

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

July 29, 2019, 6:00 PM.

Assembly Chambers - Municipal Building
Assembly Work Session - No Public Comment

AGENDA

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. Assembly Committee of the Whole Corrected DRAFT Minutes, June 10, 2019

IV. AGENDA TOPICS

A. Centennial Hall/JACC Discussion

Ordinance 2019-35(a) and (b): Bond Ordinances \$10M or \$7M

Ordinance 2019-34: Advisory Vote re Grant to JACC

Ordinance 2019-06(B)(v.1) and (v.2): Appropriation Ordinance \$4.5M or \$7.5M

B. Subport Land Purchase

C. Resolution 2862 Amending the Assembly Rules of Procedure

D. Ordinance re Criminal Justice Reform

E. Junk Cars - Incentives

A handout on this topic will be provided at the meeting.

V. 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

DRAFT

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE**

June 10, 2019, 6:00 PM.

Assembly Chambers - Municipal Building

CORRECTED - DRAFT MINUTES

I. ROLL CALL

Deputy Mayor Maria Gladziszewski called the meeting of the Committee of the Whole to order at 6:05p.m.

Assemblymembers Present: Maria Gladziszewski, Mary Becker, Rob Edwardson, Loren Jones, Carole Triem, Michelle Hale, Wade Bryson and Alicia Hughes-Skandijs

Assemblymembers Absent: Mayor Beth Weldon

Staff present: Deputy Manager Mila Cosgrove, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Finance Director Bob Bartholomew, Incoming Finance Director Jeff Rogers, Housing/Homelessness Coordinator Irene Gallion, Community Development Director Jill Maclean, Police Chief Ed Mercer, Lt. Jeremy Weske, Eaglecrest Manager Dave Scanlan, Eaglecrest Base Operations Director Drew Baird, CDD Code Compliance Officer Nate Watts

Eaglecrest Boardmembers present: Planning Committee Chair Mike Satre, Mike Stanley, Megan Gregory, Stephanie Haug, Dave Hanna, and Jonathan Dale.

II. APPROVAL OF AGENDA

There being no changes, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. Assembly Committee of the Whole DRAFT Minutes, April 8, 2019

Ms. Triem and Ms. Becker provided corrections of the minutes to the Clerk and the minutes of the April 8, 2019 Committee of the Whole meeting were approved as corrected.

IV. AGENDA TOPICS

A. Rename Willoughby District: Resolution 2855 A Resolution Renaming the Historic Auk Tribe Indian Village located on Willoughby Avenue as the Aak'w Village District.

Ms. Cosgrove noted that this issue has been on the horizon in front of the Assembly a couple of times, stemming in part from a January 4, 2019 letter from Frances Houston requesting that the city consider renaming the Willoughby District to the Aak'w Kwaan Village District. When the issue initially came before the Assembly, there were some questions to make sure that action would be considered appropriate by the native community. Mayor Weldon and Manager Watt pursued those concerns meeting with individuals in the native community and now feel comfortable and confident that a resolution would be beneficial. The draft resolution is before the Committee of the Whole for discussion and hopefully referral to the Assembly for adoption.

Ms. Gladziszewski asked staff to consult with the appropriate individuals to ensure accuracy for the wording as she noticed some of the wording in one of the whereas clauses that might not be correct. She asked if any other members had questions or comments.

Ms. Becker expressed concerns about ensuring a public hearing on the resolution be held since

"Willoughby" was based on a person's name and she didn't want to change a named area without public having an opportunity to comment.

Ms. Gladziszewski informed Ms. Becker that if the resolution goes to the Assembly, there is an opportunity for public testimony at the Assembly meeting. She asked Ms. Becker if Ms. Becker was requesting a separate public hearing on the matter.

Ms. Cosgrove noted that normally resolutions go on the Consent Agenda on a regular Assembly agenda but if the Assembly chose to direct staff, this resolution could be placed on the Public Hearing section of the agenda.

Ms. Hale said that her understanding is that the name "Willoughby District" was an informal reference that had arisen fairly recently as people have been talking about the arts area and trying to come up with some name for that general area. She said the street would still continue to be named Willoughby Ave. but that this informal name of "Willoughby District" would be replaced by the more formal name of "Aak'w Village District."

Mr. Jones noted that in the Willoughby District Plan/the Waterfront Plan, it talks about the Willoughby District but he doesn't believe there were any proposed boundaries to it. He asked if there were any boundaries that would be associated with this Aak'w Village District area. He said that during the Downtown Blueprint Steering Committee work, they have come up with breaking up their areas into various districts with Willoughby being one of those. He said that area actually encompasses the State Office Building and the hill it is on and goes past Gold Creek. At the last Downtown Blueprint Steering Committee meeting, there was some discussion of extending some of that along by the Federal Building since there is all that commercial activity until you get to J&J Deli. It had more to do with zoning and activity and not so much names. He asked if there were any geographic definitions of this area in the resolution.

Ms. Cosgrove said the resolution does not have those geographic boundaries. However, staff could look at that and put it in the resolution if that was the preference of the committee.

Ms. Hughes-Skandijs said she was strongly in support of moving this resolution to the Assembly. Since we received the initial letter from Ms. Houston, Ms. Hughes-Skandijs has had the opportunity to speak with a number of individuals in the community and she feels strongly that this would be a good gesture to recognize some of the historical residents of that area.

Ms. Hale said that Section 1 states: "That the historic Auk Tribe Indian Village located on Willoughby Avenue is hereby named the Aak'w Village District." and she said that might need some clarification that would go with some maps that Ms. Cosgrove mentioned could be provided.

Ms. Gladziszewski agreed that area identified in Section 1 is not generally what she thinks of when she hears the term "Willoughby District" and that it would be beneficial to have geographic areas looked at. She also noted that the language in the fifth whereas should also be reviewed closely as she isn't sure that Ms. Houston is the spokesperson for the Taku Quan people. She would like to have the resolution language reviewed by the appropriate representatives as the Assembly does not wish to offend anyone by taking this action.

Mr. Edwardson said he agrees with most all the comments made by the Assemblymembers. He agreed with Ms. Becker that public input should be sought, he agreed with Ms. Hughes-Skandijs that this should move forward and he agreed that there should be some boundaries attached to this. Attaching boundaries might spawn more discussion and it may delay this further. He asked Ms. Cosgrove if the boundary map was something that could be done and proposed before it came before the Assembly. Ms. Cosgrove said that it depends on how quickly the Assembly wanted to take this up again. Staff could try to draw boundaries or come up with a map associated with this resolution but whether that would spark additional commentary or concern would be difficult to foresee at this time.

Ms. Gladziszewski said when we refer to "Downtown" there is no map associated with that designation

and this could be something similar to make it go faster. Ms. Cosgrove said that as a practical matter, part of the timing of this is to link it to the Downtown Blueprint process as well as the wayfinding process. She said that the wayfinding piece would certainly have some boundaries associated with it as that is the whole purpose of their mapping project. She said that she could consult with them to see if they have identified boundaries of what they consider to be the "Willoughby District" now and perhaps that would be beneficial and whether it should be expanded or contracted.

MOTION by Mr. Edwardson for the Committee of the Whole to forward this to the Assembly, recommending approval with some of the changes as discussed and asked for unanimous consent. *Hearing no objection, motion carried.*

B. Senior Housing Tax Abatement Ordinance

Ms. Gladziszewski explained that there were a number of items in the packet related to the proposed ordinance for Senior Housing Tax Abatement. Some of those items included answers to questions such as what is already exempted. Other documents include information from the Finance Department and a draft of what the proposed ordinance might look like. She said there are a number of items on this meeting agenda and the idea for this meeting is to see if this is the right direction but not to get into the weeds too far.

Ms. Cosgrove gave a brief overview of the topics covered in the memo:

- Land Purchase
- Tax Abatement
- Competitive Process

Ms. Cosgrove noted with respect to the land purchase, there are ongoing discussions right now with the purchase and sale agreement of the lots in the Vintage Park area. The Assembly has already taken action on that and staff is wrapping it up and will bring it back as appropriate. The Tax Abatement issue is what is before them at this meeting. The relevant documents are a little out of order and should be considered first with page 18, then 19-24 and then page 15. Ms. Cosgrove said that Mr. Bartholomew and Mr. Rogers were present and available to give additional information about the ordinance and its impact.

Ms. Cosgrove said with respect to the third prong, the competitive process, they were providing some basic information but they do not believe it is ripe for serious discussion at this meeting. She said it would be best to wait until Mr. Ciambor and Mr. Watt are present to discuss that topic. She said what they are hoping to do tonight is hear their thoughts about the ordinance regarding tax abatement and whether or not it is ripe to move it to the full Assembly.

Mr. Rogers gave an overview of the packet materials to help sharpen the focus on the property tax question. They have heard from commercial developers that it is difficult to make a senior assisted living facility in Juneau economically viable. CBJ is looking at all the levers to see what can be done to make it viable. Property Tax Abatement is one of those levers. A calculation for property tax abatement and its value both to the developer and the cost to CBJ, is pretty straight forward. One thing they have had conversations about that they wanted to clarify for the Assembly is that most non-profits and quasi-governmental and governmental entities are already exempt from property tax. The question about a property tax abatement ordinance really relates specifically, and only to a private, for-profit developer which is uncharted territory for CBJ. It is newly allowed under AS29.45.050(m) which allows municipalities to exempt all or a portion of property tax, excepting 2.65 mils for school finance for the purpose of economic development. That statute does not exclude private, for-profit development. That is what is new in the law and what the Assembly has before it as an option. Mechanically, there are only two pieces:

- 1) What level of property tax abatement would the Assembly offer or negotiate; and
- 2) How long would they offer or negotiate it for?

Mr. Rogers gave an example of a \$40 million project and assuming they could abate .8 of 1% of property tax per year, that would be \$320,000 a year. He said the ordinance that Mr. Palmer has

drafted is suggesting a 12 year abatement so \$320,000 for 12 years results in a \$3.8 million dollar tax abatement incentive over that period. The Assembly could choose to abate a portion of those taxes in any given year and wouldn't have to take the full amount or they could choose to abate them for a longer or shorter period.

Mr. Rogers then pointed to the list of exemptions found on packet page 15 and explained that the Assembly only has control over the "Community Purpose Exemption" on row 20 but the other exemptions are mandated by the state.

Assemblymembers asked Mr. Rogers a series of questions related to the exemptions as found on page 15. These exemptions are primarily statutory exemptions and what it costs CBJ to provide the exemptions on an annual basis. Ms. Gladziszewski categorized it as the Unfunded Mandate List.

Ms. Gladziszewski asked if any members had any questions about the proposed ordinance. The operative things in the current ordinance talk about 15 residential units of assisted living and it talks about 12 consecutive years of abatement. As Mr. Rogers mentioned, there are a variety of ways they can change that up if the Assembly chose to.

Ms. Triem asked if this is an entirely new code section and Mr. Palmer responded yes, it would be.

Ms. Triem asked if an amendment on page 1 of the ordinance, line 19 could include the words "Economic Development" along with the title "Property Tax Incentives for Housing" such that it would read:

"69.10.023 Property Tax Incentives for Housing and Economic Development"

Assemblymembers then discussed the intent of the Assembly that this be for senior assisted living but due to the statutory language, it also has to be tied to economic development factors to fit within the statute provision. They went on to discuss the narrow focus vs. the broad/long range goals with respect to economic development opportunities.

