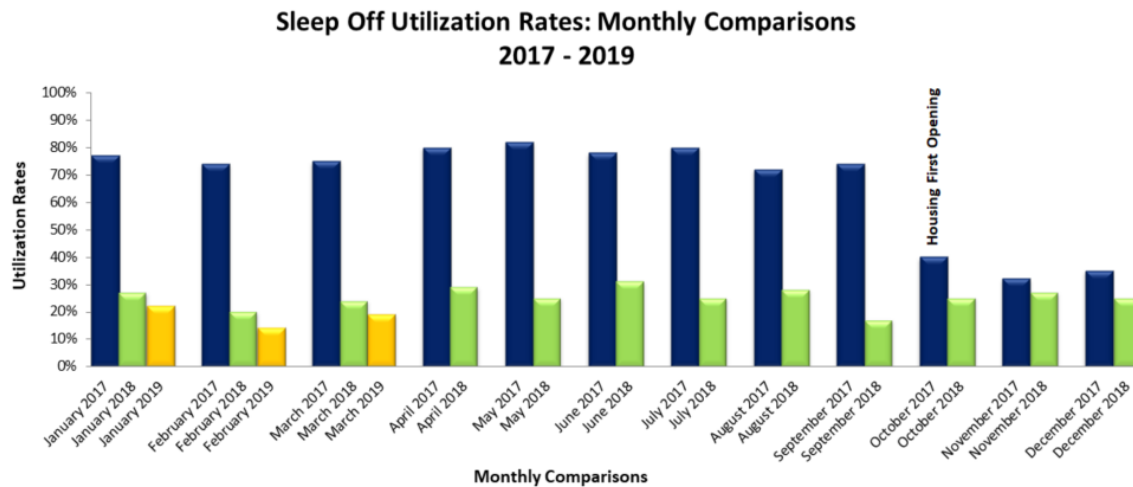
- BRH desires to move the program (which is not considered by BRH to be a medical service) off campus to better utilize existing facility space for enhanced medically based recovery programs and to eliminate what they perceive as a potential legal risk of having a non-medical program housed on campus.
- CCFR would gain 6 additional staff that can begin providing sleep off services immediately and be trained in fire response over time providing additional fire response readiness capability. The program is currently funded with alcohol tax revenues which would move from BRH to CCFR. Supporting both the program and providing general operational support to CCFR.
- Additional resources working with this vulnerable population will provide an opportunity to more directly connect them with services and additional staff capacity will allow the opportunity to work towards a community paramedicine service aimed at reducing non emergent calls to 911 with the overall anticipated impact of lowering call volumes.

- The staffing level of the CARES program will also provide an expanded career ladder for emergency services. Individuals can come into the program at the ETT level, and progress through the EMT and Firefighter certification series.

Program Overview:

CCFR proposes rebranding Sleep Off with an updated mission statement to make a clear delineation between the old program and the new program creating the C.A.R.E.S Team; Community Assistance Response and Emergency Services. Rebranding would help eliminate the current confusion with the existing Rainforest Recovery Center long term treatment program and the Sleep Off program and more clearly delineate the integrated nature of services.

The sleep off program currently consists of two basic services: evaluation and transport, and monitored sleep off. Since the opening of housing first, the monitored sleep off portion has experienced a precipitous drop in use.



The evaluation and transport service remains well used. Prior to housing first opening, staff evaluated and transported approximately 20 individuals per month to their home or another safe space other than sleep off. Subsequent to Housing First opening, that number has remained steady and there has been an increase of an average of 30 drop offs per month to Housing First.

The primary mission for the CARES Team would be to provide initial emergency services for people inebriated by drugs or alcohol. Services would be provided under medical protocols from the department's Medical Director (Physician Sponsor) to ensure risk mitigation and proper medical oversight.

Secondary to the mission of caring for our community's inebriated is to fill a proactive community based service role. When employees are not actively engaged with caring for an inebriated person, they will work on finding solutions for CCFR's top system utilizers.

The CARES Team members will actively work identify the reasons high utilizers are calling 911 for services and begin connecting them to community resources to resolve the root cause of the problems.

The sleep off facility space will be leased from St. Vincent DePaul's, and collocated with the existing Navigator program. Patrons in sleep off will be monitored by CCFR staff and when "sobered up" connected with the navigator program for additional services. The facility is located near a bus line and in a general commercial area. Glacier Station is in close proximity if an elevated level of medical attention is needed.