Mr. Palmer stated that he can bring the draft ordinance back to the Assembly COW at its next meeting on July 8 with the requested changes and a summary of the various options they may wish to choose from.

Ms. Gladziszewski asked if staff could provide the options in a table showing the various dollar amounts and various terms (in years) so they can get a sense for how that might pencil out.

Ms. Cosgrove suggested that for timeliness, they could provide a draft version of the ordinance for introduction at the June 24 regular Assembly meeting and refer it back to the COW for additional work before it is set for public hearing and Assembly action.

Mr. Palmer clarified that he would prepare the draft ordinance for introduction at the June 24 regular Assembly meeting and referred back to the COW on July 8.

C. On Site Consumption of Marijuana

Mr. Palmer explained the materials in the packet included two memos from him and the state Onsite Consumption Regulations along with a legal memo from the State Attorney General's office regarding their regulations. Mr. Palmer said that pages 39-50 of the packet describe what the potential similarities and health effects are of marijuana smoking so the body had, as of June 2018, some basis for policy making but those findings are open to some discussion. The final piece of the packet was the beginning of a draft ordinance as he understood it at the last COW meeting to authorize onsite marijuana consumption by smoking and edibles.

Mr. Palmer then gave a brief overview as follows:

- In 2018, SB63 was enacted that generally prohibited smoking in enclosed public places but there was a provision that would allow for onsite marijuana consumption consistent with the

Marijuana Control Board (MCB) regulations.

- MCB regulations do allow for marijuana consumption, consistent with the regulation packet before them with the two most specific things:
 - 1) It has to be a free standing Marijuana Retail Store; and
 - 2) It either has to have a secured consumption area with a separated ventilation system, or an outdoor consumption area that is sufficiently isolated. (Mr. Palmer said this is his summary of the regulations.)

The main question before the COW is: ***Do they want to allow for any type of onsite consumption?*** In considering that question, Mr. Palmer outlined the following additional options to be considered when making any decisions on this matter

- 1) To allow edibles only; or
- 2) To allow smoking only; or
- 3) To combine the two and allow both edibles and smoking which is what the current draft ordinance does; or
- 4) To do nothing.

Mr. Palmer said that page 2 of his June 7 memo includes a couple of paragraphs describing his opinion on the differential treatment of marijuana and tobacco smoking in Juneau. He said that Juneau is a little unique in that we do prohibit onsite tobacco smoking, i.e. private clubs, but state law can allow for those. He said that as they debate whether to allow marijuana smoking and that generally, we need to treat similarly situated people the same. Until or unless they can derive some policy distinction between tobacco smoking and marijuana smoking, especially for second hand smoke concerns, whether for employees or bystanders, we need to be cognizant of that. That is the reason he included the 10 pages of research on that topic in the packet.

Ms. Gladziszewski asked for clarification that if they were to conform to state law that CBJ could decide to allow for marijuana smoking in a private club but that would also mean they would likely have to allow for tobacco smoking in a similar manner. She noted that by making that change, that would allow them to keep the rest of the current CBJ smoking code in tact without jeopardy. Mr. Palmer agreed that was correct.

Ms. Triem said that when they took two separate votes in April at the COW when they directed Mr. Palmer to address the questions of both edibles and another vote for smoking, at the time she thought they would continue to be discussed separately. She said she would like to see if there was any other interest in taking that approach. She thinks the smoking question is very difficult and complicated given the things that were just discussed and it is complicated for someone to comply with both the CBJ smoking ordinance and the state law and regulations. She said it would be easier if they only discussed consumption of edibles if that is something this body would be interested in.

Mr. Bryson said he spoke to some of the purveyors of the marijuana industry and if we did an ordinance that was edibles only, they would have zero compliance. He said that not one operator was interested in doing edibles only because it is a small piece of candy that is smaller than a piece of gum. He said if they would go through the work, make staff go through the work and the whole process to come up with an ordinance, not one of the marijuana retailers are interested in that ordinance. He compared it to the saying "You don't advertise the tie to sell the suit." That is the tie of the business and it is so insignificant to their operations that no one would create a special room so some customers can pop gum into their mouth. They are interested in the onsite smoking option. If you hate marijuana smoke, you should be in favor of onsite consumption in these private rooms. He said he never wants his children to see marijuana smoking and that is why he is in favor of these rooms. He said if they go downtown on the streets after this meeting, they will see someone smoking marijuana on the streets of Juneau. Tourists don't have a place to smoke. People who come to town and stay in hotels don't have a legal place to smoke. He said after a recent meeting, he left City Hall and witnessed someone on a bench across from City Hall smoking marijuana out of a marijuana pipe. They are already smoking on the streets and that is why he is an advocate for smoking rooms but not for edibles only.

Ms. Triem said she appreciates Mr. Bryson's input. She said she doesn't know what a future entrepreneur may want to do five years from now so that is not a line of reasoning to use when they discuss this issue.

Ms. Hughes-Skandijs said she is in agreement with Ms. Triem's comments about future entrepreneurs. She asked Mr. Jones, as a member of the MCB, if the separate free-standing room in the regulations prohibit tobacco consumption in the room. Mr. Jones stated that is correct that the regulations prohibit tobacco and alcohol consumption in the separate free-standing marijuana rooms. Ms. Hughes-Skandijs said that would open up the treatment of marijuana smoking the same way as tobacco smoking and we would lose the private club prohibition on tobacco smoking.

Ms. Gladziszewski said that when they began to discuss this, no one from the Assembly wanted to put the smoking ordinance in jeopardy. She said that if the jeopardy would just be to the small piece of smoking clubs, that might be OK with her but it would need to be explored in greater depth. She said she would not want to put our smoking ordinance in jeopardy. She also said that she would like to hear from some of the businesses because this will be a long and likely difficult process. She said that if people are not interested, why are they putting themselves and the community through this process.

Ms. Becker said her initial reaction is that they are working very hard to satisfy a group that they don't even know will be receptive to these solutions. She said they are assuming that the tourists are here because they really want to go to a smoking place to smoke their marijuana but she doesn't see that being such a large portion of the tourist segment. She doesn't feel a responsibility to help people who want to smoke marijuana. She said that when they worked on the smoking ordinance, they did a lot of research on what a ventilating system is and if they really want it to take the dangerous parts of the smoke out of a room, it is very expensive and complicated.

Mr. Edwardson said when he looks at this issue, the question about whether or not businesses will do this or that is not what he looks at. He is concerned about the preservation of people's rights. He said it is not necessarily harmful or at least any more harmful than other things that are currently allowed. He said the discussion should be about any reasons they should not allow people to do this rather than why they should. He said that no government in this country is responsible for hoarding people's rights and then distributing them out as they see fit. He said that if this is not harmful, people should have the right to do it. To him, the only complication is how does it affect the smoking ordinance, which is a good ordinance. He asked if this is something they could allow businesses to do. He said the voters went out and decided that this should be legal so they should be removing hurdles and not putting hurdles in front of them.

Ms. Hughes-Skandijs thanked Mr. Edwardson for his comments and she feels the same way. She said that she has had an opportunity to talk with folks in the industry. She said that the industry feels the surge during the tourist season. In speaking with the employees, they are asked with almost every sale, where can they go smoke this. She said they are put in a difficult position right now. If there is a way to do that without destroying the smoking ordinance, she would like to see a legal means for them to find a place to smoke.

Mr. Bryson said we are past the question of legalization, they are not making the decision as to whether people can do it or not anymore. They are now in a position of regulation and facilitating the legalization, the same as they regulate bars which are no more than distribution facilities of alcohol. They have packaging stores where there are rules and there are bars with separate rules. CBJ is in a position where we have people coming to town and while we are allowing them the opportunity to purchase a product we are not providing a legal place for them to smoke it and we've have missed a step there. He said that we need to make it happen in the safest way possible for not only our residents but visitors alike.

Ms. Gladziszewski said that in hearing the comments, there is a majority of this body that has not changed their mind about wanting to pursue this. She asked what questions the members had for Mr. Palmer about how ready this ordinance is to move forward. She said that she is hearing that the

members are concerned with jeopardizing the smoking ordinance. She asked Mr. Palmer if there is another memo that he feels he needs to write and what that would cover.

Mr. Palmer said that if the committee refers this ordinance tonight, it could be referred to the Assembly and the committee has the policy information in front of them to start making some decisions if they choose to. He said that he thinks there are two options related to tobacco:

Option 1) Not address it and see what litigation risk happens and provide some policy statements between now and public hearing on this ordinance to try to differentiate marijuana smoking from tobacco smoking.

Option 2) If they don't want to choose option 1, they could direct Mr. Palmer to revise the second hand tobacco smoke ordinance to align what SB63 allows for and then both marijuana and tobacco would be up in one or two ordinances depending on how the body wants to deal with it.

Ms. Gladziszewski asked with regards to amending the ordinance on smoking, would he write it to say what the state law says or he could follow the ventilation rules of marijuana clubs for smoking clubs.

Mr. Palmer said that would be a bit more nuanced and he wouldn't quite know how to pull that together. He said he thinks it would be more straight forward, if the body directs him to revert to what SB63 allows for tobacco smoking and deal with it that way.

Mr. Jones said he would not support changing the smoking ordinance to mirror SB63 if they operated since January 1, 2017. He said the private club that sued us and lost could come back and reopen a private club for smoking purposes. He did note that customers would still not be allowed to smoke and drink since the private clubs are not allowed to sell alcohol. He said that the issue the Assembly is finding itself in is the same as that that the MCB had in discussing it. The industry thinks there is a lot of tourist who want to come here and they want to have a place to smoke. The law says you cannot smoke in public. As Mr. Bryson said, you can be 10 feet away from the door of a bar or 20 feet away from any other door, window, or opening, and you can smoke tobacco on the street. He said he doesn't want his kids to see people smoking tobacco on the street but we seem to object to people smoking marijuana on the street. He said they are struggling with the idea that somehow marijuana smoke is different than tobacco and he doesn't think that it is. He said that 18 states have raised the tobacco smoking to age 21. The federal government is getting ready to ban vaping for anyone under age 21. Marijuana is already limited to those 21 years of age as is alcohol.

Mr. Jones said we are currently in the differential between something that used to be illegal and is now legal, in a way, but highly regulated. He said that we as a state and community have to regulate marijuana because there is nothing at the federal level because it is still illegal at the federal level. There is no Food and Drug Administration and no interstate commerce rules like there is for tobacco and alcohol. He said he would not want to touch our smoking ordinance. It is very clear and concise and we don't have a large enough population to have a stand alone tobacco shop where someone would go and try out a pipe tobacco or cigar. He said there may be a large market for tourists to go and have a place to smoke. He said he doesn't think the cruise industry will be very happy if a significant number of their consumers come on their ship high because we gave them a place to smoke in Juneau. They already tell their passengers and crew not to bring it on board. He said there are other locations such as Vancouver, BC, Ketchikan, and Seattle where they can also obtain marijuana and he doesn't want to see us jeopardize our smoking ordinance as a result of this. As for edibles, if they want to do them, that would be fine. If no business chooses to apply to the MCB for a place to have edibles, that is a business decision. No matter what CBJ does, unless it gets approved at the MCB level, it can't take place anyhow.

Ms. Hale said that she agrees that they do not need to touch the tobacco smoking ordinance. She said that some of the information provided by Mr. Palmer in the packet demonstrates that smoking of marijuana is different than the smoking of tobacco, simply because people typically smoke much less marijuana. She said that is different and it might help CBJ if someone should decide to litigate. She would advocate against touching the tobacco ordinance.

M. Becker asked Mr. Palmer about the legal age for marijuana vaping. Mr. Palmer explained that it is already the law that in order to legally vape marijuana the individual must be 21 years of age. Mr.

Palmer further clarified that the legal age to vape tobacco is 19 years of age in Alaska.

MOTION by Mr. Bryson to move the Ordinance 2019-29 vCOW1 ***An Ordinance Amending the CBJ Code to Allow for the Consumption of Marijuana by Smoking and Edibles in Licensed Marijuana Retail Facilities with an Onsite Consumption Endorsement*** to the Assembly and asked for unanimous consent. Mr. Jones noted objection.

ROLL CALL VOTE

Ayes: Bryson, Edwardson, Hale, Hughes-Skandijs, Triem, Gladziszewski

Nays: Becker, Jones

Motion carried. Ayes: 6 Nays: 2

Ms. Gladziszewski called for a 10 minute break.

D. Chronic Nuisance Property Ordinance

Lt. Weske's *Prezi* presentation is available by clicking on the following link or copying and pasting it into your web browser:

<https://prezi.com/view/a0GvD7ax2cxoCZMPC8ZY>

Lt. Weske gave a presentation to the committee on Chronic Nuisance properties primarily as it relates to CBJ Code sections 36.20, 36.30, 36.40, 36.50, and CBJ 42 and Alaska Statutes Title 11.

Lt. Weske's presentation gave some examples of what types of calls would count towards the designation of a chronic nuisance property and which would be exempt. If, after receiving notice in accordance with the ordinance, an owner did not take the necessary corrective action a fee of \$400 would be imposed for every violation after the 30-day window has expired. He also explained that notice to one owner is considered notice to all owners under the proposed ordinance.

Assemblymembers asked Lt. Weske a variety of questions about the draft ordinance specifically relating to the differences with how it might apply to residential vs. commercial properties, mobile homes and apartment complexes. They also asked him to compare how the enforcement of this may be similar to or different from enforcement JPD does relating to bars and similar calls and how that affects JPD's review and recommendations for liquor license renewals.

Lt. Weske explained that JPD reviews liquor licenses on a case by case basis looking at the volume of calls and the nature of the incidents and it is rare that they recommend protests. He went on to say they anticipate the volume of chronic nuisance property calls to be greater than those they receive for liquor license holders.

Assemblymembers then asked questions about the ordinance and discussed the details regarding warnings, notice requirements and next action steps. Ms. Gladziszewski expressed her concern that setting an ordinance up in this manner may prevent a crime victim from wanting to call in and report a crime if they felt that call would count against the property owner as a nuisance property. Lt. Weske explained the types of calls that would fall under the ordinance vs. those calls that would be exempt such as those relating to child abuse, neglect, domestic violence, sexual assault, stalking, medical emergencies, retail thefts, and false alarms or false information (by someone other than the owner/tenant).

When asked about the experiences of other communities with this type of ordinance, Lt. Weske said he has reached out to five other communities with similar ordinances and heard back from three. Two of those wished to remain anonymous but said their experience has been that the program has been a success in getting property owners to take care of their properties better. Only one of them had to go through the full process to fining and placing a lien on a property.

Mr. Palmer said that, if adopted, this ordinance would define what a public nuisance property is. It may help landlords who have probable cause to move forward with eviction proceedings. He stated

that these are policy decisions that the Assembly will ultimately need to make as to whether or not they wish to move forward with this ordinance. He noted that he will take the comments from members at this meeting and incorporate those into a revised ordinance and bring it back to a future COW meeting along with the most critical concerns and possible resolutions of those in a memo.

E. Eaglecrest Financial Stability Planning/Adventure Center Concept

Ms. Cosgrove explained that the Eaglecrest Board and staff have been looking at possible options for summer uses of the area that might help provide fiscal stability for Eaglecrest. The packet contained a memo that addresses the topics which are fairly broad at this time. Some of the policy decisions are whether or not Eaglecrest should engage in commercial activities during the summer, the role of public/private funding, and underlying all of that is community input and community process. Ms. Cosgrove turned it over to Eaglecrest Planning Committee Chair Mike Satre and Eaglecrest Manager Dave Scanlan to provide additional information

Mr. Scanlan and Mr. Satre recognized that with the exception of the Eaglecrest Board Chair Bruce Garrison who was traveling, all the Eaglecrest Board members were present in the audience and were supportive of moving forward with this concept.

Mr. Satre said they are at a decision making point to move forward to preserve the Eaglecrest Ski area but to also recognize the effects of climate change and to mitigate those impacts on the ski area. He said they are not here to make any final decisions and make financial commitments but rather to bring the Assembly up to speed with what they have in mind and to begin the public process. They would like the Assembly's approval to begin public engagement. They want to be able to refer items to the Assembly Public Works and Facilities Committee as suggested by Mr. Watt. That will allow them to give frequent progress reports to the Assembly as the project moves forward and for Mr. Scanlan and Mr. Watt to be able to work hand in hand on this project.

Ms. Satre said when he joined the board a year ago, he expressed concerns regarding the financial stability of the ski area. His concerns were about the infrastructure at Eaglecrest and the investment that may be needed to ensure that everyone will still have the opportunity to ski in the winter. He wanted to make sure that Eaglecrest is an area that people can enjoy in the summer as well as the winter and while some folks do enjoy it during the summer, the board believes that could be expanded to accommodate more people.

Mr. Satre said he was heartened to learn that the Eaglecrest Board had already done a lot of work to address the issue. Most of the ski areas around the world have year round revenue streams of some sort to be able to survive. People want to be able to get up into the alpine and experience something different. At their board retreat, they discussed that in great depth and explored the concept of a gondola. More work has been done on that and the board asked Mr. Scanlan to pursue that with the caveat that he ensure the existing operations are still running. They continue to work out the financials and the concept and, as a board are ready to work with the Assembly on this. They have a pretty ambitious concept which has a gondola as its backbone for infrastructure to get tourists into the alpine. Mr. Satre said the key to that is to realize that the customer base isn't just the 32,000 residents of Juneau but rather those residents in addition to the 1 million+ passengers who are arriving on the cruise ships during the summer months.

Mr. Satre said an Eaglecrest adventure center with a gondola as its backbone would have a lodge up top. It would have the ability to bring in tour guides and vendors who could provide tours in the alpine or who could provide self-guided tours. They would also look at zipline opportunities, alpine coaster activities, ropes courses, and other infrastructure that would tie into getting up to the top of the mountain in a gondola for a reasonable rate.

The board's ultimate goal is to independently fund their sustainable year-round operations. They think Eaglecrest can be an important tool in reducing overcrowding of Juneau's tourist attractions. This proposal would have the potential to eliminated the subsidy to Eaglecrest and to hopefully provide for reinvestment back into the community.

Mr. Satre said they also know they have challenges ahead. He said they want to be sure the locals are engaged in the public process moving ahead. Another challenge is the estimated \$30-\$35 Million price tag.

Assemblymembers were very supportive of this proposal. They requested that Eaglecrest be sure to engage the community and especially the North Douglas residents in the process.

MOTION by Mr. Bryson that the Assembly grant permission for Eaglecrest Director Dave Scanlan to work with Mr. Watt on the Eaglecrest Financial Stability Planning/Adventure Center concept and asked for unanimous consent. *Hearing no objection, the motion carried.*

Mr. Satre said that one of the things they wished to request was to get the Assembly's permission to begin the public outreach process right away. Mr. Scanlan and his staff as well as the board are ready to do just that with a board meeting already scheduled for Wednesday, June 12 to outline what they are planning to do.

Ms. Gladziszewski said the Assembly agrees that they would appreciate the process beginning. She thanked the board for attending and sitting through the whole meeting and she wished them well with their next steps.

F. Ordinance 2019-27 An Ordinance Amending the Land Use Code to Extend the Sunset Date for the Downtown Juneau Overlay District.

Ms. Cosgrove said that staff is seeking an amendment to the Alternative Development Overlay District Ordinance which is currently scheduled to sunset on August 1, 2019. The timelines got away from staff for a variety of reasons and they are seeking a one year extension to ensure they have time to properly address the downtown zoning issues anticipated.

CDD Director Jill Maclean explained that they are not looking for an extension for Douglas as they are looking at starting that in early fall with a visioning plan/strategy and they will be looking at going for an RFP for a consultant soon. She doesn't anticipate any trouble with the Douglas Overlay District but they have limited staffing and resources so they are looking for a one year extension for Downtown Juneau Overlay District.

Ms. Gladziszewski asked the members if there was any objection to a one year extension. Hearing none, this ordinance would be introduced for June 24 and set for public hearing in July.

V. ADJOURNMENT

Ms. Cosgrove said with respect to the various comments received relating to tourism as mentioned earlier in the evening at the Lands Committee and also during the discussion by Mr. Satre during the Eaglecrest presentation that she thought the Assembly may wish to address the impacts of growing tourism in the community at a high level. This will help address the community members concerns and the Assembly could generate some potential solutions.

Ms. Gladziszewski said they do not currently have a holding mechanism for those conversations. There was the TWG (Tourist Working Group), the TAC (Tourism Advisory Committee), the PPC (Planning & Policy Committee), and Collaboration Juneau in the past and those are no longer in effect.

Mr. Bryson asked Mr. Palmer if it would even be legal to ban persons from traveling to our community and whether the local government has any recourse to tell businesses there is a cap on how many people could come to Juneau.

Ms. Gladziszewski said they didn't want to go down this topic too far as this was not part of the publicly noticed agenda but she did ask Mr. Palmer if he could answer Mr. Bryson's question.

Mr. Palmer said that there is some legal research that will need to be done. He said there is a constitutional right to travel that exists but there may be ways that they could limit how many people can come in per day or where ships tie up if we own the docks. There are likely some limited tools but it not something they have looked at in long time and it would need some additional research.

There being no further business to come before the committee, the meeting was adjourned at 8:37 p.m.

Respectfully submitted,
Beth McEwen, MMC
Municipal Clerk

Presented by: The Manager
Introduced: 07/22/2019
Drafted by: Bond Counsel

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-35(a)

An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed Seven Million Dollars to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 1, 2019.

WHEREAS, improvements to the facilities of the City and Borough of Juneau, Alaska (the “City and Borough”) are needed in order to meet the current and future needs of the City and Borough; and

WHEREAS, certain projects listed in Section 3 below (the “Projects”) have been identified and approved by the Committee of the Whole as necessary to meet the needs of the City and Borough; and

WHEREAS, in order to provide funds for paying part of the cost of acquiring, constructing and equipping the Projects, it is deemed necessary and advisable that the City and Borough issue and sell its unlimited tax levy general obligation bonds in the principal amount of not to exceed \$7,000,000 (the “Bonds”);

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Findings. The Assembly of the City and Borough hereby finds and declares that the acquisition, construction and equipping of the Projects identified in Section 3 hereof are necessary and are in the best interest of the inhabitants of the City and Borough.