Staffing Vision:

Housing this program at CCFR will help create a talent pipeline for other CCFR positions by creating additional career paths for people in our community to enter into the emergency services profession. Entry into the CARES team is at the Emergency Trauma Technician level. Minimum Qualifications will be 18 years of age, High School diploma or equivalent, driver's license, and an ETT certification. The ETT certification, which takes 40 hours of course work, is already being offered at the high school level and, if needed, can also be sponsored by CCFR.

With this certification, employees would have the ability to stay with the CARES Program or take additional classes provided by CCFR to advance to the EMT, Firefighter, or Paramedic levels. Additional certifications increase overall department readiness and make individual employees more competitive for positions in the department as they become available.

Operational Staffing:

The bulk of work related to the sleep off program happens during night time hours. CCFR would staff the program with 2 person, 12 hour shifts running at peak call times. A 40 hour per week supervisor would have a shift with flexible hours allowing connection with the overnight staff as well as connection with individuals during regular business hours. Initial review show this can be accomplished with 6 FTE.

The 12 hour response shift would be staffed with 1 EMT and 1 ETT. This would give the team the ability to function as a BLS Ambulance in the event of a disaster in Juneau and additional medical personnel were needed to transport patients.

The supervisory position would be scheduled to staff sleep off if needed until the last person leaves the facility. They would also handle staffing, personnel issues, case review, evaluations, manage the training and certification program, creating partnerships with community resources, and participate on the CCFR leadership team.

Program Costs**FY20****EXPENSES**

Personnel Services	\$ 550,000.00
Commodities and Services	\$ 100,000.00
Support to CCFR General Operations	\$ 150,000.00
Total Expenses	\$ 800,000.00

FUNDING SOURCES

Liquor Tax	\$ 800,000.00
Total Funding Sources	\$ 800,000.00

STAFFING**6.0****Sleep Off Programs across the State:**

A review of sleep off services across the state was done to determine what services are being provided by other communities and how they are operated.

Alaska Communities Service Summary:

- **Ketchikan:** Does not provide Community Patrol Service or Sleep Off
- **Kenai Peninsula Borough:** Does not provide Community Patrol Service or Sleep Off
- **Mat Su Valley:** Does not provide Community Patrol Service or Sleep Off
- **Fairbanks:** Provides: transport to the jail for 12 hour holds. They have a sobering center where people come and go to that is run solely on grant funding run by the Tanana Chiefs. (Similar to Juneau Warming Shelter). It is three miles from the hospital located at the Denardo Center.
- **Bethel:** Has an open sobering center open Thursday through Monday. It is staffed with an EMT and two sleep off technicians.
- **Anchorage:** The Fire Department dispatches CSP vans to take people to a sobering center. They staff 1 EMT for every 10 clients in the center. The program is run by a private Security Company contracted with the municipality. The facility is located with the Jail on 3rd Street.
- **Nome:** Has a sobering center that is heavily used and they rely on the Volunteer EMS Ambulance Service and Police Officers to provide transportation. People come and go as needed and food and laundry facilities are provided. The existing program has taxed their volunteer resources and is having a detrimental impact on their EMS staffing.

Juneau and Anchorage are the only two communities with a formalized program that does not currently rely 100% on Police and Fire emergency responders.

Risk Review –

A high level analysis of the patron population and potential risks categorize a sleep off program as a high potential for risk/low frequency of occurrence service.

A review of claims back to 1985 flag one claim in 1990 related to intoxication and arrest resulting in a loss of life. That situation does not fit the current description of sleep off service operations. A second incident was identified in 2017 where a 57 year old male was housed at sleep off with a high blood alcohol count. The individual died during the course of the night.

Patrons who use sleep off services are potentially high risk. Patrons may have unknown underlying medical conditions that are masked by the effects of intoxicants and people frequently self-medicate for known problems with drugs and alcohol. They typically lack the resources for effective care.

Risk mitigation is a critical factor in program success. Staff will follow protocols outlined by the CCFR Medical Director for effective evaluation and decision on where to transport the inebriated individual. Protocols err on the side of caution and if certain hallmarks are present, the individual will be taken to the ER for further evaluation. Should an emergent condition arise while in sleep off, the facility is in close proximity to Glacier Station for immediate medical intervention and ambulance transport to the emergency room.

It should be noted, that an individual must present as medically stable and able to give consent to be transported to sleep off. If the individual is not medically stable they are transported to the ER for further evaluation. If they are not able to give consent, or resist consent but appear to be a danger to themselves or others due to incapacitation, CAREs staff would engage with JPD and/or emergency room staff to determine if the individual needs to be detained on a Title 47 hold at either the hospital or the Lemon Creek Correctional Facility.