Section 3. Purposes. The Assembly has determined that Centennial Hall is in need of renovations and expansion (the “Projects”). The Projects include, but are not limited to, upgrading the HVAC system, making improvements to the sound system, lighting system and technology, the interior flooring, furnishings and wall systems, expanding the lobby area, renovating and expanding break-out rooms, corridor and business center, and construction of new meeting rooms, offices and adding an enclosed and heated corridor between Centennial Hall and the new arts and culture center.

The cost of all necessary architectural, engineering, design, and other consulting services, inspection and testing, administrative and relocation expenses, costs of issuance of the Bonds and other costs incurred in connection with the Projects that is approved by the electors shall be deemed capital improvement costs of the approved Projects. The approved Projects may be completed with all necessary furniture, equipment and appurtenances.

If the City and Borough shall determine that it has become impractical to accomplish any portion of the approved Projects by reason of changed conditions or needs, incompatible development or costs substantially in excess of those estimated, the City and Borough shall not be required to accomplish such portions and shall apply Bond proceeds as set forth in this section.

Interest earnings on Bond proceeds may be used and applied by City and Borough, at the direction of the City Manager or his or her designee, for the Projects or for other capital improvements or for the retirement of the Bonds or other general obligation bonds of the City and Borough.

If the approved Projects have been completed in whole or in part, or their completion duly provided for, or their completion found to be impractical, the City and Borough may apply Bond proceeds or any portion thereof as provided in Section 10.10 of the Home Rule Charter.

In the event that the proceeds of sale of the Bonds, plus any other monies of the City and Borough legally available, are insufficient to accomplish the approved Projects as provided in this ordinance, the City and Borough shall use the available funds for paying the cost of those portions of the approved Projects for which the Bonds were approved deemed by the Assembly most necessary and in the best interest of the City and Borough. No Bond proceeds shall be used for any purpose other than a capital improvement.

Section 4. Details of Bonds. The Assembly hereby authorizes the issuance of general obligation bonds in order to fund the portion of the costs of the Projects described in Section 3 (the "Bonds"). The Bonds shall be sold in such amounts and at such time or times as deemed necessary and advisable by the Assembly and as permitted by law and shall mature over a period of not to exceed 20 years of date of issue. The Bonds shall be issued in an aggregate principal amount of not to exceed \$7,000,000. The Bonds shall bear interest to be fixed at the time of sale or sales thereof. Both principal of and interest on the Bonds shall be payable from annual tax levies to be made upon all of the taxable property within the City and Borough, without limitation as to rate or amount and in amounts sufficient with other available funds, including hotel/motel tax levies, to pay such principal and interest as the same shall become due.

The full faith, credit, and resources of the City and Borough are hereby irrevocably pledged to the payment of both the principal and interest on such Bonds. The exact form, terms, conditions, contents, security, options of redemption, and such other matters relating to the issuance and sale of said Bonds as are deemed necessary and advisable by the Assembly shall be as hereinafter fixed by ordinance and resolution of the City and Borough.

Section 5. Submission of Question to Voters. The Assembly hereby submits to the qualified electors of the City and Borough the proposition of whether or not the City and Borough should issue the Bonds for the purpose of financing the costs of the approved Projects at the regular municipal election to be held on October 1, 2019.

The City and Borough clerk shall prepare the ballot proposition to be submitted to the voters as provided by this ordinance and shall perform all necessary steps in accordance with law to place these propositions before the voters at the regular election.

Section 6. Ballot Proposition. The proposition to be submitted to the qualified voters of the City and Borough as required by Section 5 above shall read substantially as follows:

Explanation

The proposition will authorize the issuance of \$7,000,000 in general obligation bond debt for paying the cost of renovations, expansion, upgrades and capital improvements to Centennial Hall, including upgrading the HVAC system, making improvements to the sound system, lighting system and technology, the interior flooring, furnishings and wall systems, expanding the lobby area, renovating and expanding break-out rooms, corridor and business center, and construction of new meeting rooms, offices and adding an enclosed and heated corridor between Centennial Hall and the new arts and culture center. The total annual debt service costs, assuming an interest rate of 3.00%, will be \$600,000 for 15 years with \$6 million of total debt service expected to be paid from the temporary two percent increase in the hotel/motel tax if approved by voters at this election and the remaining balance (\$3 million) to be paid from an annual property tax levy of approximately \$4 per \$100,000 of assessed value. If the temporary hotel/motel tax increase is not approved by the voters, debt service would require an annual property tax levy of approximately \$12 per \$100,000 of assessed value. This example of a property tax levy is provided for illustrative purposes only.

PROPOSITION NO. ____

GENERAL OBLIGATION BONDS

\$7,000,000

For the purpose of renovating and expanding Centennial Hall, including upgrading the HVAC system, making improvements to the sound system, lighting system and technology, flooring, furnishings and wall systems, expanding the lobby area, renovating and expanding break-out rooms, corridor and business center, and construction of new meeting rooms, offices and adding an enclosed and heated corridor between Centennial Hall and the new arts and culture center within the City and Borough, shall the City and Borough of Juneau, Alaska, issue and sell its general obligation bonds, maturing within 20 years from their date of issue, in the aggregate principal amount of not to exceed \$7,000,000?

BONDS, YES ☐

BONDS, NO ☐

After voter approval of the proposition and in anticipation of the issuance of the Bonds, the City and Borough may issue short term obligations, under such date and in such amount, form, terms, maturity, and bearing such rate or rates of interest, all as may hereafter be fixed by ordinance of the City and Borough, consistent with limitations imposed by State law and by the Home Rule Charter and Code of the City and Borough.

Section 7. Notice of Election. The Assembly shall cause a notice of election to be published once a week for three consecutive weeks in a newspaper for general circulation in the City and Borough. The first notice shall be published not later than September 11, 2019, which is 20 days prior to the regular municipal election. The notice shall contain the information required by Section 10.5 of the Home Rule Charter of the City and Borough.

Section 8. Effective Dates.

(a) The authority to issue general obligation bonds proposed in Section 6 of this ordinance shall become effective on the day following the date the election results are certified for the regular municipal election held on October 1, 2019, if a majority of the qualified voters voting on the proposition set forth in Section 6 votes for the proposition.

(b) Section 6 of this ordinance authorizing the submission of the ballot proposition to the qualified voters of the City and Borough shall become effective thirty days after adoption of this ordinance.

Adopted this 19th day of August, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 07/22/2019
Drafted by: Bond Counsel

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-35(b)

An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed Ten Million Dollars to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 1, 2019.

WHEREAS, improvements to the facilities of the City and Borough of Juneau, Alaska (the “City and Borough”) are needed in order to meet the current and future needs of the City and Borough; and

WHEREAS, certain projects listed in Section 3 below (the “Projects”) have been identified and approved by the Committee of the Whole as necessary to meet the needs of the City and Borough; and

WHEREAS, in order to provide funds for paying part of the cost of acquiring, constructing and equipping the Projects, it is deemed necessary and advisable that the City and Borough issue and sell its unlimited tax levy general obligation bonds in the principal amount of not to exceed \$10,000,000 (the “Bonds”);

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Findings. The Assembly of the City and Borough hereby finds and declares that the acquisition, construction and equipping of the Projects identified in Section 3 hereof are necessary and are in the best interest of the inhabitants of the City and Borough.

Section 3. Purposes. The Assembly has determined that Centennial Hall is in need of renovations and expansion (the “Projects”). The Projects include, but are not limited to, upgrading the HVAC system, making improvements to the sound system, lighting system and technology, the interior flooring, furnishings and wall systems, expanding the lobby area, renovating and expanding break-out rooms, corridor and business center, and construction of new meeting rooms, offices and adding an enclosed and heated corridor between Centennial Hall and the new arts and culture center.

The cost of all necessary architectural, engineering, design, and other consulting services, inspection and testing, administrative and relocation expenses, costs of issuance of the Bonds and other costs incurred in connection with the Projects that is approved by the electors shall be deemed capital improvement costs of the approved Projects. The approved Projects may be completed with all necessary furniture, equipment and appurtenances.

If the City and Borough shall determine that it has become impractical to accomplish any portion of the approved Projects by reason of changed conditions or needs, incompatible development or costs substantially in excess of those estimated, the City and Borough shall not be required to accomplish such portions and shall apply Bond proceeds as set forth in this section.

Interest earnings on Bond proceeds may be used and applied by City and Borough, at the direction of the City Manager or his or her designee, for the Projects or for other capital improvements or for the retirement of the Bonds or other general obligation bonds of the City and Borough.

If the approved Projects have been completed in whole or in part, or their completion duly provided for, or their completion found to be impractical, the City and Borough may apply Bond proceeds or any portion thereof as provided in Section 10.10 of the Home Rule Charter.

In the event that the proceeds of sale of the Bonds, plus any other monies of the City and Borough legally available, are insufficient to accomplish the approved Projects as provided in this ordinance, the City and Borough shall use the available funds for paying the cost of those portions of the approved Projects for which the Bonds were approved deemed by the Assembly most necessary and in the best interest of the City and Borough. No Bond proceeds shall be used for any purpose other than a capital improvement.

Section 4. Details of Bonds. The Assembly hereby authorizes the issuance of general obligation bonds in order to fund the portion of the costs of the Projects described in Section 3 (the "Bonds"). The Bonds shall be sold in such amounts and at such time or times as deemed necessary and advisable by the Assembly and as permitted by law and shall mature over a period of not to exceed 20 years of date of issue. The Bonds shall be issued in an aggregate principal amount of not to exceed \$10,000,000. The Bonds shall bear interest to be fixed at the time of sale or sales thereof. Both principal of and interest on the Bonds shall be payable from annual tax levies to be made upon all of the taxable property within the City and Borough, without limitation as to rate or amount and in amounts sufficient with other available funds, including hotel/motel tax levies, to pay such principal and interest as the same shall become due.

The full faith, credit, and resources of the City and Borough are hereby irrevocably pledged to the payment of both the principal and interest on such Bonds. The exact form, terms, conditions, contents, security, options of redemption, and such other matters relating to the issuance and sale of said Bonds as are deemed necessary and advisable by the Assembly shall be as hereinafter fixed by ordinance and resolution of the City and Borough.

Section 5. Submission of Question to Voters. The Assembly hereby submits to the qualified electors of the City and Borough the proposition of whether or not the City and Borough should issue the Bonds for the purpose of financing the costs of the approved Projects at the regular municipal election to be held on October 1, 2019.

The City and Borough clerk shall prepare the ballot proposition to be submitted to the voters as provided by this ordinance and shall perform all necessary steps in accordance with law to place these propositions before the voters at the regular election.

Section 6. Ballot Proposition. The proposition to be submitted to the qualified voters of the City and Borough as required by Section 5 above shall read substantially as follows:

Explanation

The proposition will authorize the issuance of \$10,000,000 in general obligation bond debt for paying the cost of renovations, expansion, upgrades and capital improvements to Centennial Hall, including upgrading the HVAC system, making improvements to the sound system, lighting system and technology, the interior flooring, furnishings and wall systems, expanding the lobby area, renovating and expanding break-out rooms, corridor and business center, and construction of new meeting rooms, offices and adding an enclosed and heated corridor between Centennial Hall and the new arts and culture center. The total annual debt service costs, assuming an interest rate of 3.00%, will be \$875,000 for 15 years with \$6 million of total debt service expected to be paid from the temporary two percent increase in the hotel/motel tax if approved by voters at this election and the remaining balance (\$7.1 million) to be paid from an annual property tax levy of approximately \$10 per \$100,000 of assessed value. If the temporary hotel/motel tax increase is not approved by the voters, debt service would require an annual property tax levy of approximately \$18 per \$100,000 of assessed value. This example of a property tax levy is provided for illustrative purposes only.

PROPOSITION NO. ____

GENERAL OBLIGATION BONDS

\$10,000,000

For the purpose of renovating and expanding Centennial Hall, including upgrading the HVAC system, making improvements to the sound system, lighting system and technology, flooring, furnishings and wall systems, expanding the lobby area, renovating and expanding break-out rooms, corridor and business center, and construction of new meeting rooms, offices and adding an enclosed and heated corridor between Centennial Hall and the new arts and culture center within the City and Borough, shall the City and Borough of Juneau, Alaska, issue and sell its general obligation bonds, maturing within 20 years from their date of issue, in the aggregate principal amount of not to exceed \$10,000,000?

BONDS, YES ☐

BONDS, NO ☐

After voter approval of the proposition and in anticipation of the issuance of the Bonds, the City and Borough may issue short term obligations, under such date and in such amount, form, terms, maturity, and bearing such rate or rates of interest, all as may hereafter be fixed by ordinance of the City and Borough, consistent with limitations imposed by State law and by the Home Rule Charter and Code of the City and Borough.

Section 7. Notice of Election. The Assembly shall cause a notice of election to be published once a week for three consecutive weeks in a newspaper for general circulation in the City and Borough. The first notice shall be published not later than September 11, 2019, which is 20 days prior to the regular municipal election. The notice shall contain the information required by Section 10.5 of the Home Rule Charter of the City and Borough.

Section 8. Effective Dates.

(a) The authority to issue general obligation bonds proposed in Section 6 of this ordinance shall become effective on the day following the date the election results are certified for the regular municipal election held on October 1, 2019, if a majority of the qualified voters voting on the proposition set forth in Section 6 votes for the proposition.

(b) Section 6 of this ordinance authorizing the submission of the ballot proposition to the qualified voters of the City and Borough shall become effective thirty days after adoption of this ordinance.

Adopted this 19th day of August, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: COW
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-34

**An Ordinance Calling for an Advisory Ballot Proposition on Grant Funding
for the New Juneau Arts and Culture Center.**

WHEREAS, the existing City-owned arts and culture facility is a former National Guard armory and is in need of replacement; and

WHEREAS, Juneau citizens have raised nearly \$6 million since 2012, including donations of \$10,000 and above from 112 Juneau individuals, families, and businesses; and

WHEREAS, the Partnership for the New JACC is a non-profit entity raising money to develop a new arts and culture facility in the Capital City; and

WHEREAS, the New JACC will contribute to the quality of life and economic health of the community by creating construction related jobs, creating exhibit and performing art jobs, and raising tax revenue while providing arts and culture events for residents and visitors; and

WHEREAS, the New JACC is anticipated to generate about \$19 million in the Juneau economy due to construction and contribute to the \$58 million spent annually by artists, arts organizations, and audiences in the region; and

WHEREAS, the Partnership for the New JACC has raised 21 percent (\$5.544 million) towards its goal of \$26.4 million with over 70 percent from private donations; and

WHEREAS, fundraising efforts among large foundations and corporations have made clear that those private funders will take steps to provide substantial funding when the

fundraising effort reaches 50 percent, especially if the City and Borough of Juneau makes an additional grant; and

WHEREAS, the Assembly is interested in providing a grant from the voter approved one percent sales tax to the New JACC and would benefit from the advice of the voters; and

WHEREAS, the voter approved one percent sales tax is expected to raise \$47 million for fiscal years 2019-2024; and

WHEREAS, \$4.5 million of the one percent sales tax is programmed for Centennial Hall upgrades and deferred maintenance and those funds could be reprogrammed as a grant for the New JACC; and

WHEREAS, the Assembly intends to replace the funding for Centennial Hall through other funding sources; and

WHEREAS, the Assembly has decided to call for an advisory vote on this grant to be presented to the voters at the October 1, 2019, municipal election.

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

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Submission to Voters. The question of whether to provide a grant to the New JACC in an amount of \$7,500,000 as provided herein shall be submitted to the qualified voters of the City and Borough of Juneau at the regular election to be held on October 1, 2019. The City and Borough Clerk shall prepare the ballot proposition to be submitted to the qualified voters as provided by this ordinance and shall perform all necessary steps in accordance with law to conduct the election and place this proposition before the qualified voters at said regular election.

Section 3. Proposition. The proposition to be submitted to the qualified voters of the City and Borough of Juneau as required by Section 2 above shall read substantially as follows:

Explanation

The Assembly asks for your advice whether to provide a grant of \$7,500,000 for the New JACC. If a grant is made in the current fiscal year, \$4.5 million would be appropriated from the sales tax fund balance and \$3 million would be appropriated from the general fund balance. The Assembly intends to replenish the draw on fund balances by reallocating unassigned 1% sales tax over the next three years and reallocating the \$4.5 million of 1% sales tax funds over the next three years that was originally programmed for Centennial Hall improvements, which the voters approved in 2017. The Assembly intends to replace the funding for Centennial Hall by issuing general obligation bonds to be paid back by raising the hotel-motel room rental tax by two percent and a 0.1 mill property tax increase (1% overall rate increase).

The existing City-owned arts and culture facility needs replacement and the grant would attract substantial additional private funds. If supported by the voters, the Assembly intends to require a contract with the Partnership for the New JACC that includes at least the following grant conditions: (1) the voters would need to approve the general obligation bond proposition for Centennial Hall at this election; and (2) the grant funds cannot be released until the New JACC project is funded at 90 percent, which must occur prior to October 1, 2023.

PROPOSITION NO. ____

ADVISORY PROPOSITION TO PROVIDE A GRANT OF \$7.5 MILLION FOR THE NEW JACC.

Should the City and Borough of Juneau provide a grant of \$7,500,000 to the New JACC for development of a new arts and culture center?

YES []

NO []

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: COW
Introduced:
Drafted by: R. Palmer/Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-06(B) (v.1)

An Ordinance Appropriating to the Manager the Sum of \$7,500,000 in Grant Funding for the Juneau Arts and Culture Center; Funding Provided by the FY20 Sales Tax Revenues, Sales Tax Fund Balance, and General Fund Balance.

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

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of \$7,500,000 as grant funding for the New JACC project.

Section 3. Grant Terms. This grant is subject to the following essential terms and conditions:

- (a) The voters recommend providing this grant at the election on October 1, 2019;
- (b) The voters authorize the general obligation bond proposition for Centennial Hall at the election on October 1, 2019;
- (c) The Manager not release the grant funds until the New JACC project is funded at 90 percent;
- (d) The Manager shall negotiate a contract to encumber the grant funding; and
- (e) The Assembly may direct the Manager to add other terms and conditions that are in the public interest.

Section 4. Source of Funds.

General Fund's Fund Balance	\$3,000,000
Sales Tax Fund's Fund Balance	\$3,500,000
FY20 Sales Tax Revenue	\$1,000,000

Section 5. Sunset Provision. This ordinance is automatically repealed if condition (c) in Section 3 is not satisfied by October 1, 2023.

Section 6. Effective Date. This ordinance shall become effective upon certification of the election in which conditions (a) and (b) in Section 3 are satisfied.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: Mayor Weldon
Introduced:
Drafted by: R. Palmer/Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-06(B) (v.2)

An Ordinance Appropriating to the Manager the Sum of \$4,500,000 in Grant Funding for the Juneau Arts and Culture Center; Funding Provided by the FY20 Sales Tax Revenues and Sales Tax Fund Balance.

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

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of \$4,500,000 as grant funding for the New JACC project.

Section 3. Grant Terms. This grant is subject to the following essential terms and conditions:

- (a) The voters recommend providing this grant at the election on October 1, 2019;
- (b) The voters authorize the general obligation bond proposition for Centennial Hall at the election on October 1, 2019;
- (c) The Manager not release the grant funds until the New JACC project is funded at 90 percent;
- (d) The Manager shall negotiate a contract to encumber the grant funding; and
- (e) The Assembly may direct the Manager to add other terms and conditions that are in the public interest.

Section 4. Source of Funds.

Sales Tax Fund's Fund Balance	\$3,500,000
FY20 Sales Tax Revenue	\$1,000,000

Section 5. Sunset Provision. This ordinance is automatically repealed if condition (c) in Section 3 is not satisfied by October 1, 2023.

Section 6. Effective Date. This ordinance shall become effective upon certification of the election in which conditions (a) and (b) in Section 3 are satisfied.

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Packet Page 28 of 66
Construction Estimate, Centennial Hall Renovation
City and Borough of Juneau, 6-25-19

CENTENNIAL HALL BUILDING COMPONENTS (DRAFT JULY 1, 2019)						
Item #	Construction Element	Quantity	U/M	Unit Price	Estimate	Comment
1	Mechanical and Electrical System Mods					
	Replace air-source heating pump units	1	Allowance	200,000.00	200,000.00	Replace four existing primary units, serving extg spaces
	Ducting modifications and extensions	1	Allowance	150,000.00	150,000.00	building-wide, refurbishment at existing portions
	General power and panel upgrades	1	Allowance	200,000.00	200,000.00	building-wide
	New data backbone, WIFI	1	Allowance	75,000.00	75,000.00	building-wide
	Building controls, automation	1	Allowance	200,000.00	200,000.00	building-wide
	Admin, supervision, support, profit				346,500.00	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$1,171,500.00	
			Running Total		1,171,500.00	\$1,641,000 with 40% Total Project Cost multiplier
2	Major reno, ballroom upgrades					Floors, oper walls, acoustic panels, finishes, lighting
	New Flooring	12700	SF	10.00	127,000.00	
	Repair Existing Operable Wall	1	Allowance	100,000.00	100,000.00	
	Acousical Panels	1	Allowance	50,000.00	50,000.00	Combination of custom reflecting and absorbing panels
	Finishes	12700	SF	12.00	152,400.00	
	Lighting	1	Allowance	250,000.00	250,000.00	Includes theatre lighting and house lighting component, controls
	New A/V package	1	Allowance	350,000.00	350,000.00	
	ME&P	12700	SF	12.00	152,400.00	Sprinkler heads, ducting, diffuser mods
	Admin, supervision, support, profit				496,356.00	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$1,678,156.00	
			Running Total		2,849,656.00	\$3,990,000 with 40% Total Project Cost multiplier
3	New Construction, foyer expansion, entry					New ftgs, slab, roof, doors, hardware, floor and ceiling
	Excavation and removal	510	CY	25.00	12,750.00	existing soil, walks, paving at areas of new expansion
	New Structural Fill placement	510	CY	40.00	20,400.00	shot rock structural fill over geotech fabric
	Site/Civil	2,450	SF	7.00	17,150.00	
	Foundation	2,450	SF	35.00	85,750.00	
	Exterior Wall Envelope	675	SF	45.00	30,375.00	
	Glazed Curtain Walls	400	SF	95.00	38,000.00	
	Roofing Assembly	2,450	SF	30.00	73,500.00	
	Interior Build Out	2,450	SF	60.00	147,000.00	
	ME&P	2,450	SF	45.00	110,250.00	
	New A/V package	1	Allowance	20,000.00	20,000.00	New A/V package

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Construction Estimate, Centennial Hall Renovation
City and Borough of Juneau, 6-25-19