Once an individual is housed at the sleep off facility, they are monitored every 15 minutes for medical stability.

Recommendation:

The City Manager's Office requests that the Assembly authorize the Manager to pursue moving the Sleep Off program from Bartlett Regional Hospital to Capital City Fire and Rescue and prepare budget documents to effectuate the change.



DATE: April 4, 2019
 TO: Deputy Mayor Gladziszewski, Assembly Committee of the Whole
 FROM: Robert Palmer, City Attorney
 SUBJECT: Onsite Marijuana Consumption

A new State anti-smoking law (SB63) went into effect in October 2018. SB63 explicitly allowed municipalities to be more restrictive than state law (i.e. prohibit smoking in more places than state law). AS 18.35.331.

The CBJ had an anti-smoking law that was very similar to SB63, which had been affirmed in litigation. *Fraternal Order of Eagles v. City & Borough of Juneau*, 254 P.3d 348 (Alaska 2011) (concluding CBJ's anti-smoking law prohibited smoking in private clubs that sell alcohol or food). In late 2018, the CBJ amended its anti-smoking law to be fully consistent with SB63. Ordinance 2018-47am.

SB63 generally prohibits smoking in an enclosed public place including a retail store, office, or place of employment. AS 18.35.301(a). However, State law allows retail tobacco stores to allow smoking of e-cigarettes if the building is generally free-standing. AS 18.35.301(d). State law also has a similar free-standing building exception for marijuana smoking consistent with Marijuana Control Board regulations. AS 18.35.301(h)(3).

On March 12, 2019, the State published a regulation amendment to 3 AAC 306 that allows certain onsite marijuana consumption consistent with SB63. The regulation allows marijuana retail stores to apply for an onsite endorsement to have onsite marijuana smoking and consumption of edibles purchased at that retail store. 3 AAC 306.370.

The onsite marijuana consumption regulations provide multiple options for local government. Local governments may:

1. By ordinance, outright prohibit consumption endorsements, 3 AAC 306.200(a)(2)(E);
2. By ordinance, prohibit specific operational characteristics, including consumption indoors by smoking or vaping, or outdoor consumption, 3 AAC 306.200(a)(3);
3. Protest a consumption endorsement, 3 AAC 306.060.

By ordinance, the CBJ currently prohibits all forms of marijuana consumption in public, including in marijuana retail stores. CBJC 42.20.230. Consumption of marijuana by smoking or vaping is also specifically prohibited in enclosed public places, in marijuana retail stores, and

outdoors within 20 feet of a door or air intake. CBJC 36.60.010. Thus, no onsite consumption endorsements should be issued in the CBJ. 3 AAC 306.200; 3 AAC 306.370(a); 3 AAC 306.060(a) & (c).

If the CBJ were to repeal its marijuana consumption prohibitions related to smoking or vaping in public, the CBJ would need to (a) have a rational argument to distinguish marijuana from tobacco or (b) also allow tobacco smoking in similar places as marijuana smoking (i.e. private rooms in tobacco retail stores).

If the CBJ were to repeal its marijuana consumption prohibitions related to edibles in public (i.e. CBJC 42.20.230) consistent with the new marijuana consumption regulations, I am not aware of a tobacco consequence. However, the definition of edibles would need to be narrow to avoid vaping and other inhalation forms of consumption that can affect nearby people.

CBJC 42.20.230 - Consumption of marijuana in a public place prohibited.

- (a) Consumption of marijuana in a public place is prohibited.
- (b) For purposes of this section:
 - (1) Consumption means ingesting, inhaling or otherwise introducing marijuana into the human body.
 - (2) Marijuana has the same meaning as in Alaska Statute 17.38.900.
 - (3) Public place means a place, enclosed or unenclosed, to which the public or a substantial group of persons has access, including, but not limited to:
 - (A) Public streets, alleys, sidewalks, easements, trails or other ways dedicated or held for public vehicular or pedestrian use, including parking lots owned or operated by the municipality;
 - (B) Transportation facilities;
 - (C) Schools;
 - (D) Places of amusement or business;
 - (E) Parks;
 - (F) Playgrounds;
 - (G) Correctional facilities; and
 - (H) The common areas of public or private buildings and facilities.
- (c) Consumption of marijuana in a public place is an infraction.

(Serial No. 2015-09, § 2, 2-23-2015, eff. 3-26-2015)