	Admin, supervision, support, profit				233,173.50	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$788,348.50	
			Running Total		3,638,004.50	\$5,093,000 with 40% Total Project Cost multiplier
4	Major reno, foyer extg portions					Demo, new finishes, ceiling grid, ducting
	Demo Existing Interior	2870	SF	18.00	51,660.00	
	Demo Existing Exterior Wall Assembly	4300	SF	5.00	21,500.00	
	Interior Build Out	2870	SF	60.00	172,200.00	
	ME&P	2870	SF	35.00	100,450.00	
	New A/V package	1	Allowance	20,000.00	20,000.00	New A/V package
	Admin, supervision, support, profit				153,640.20	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$519,450.20	
			Running Total		4,157,454.70	\$5,820,000 with 40% Total Project Cost multiplier
5	Major renovation, north-west break-out rms					Demo, new partitions, finishes, ceilings, lighting, ducting
	Excavation and removal	320	CY	25.00	8,000.00	existing soil, walks, paving at areas of new expansion
	New Structural Fill placement	320	CY	40.00	12,800.00	shot rock structural fill over geotech fabric
	Dewatering	1	Allowance	1,000.00	1,000.00	
	Site/Civil	475	SF	25.00	11,875.00	
	Foundation	475	SF	55.00	26,125.00	
	Demo Existing Exterior Wall Assembly	1,040	SF	8.00	8,320.00	
	Demo Existing Interior Walls	1340	SF	18.00	24,120.00	
	Exterior Wall Envelope	1,900	SF	45.00	85,500.00	
	Roofing Assembly	475	SF	35.00	16,625.00	
	Interior Build Out	475	SF	120.00	57,000.00	At new portions
	ME&P	475	SF	70.00	33,250.00	At new portions
	Interior Build Out	1340	SF	80.00	107,200.00	At reno portions
	ME&P	1340	SF	35.00	46,900.00	At reno portions
	New A/V package	1	Allowance	35,000.00	35,000.00	
	Admin, supervision, support, profit				198,960.30	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$672,675.30	
			Running Total		4,830,130.00	\$6,765,000 with 40% Total Project Cost multiplier
6	Major renovation, west corridor, bus.center					Demo, new walls, doors, finishes, ceilings, lighting, ducting
	Temp Barriers and Protections	1	LS	5,000.00	5,000.00	
	Demo Entry and Exterior Wall, Meeting Room	1	LS	15,000.00	15,000.00	
	Demo Ramp	1	LS	7,500.00	7,500.00	
	Demo Existing	1540	SF	18.00	27,720.00	

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Construction Estimate, Centennial Hall Renovation
City and Borough of Juneau, 6-25-19

	Interior Build Out	1540	SF	60.00	92,400.00	
	Exterior Wall Envelope	1530	SF	45.00	68,850.00	
	Glazed Curtain Walls	1530	SF	95.00	145,350.00	
	Roofing Assembly	1540	SF	30.00	46,200.00	
	ME&P	1540	SF	35.00	53,900.00	
	Admin, supervision, support, profit				194,006.40	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$655,926.40	
			Running Total		5,486,056.40	\$7,680,000 with 40% Total Project Cost multiplier
7	New Construction, Conf, Hospit, RR, Office					New ftgs, slab, roof, services, finishes, A/V, plumbing
	Excavation and removal	350	CY	25.00	8,750.00	existing soil, walks, paving at areas of new expansion
	New Structural Fill placement	350	CY	40.00	14,000.00	shot rock structural fill over geotech fabric
	Dewatering	1	Allowance	2,000.00	2,000.00	
	Site/Civil	1,400	SF	7.00	9,800.00	
	Foundation	1,400	SF	35.00	49,000.00	
	Exterior Wall Envelope	1,850	SF	45.00	83,250.00	
	Glazed Curtain Walls	480	SF	95.00	45,600.00	
	Roofing Assembly	1,400	SF	30.00	42,000.00	
	Interior Build Out	1,400	SF	75.00	105,000.00	
	ME&P	1,400	SF	50.00	70,000.00	
	New A/V package	1	Allowance	25,555.00	25,000.00	New A/V package
	Admin, supervision, support, profit				190,848.00	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$645,248.00	
			Running Total		6,131,304.40	\$8,585,000 with 40% Total Project Cost multiplier
8	New Construction, Large meeting room					New ftgs, slab, roof, services, finishes, oper. partition, A/V
	Excavation and removal	370	CY	25.00	9,250.00	existing soil, walks, paving at areas of new expansion
	New Structural Fill placement	370	CY	40.00	14,800.00	shot rock structural fill over geotech fabric
	Dewatering	1	Allowance	2,000.00	2,000.00	
	Site/Civil	1,975	SF	7.00	13,825.00	
	Foundation	1,975	SF	35.00	69,125.00	
	Exterior Wall Envelope	1,200	SF	45.00	54,000.00	
	Glazed Curtain Walls	1,200	SF	95.00	114,000.00	
	Roofing Assembly	1,975	SF	30.00	59,250.00	
	Interior Build Out	1,975	SF	60.00	118,500.00	
	ME&P	1,975	SF	45.00	88,875.00	
	New A/V package	1	Allowance	50,000.00	50,000.00	New A/V package

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Construction Estimate, Centennial Hall Renovation
City and Borough of Juneau, 6-25-19

	Admin, supervision, support, profit				249,322.50	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$842,947.50	
			Running Total		6,974,251.90	\$9,764,000 with 40% Total Project Cost multiplier
9	New Construction, Office perimeter					New ftgs, slab, roof, services, finishes, glazing
	Site/Civil	280	SF	25.00	7,000.00	
	Foundation	280	SF	55.00	15,400.00	
	Demo Existing Exterior Wall Assembly	2,700	SF	8.00	21,600.00	
	Exterior Wall Envelope	1,792	SF	45.00	80,640.00	
	Glazed Curtain Walls	912	SF	95.00	86,640.00	
	Roofing Assembly	280	SF	35.00	9,800.00	
	Interior Build Out	280	SF	120.00	33,600.00	
	ME&P	280	SF	70.00	19,600.00	
	Admin, supervision, support, profit				115,197.60	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$389,477.60	
			Running Total		7,363,729.50	\$10,310,000 with 40% Total Project Cost multiplier
10	New Construction, SE Entry, Offices, Gift Shop					New ftgs, slab, roof, doors, hardware, glazing
	Site/Civil	90	SF	35.00	3,150.00	
	Foundation	90	SF	75.00	6,750.00	
	Demo Existing Walls and Glazing	1745	SF	20.00	34,900.00	
	Exterior Wall Envelope	1,000	SF	45.00	45,000.00	
	Glazed Curtain Walls	480	SF	95.00	45,600.00	
	Roof skylight element, E entry	1	LS	100,000.00	100,000.00	Glazed roof element, 16' x 50', \$125 sf
	Interior Build Out	1300	SF	90.00	117,000.00	
	ME&P	1300	SF	50.00	65,000.00	
	Roofing Assembly	90	SF	35.00	3,150.00	
	Interior Build Out	90	SF	120.00	10,800.00	
	ME&P	90	SF	70.00	6,300.00	
	Admin, supervision, support, profit				183,813.00	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$621,463.00	
			Running Total		7,985,192.50	\$11,180,000 with 40% Total Project Cost multiplier
11	Existing Exterior Wall Upgrades					
	Walls: rigid insulation, metal siding	14950	SF	50.00	747,500.00	Focus on extg walls to remain, Willoughby Ave, NW, high ballroom
	Penthouses at roof	1400	SF	75.00	105,000.00	Modifications of extg penthouses, new structure, roof, walls
	Admin, supervision, support, profit				358,050.00	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$1,210,550.00	

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Construction Estimate, Centennial Hall Renovation
City and Borough of Juneau, 6-25-19

			Running Total		9,195,742.50	\$12,875,000 with 40% Total Project Cost multiplier
12	New Construction, Green rm, rr, storage					New ftgs, slab, roof, doors, hardware, plumbing
	Excavation and removal	215	CY	25.00	5,375.00	existing soil, walks, paving at areas of new expansion
	New Structural Fill placement	215	CY	40.00	8,600.00	shot rock structural fill over geotech fabric
	Dewatering	1	Allowance	1,000.00	1,000.00	
	Sewer, water connections to dressing	1	allowance	20,000.00	20,000.00	
	Site/Civil	2,215	SF	7.00	15,505.00	
	Foundation	2,215	SF	35.00	77,525.00	
	Exterior Wall Enevelope	3,100	SF	45.00	139,500.00	
	Roofing Assembly	2,215	SF	30.00	66,450.00	
	Interior Build Out	2,215	SF	70.00	155,050.00	
	ME&P	2,215	SF	45.00	99,675.00	
	Admin, supervision, support, profit				247,245.60	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$835,925.60	
			Running Total		10,031,668.10	\$14,045,000 with 40% Total Project Cost multiplier
13	Major reno, traps, kitch, stor, coat, RR					New walls, finishes, ceilings, lighting, ducting, doors, rr plumbing
	Demo Existing	1170	SF	20.00	23,400.00	
	Interior Build Out	1170	SF	85.00	99,450.00	
	New doors and hardware, vestibules	1	Allowance	30,000.00	30,000.00	
	ME&P	1170	SF	40.00	46,800.00	
	Kitchen Hood Replacement	1	Allowance	30,000.00	30,000.00	existing kitchen system replaced, better efficiency
	General LED lighting conversion, extg rms	1	Allowance	50,000.00	50,000.00	misc. kitchen, storage rooms, hallways not otherwise modified
	Admin, supervision, support, profit				117,453.00	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$397,103.00	
			Running Total		10,428,771.10	
	Total Project Cost (40% multiplier on construction cost total)				\$14,600,000.00	Reflects design, administration, furnishings, contingency

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Construction Estimate, Centennial Hall Renovation
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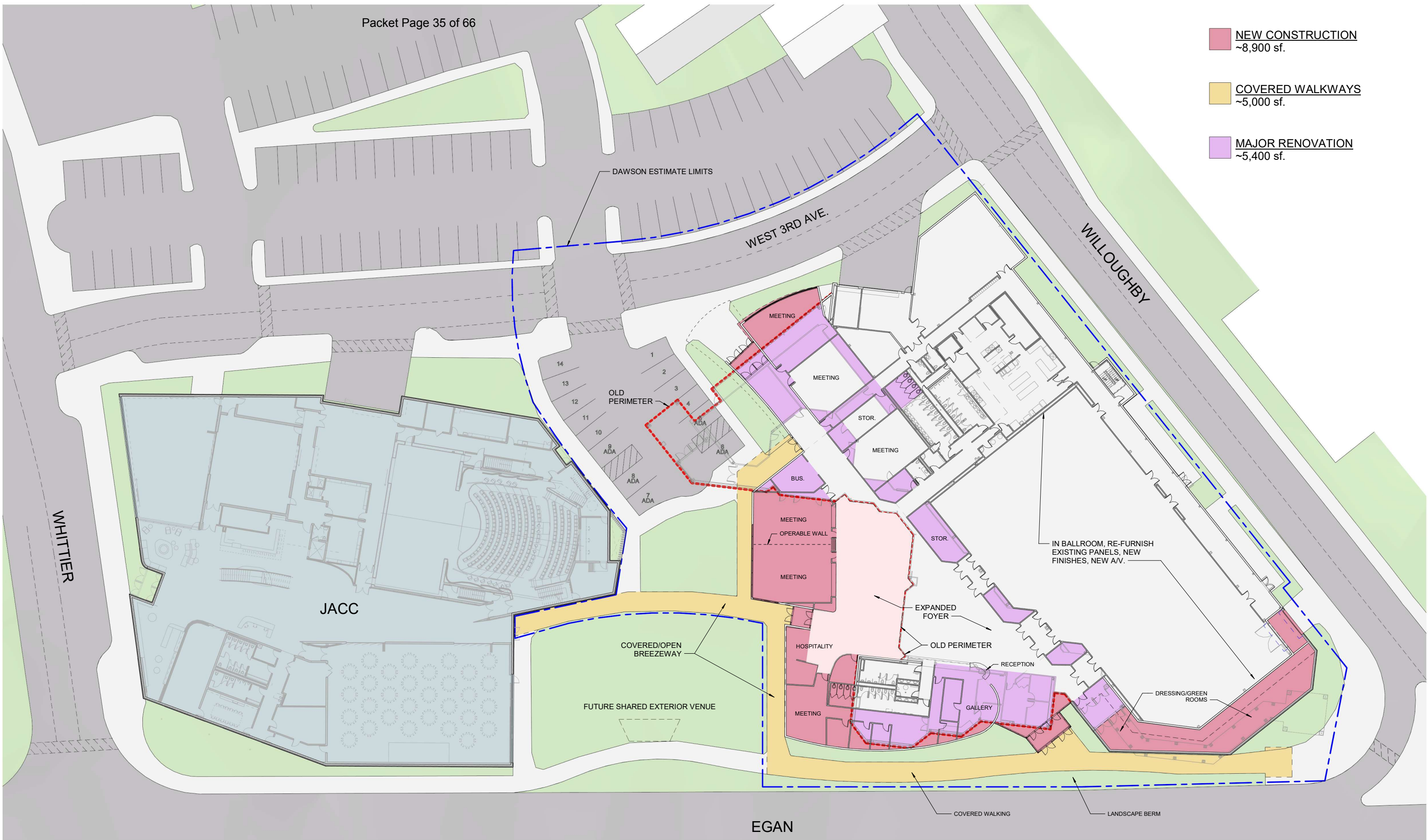
	SITE AND CIVIL CONSTRUCTION ELEMENTS					
Item #	Construction Element	Quantity	U/M	Unit Price	Estimate	Comment
A	West 3rd Avenue Portion, Parking Lot for 14					curbs, gutter, 4' walk, 7' walk, 3" asphalt, 24' roadway
	Misc Demo	17,000	SF	1.50	25,500.00	existing asphalt, walkways and misc along 3rd Ave
	Base Course for Asphalt and Walkways	18,500	SF	2.00	37,000.00	
	Curb and Gutter	675	LF	40.00	27,000.00	
	Sidewalks	600	SY	100.00	60,000.00	
	Asphalt	240	Tons	195.00	46,800.00	
	Pavement Markings	1	Allowance	5,000.00	5,000.00	
	Misc Signage	1	Allowance	2,500.00	2,500.00	
	Electrical	1	Allowance	20,000.00	20,000.00	Street lighting, parking lot lighting
	Admin, supervision, support, profit				93,996.00	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$317,796.00	
			Running Total		317,796.00	\$445,000 with 40% Total Project Cost multiplier
B	Covered Canopy, Centennial to JACC					10' fin walkway, 12' shed roof structure, glass wind break W side
	Canopy and Foundation	1872	SF	150.00	280,800.00	
	Walkway	175	SY	100.00	17,500.00	
	Glass Windbreak	1250	SF	55.00	68,750.00	
	Electrical	1	Allowance	10,000.00	10,000.00	
	Admin, supervision, support, profit				158,361.00	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$535,411.00	
			Running Total		853,207.00	\$1,195,000 with 40% Total Project Cost multiplier
C	Covered canopy, Egan Drive along Centenn.					8' fin walkway, 10' shed roof structure
	Canopy and Foundation	2400	SF	150.00	360,000.00	
	Walkway	215	SY	100.00	21,500.00	
	Electrical	1	Allowance	10,000.00	10,000.00	
	Landscaping, Egan frontage	2,600	SF	8.00	20,800.00	raised berm along walkway canopy, Egan/Willoughby crossing
	Admin, supervision, support, profit				173,166.00	GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$585,466.00	
			Running Total		1,438,673.00	\$2,015,000 with 40% Total Project Cost multiplier
D	Covered canopy, S portions along Centenn.					8' fin walkway, 10' shed roof structure
	Canopy and Foundation	1400	SF	150.00	210,000.00	
	Walkway	125	SY	100.00	12,500.00	

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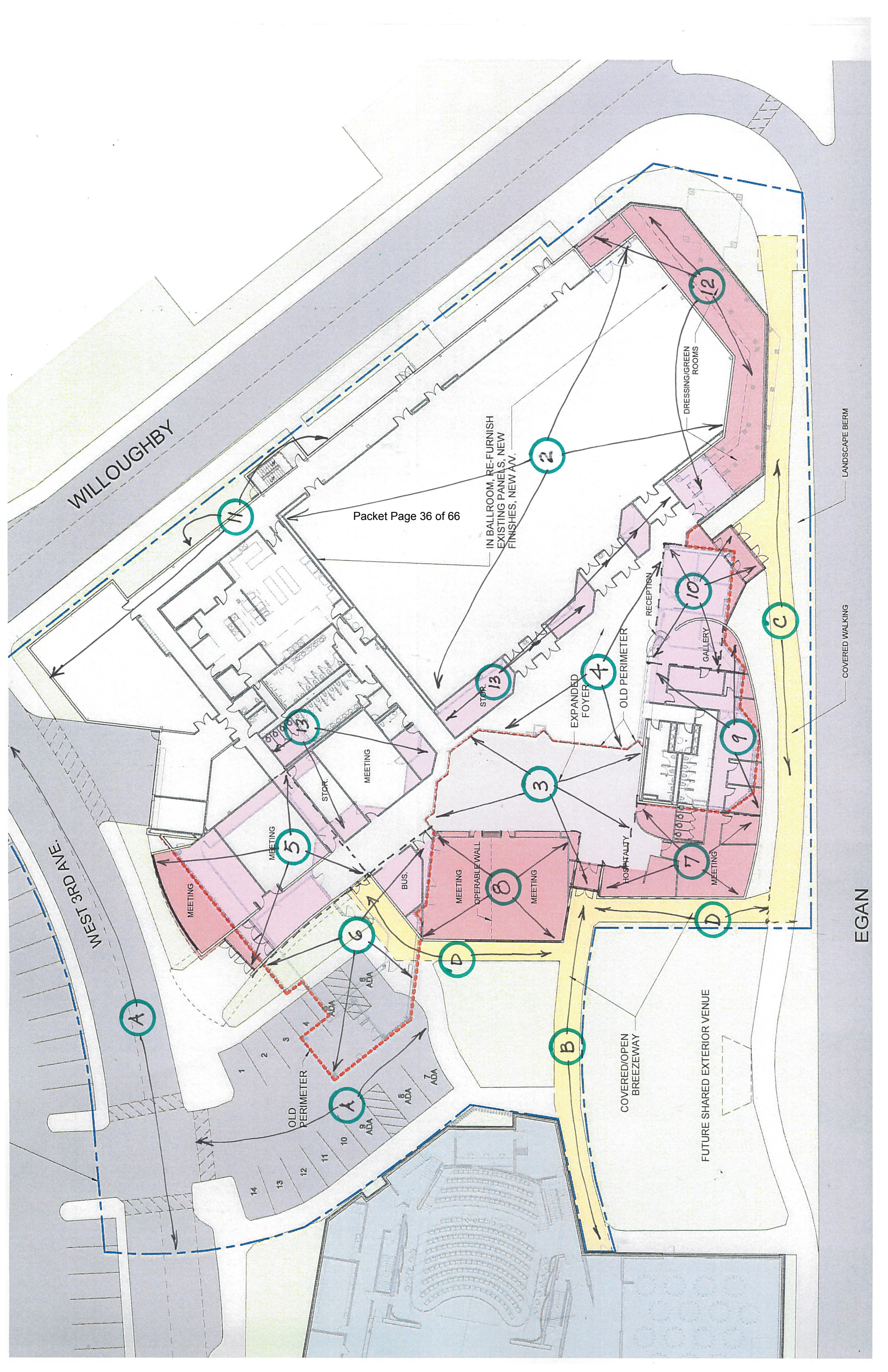
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	Electrical	1	Allowance	10,000.00	10,000.00		
	Landscaping, south Centennial frontage	2,700	SF	5.00	13,500.00		landscape exterior to lg mtg room, new extended entry foyer
	Admin, supervision, support, profit				103,320.00		GC's mark-up of 22%, Fee of 10%, Contingency 10%
	Construction Cost Subtotal				\$349,320.00		
			Running Total		1,787,993.00		
	Total Project Cost (40% multiplier on construction cost total)				\$2,503,190.20		Reflects design, administration, furnishings, contingency

- NEW CONSTRUCTION**
~8,900 sf.
- COVERED WALKWAYS**
~5,000 sf.
- MAJOR RENOVATION**
~5,400 sf.



OVERALL SITE PLAN



Presented by: Mayor
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-34(b)

**An Ordinance Calling for an Advisory Ballot Proposition on Grant Funding
for the New Juneau Arts and Culture Center.**

WHEREAS, the existing City-owned arts and culture facility is a former National Guard armory and is in need of replacement; and

WHEREAS, Juneau citizens have raised nearly \$6 million since 2012, including donations of \$10,000 and above from 112 Juneau individuals, families, and businesses; and

WHEREAS, the Partnership for the New JACC is a non-profit entity raising money to develop a new arts and culture facility in the Capital City; and

WHEREAS, the New JACC will contribute to the quality of life and economic health of the community by creating construction related jobs, creating exhibit and performing art jobs, and raising tax revenue while providing arts and culture events for residents and visitors; and

WHEREAS, the New JACC is anticipated to generate about \$19 million in the Juneau economy due to construction and contribute to the \$58 million spent annually by artists, arts organizations, and audiences in the region; and

WHEREAS, the Partnership for the New JACC has raised 21 percent (\$5.544 million) towards its goal of \$26.4 million with over 70 percent from private donations; and

WHEREAS, fundraising efforts among large foundations and corporations have made clear that those private funders will take steps to provide substantial funding when the

1
2 fundraising effort reaches 50 percent, especially if the City and Borough of Juneau makes an
3 additional grant; and

4 WHEREAS, the Assembly is interested in providing a grant from the voter approved one
5 percent sales tax to the New JACC and would benefit from the advice of the voters; and

6 WHEREAS, the voter approved one percent sales tax is expected to raise \$47 million for
7 fiscal years 2019-2024; and

8
9 WHEREAS, \$4.5 million of the one percent sales tax is programmed for Centennial Hall
10 upgrades and deferred maintenance and those funds could be reprogrammed as a grant for the
11 New JACC; and

12 WHEREAS, the Assembly intends to replace the funding for Centennial Hall through
13 other funding sources; and

14 WHEREAS, the Assembly has decided to call for an advisory vote on this grant to be
15 presented to the voters at the October 1, 2019, municipal election.

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

17 **Section 1. Classification.** This ordinance is a non-code ordinance.
18

19
20 **Section 2. Submission to Voters.** The question of whether to provide a grant to the
21 New JACC in an amount of ~~\$4,500,000~~^{\$7,500,000} as provided herein shall be submitted to the
22 qualified voters of the City and Borough of Juneau at the regular election to be held on October
23 1, 2019. The City and Borough Clerk shall prepare the ballot proposition to be submitted to the
24 qualified voters as provided by this ordinance and shall perform all necessary steps in
25 accordance with law to conduct the election and place this proposition before the qualified
voters at said regular election.

The Assembly asks for your advice whether to provide a grant of ~~\$4,500,000~~^{\$7,500,000} for the New JACC. If a grant is made in the current fiscal year, \$4.5 million would be appropriated from the sales tax fund balance and ~~\$3 million would be appropriated from the general fund balance~~. The Assembly intends to replenish the draw on fund balances by reallocating unassigned 1% sales tax over the next three years and ~~partially~~ reallocating the \$4.5 million of 1% sales tax funds over the next three years that was originally programmed for Centennial Hall improvements, which the voters approved in 2017. The Assembly intends to replace the funding for Centennial Hall by issuing general obligation bonds to be paid back by raising the hotel-motel room rental tax by two percent and a 0.1 mill property tax increase (1% overall rate increase).

PROPOSITION NO. _____

YES []

NO []

Beth A. Weldon, Mayor

Elizabeth J. McEwen, Municipal Clerk



City and Borough of Juneau
City & Borough Manager's Office
155 South Seward Street
Juneau, Alaska 99801

Telephone: 586-5240 | Facsimile: 586-5385

DATE: June 10, 2019

TO: Chair Becker and Lands Committee

FROM: Rorie Watt, City Manager

RE: Recommendation for CBJ to Bid on Subport Lot C1

As we discussed at the Lands Committee meeting on 4/29, the Subport parcel Lot C1 is for sale. The parcel under discussion is here:



And the Trust Land Office's website for the sale of this parcel is here:

<https://alaskamentalthrust.org/trust-land-office/juneau-waterfront-parcel/>

Along with numerous Assembly members, persons in the business community and staff, I have worked on implementing the Long Range Waterfront Plan (LRWP) since its adoption in 2004. We all have many successes to be proud of that stem from the adoption of that plan. The LRWP can be found here:

http://www.juneau.org/cddftp/documents/CBJ_Waterfront_Plan_FINAL_112204.pdf

In furtherance of implementing the LRWP, I believe that it is in the public interest to acquire the parcel. The waterfront development and management opportunities are significant for Juneau, and the Borough Assembly is best situated to make those community decisions. A well-managed downtown waterfront, managed in alignment with community values, is critical for supporting Juneau's economy and the cruise ship industry.

I understand there may be interest from the private sector for acquiring the parcel as a foothold for a potential 5th large cruise ship berth. A fifth berth at this location was carefully considered in the early 2000's during the extensive public process that lead to the adoption of the LRWP *and was rejected*. If Juneau is ever ready for additional large berths, the Assembly is the body that should make that decision; the community should not be put in the position of reacting to a speculative investor.

Uses for the parcel include continuation of the waterfront seawalk, access to tidelands and marine facilities necessary for ships and passengers (including lightering and small cruise ship berthing), and associated uplands area to support those marine enterprise functions. Given the growth in cruise ship passenger visitation we must become more dynamic in our management of the transportation of our visitors. This property could serve as a transportation hub, reducing pressure on the downtown roads. As is indicated in the LRWP, the time has come to seriously consider a water taxi/harbor shuttle. This parcel is key to such a system.

The minimum required bid for the property is \$3,643,000. Bidders must submit a bid deposit of \$100,000 and bids will only be accepted between August 15th and September 6th of this year. If the two highest bidders (meeting the minimum) are within 5% of each other, there will be a subsequent auction process in which all bidders may participate. Closing on the sale must take place within 12 months.

As a public institution, we are inherently less nimble than other potential bidders and we must plan accordingly. I recommend the following process:

- Lands Committee Consideration: 6/10/19
- Assembly Consideration: No Later Than 8/19/19
- Assembly Executive Session to give Direction on Bid: No Later Than 8/19/19
- Second Assembly Executive Session, as Needed: Schedule Special Meeting

Adjacent Land Ownership:

CBJ owns the adjacent tidelands to the west and south of the property. AVISTA owns the historic fuel dock. I have communicated with AVISTA/AELP and they are very supportive of coordinating sale/development of the dock parcel in coordination with CBJ's waterfront plans and goals. AVISTA/AELP expects to work cooperatively with any party which acquires the Mental Health Trust property. The US Coast Guard and NOAA own the historic wharf to the east. NOAA also coordinates usage of its portion of the old wharf with Alaska Fish & Game. In order for Lot C1 to be developed to maximum best use, development coordination between this parcel, the CBJ, the State and the Federal agencies is necessary. The CBJ is ideally and uniquely suited to coordinate and maximize the development potential.

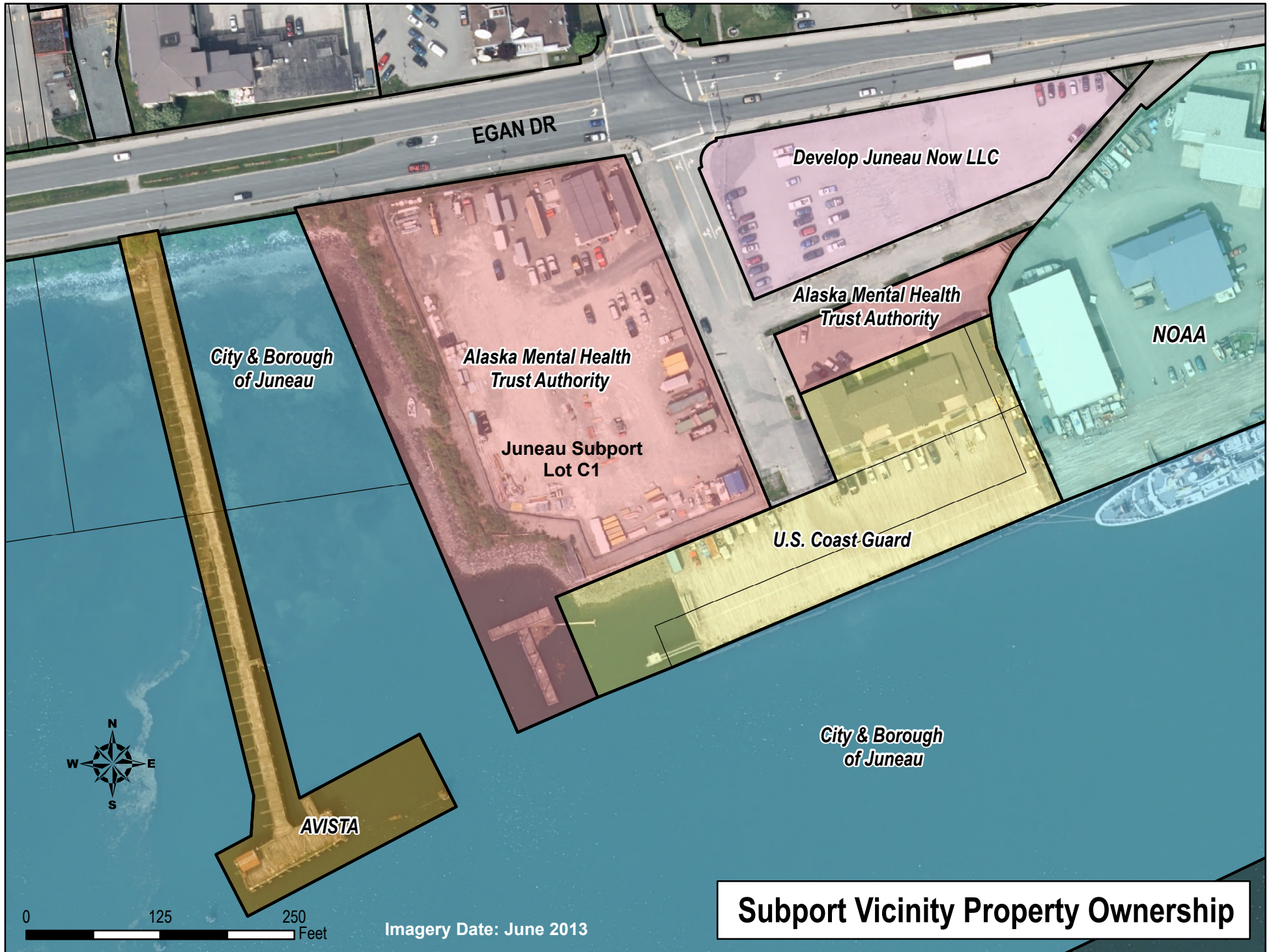
Fund Source:

I recommend that we pursue acquisition with passenger fees from the port development fee fund balance and/or the FY21 budget of CBJ Marine Passenger Fees and/or the State Commercial Passenger Vessel fees. Use of these fees is consistent with the intent of the recently settled CLIA litigation. The land is within the geographic and programmatic scope of the settlement agreement.

It is possible that full use of the parcel may not be necessary for the provision of services to vessels and/or passengers. In that event, if acquisition is successful and if excess land is available for private sector commercial use, then portions of the land could be disposed. In that case, it would be appropriate to remit proceeds of any disposals back into passenger fee fund balances. It is also appropriate to use passenger fees for acquisition as we would not attempt to acquire this parcel but for the need to provide support and services to passengers and/or vessels.

Recommendation:

Forward an appropriation Ordinance of \$100,000 from the port development fee fund balance directly to the Assembly (or Finance or COW for further consideration) for introduction no later than the July 22nd and public hearing no later than the August 19th Assembly meetings. Anticipate an executive session on August 19th to give direction on price to submit.





June 10, 2019

Rorie Watt
City Manager
City and Borough of Juneau
155 South Seward Street
Juneau, AK 99801

Dear Rorie:

CLIA Alaska appreciates the opportunity to submit comments in support of your memo dated June 10, 2019. We agree with the recommendation for the City & Borough of Juneau (CBJ) to submit a bid for the Subport parcel Lot C1 and encourage the CBJ Assembly to move forward.

The CBJ has provided critical leadership in the development of Juneau's waterfront. Through many hearings, public comments, and varied opinions, the CBJ has appropriately and effectively developed a plan for Juneau's waterfront that first and foremost serves the best interest of the community, as well as has provided a great service to the industry. The current Archipelago project is a prime example of this and illustrates how CBJ leadership worked thoroughly to evaluate the uses of that property and through a public private partnership, is now working to bring that plan to reality.

The Subport lot provides an opportunity for the CBJ to implement that process again by evaluating the many options and potential uses of the parcel and deciding how it could be successfully utilized. Given the historical effort and achievement in developing the Long Range Waterfront Plan, we believe the CBJ is the appropriate entity to determine the use of the property.

Thank you for your efforts on this matter.

Sincerely,

Mike Tibbles
CLIA Alaska



DATE: July 22, 2019
 TO: Chair Edwardson, Human Resources Committee
 FROM: Robert Palmer, City Attorney
 SUBJECT: Amendments to Assembly Rules of Procedure (Res. 2781)

The Human Resources Committee is empowered to make recommendations and propose amendments to the Assembly Rules. Chair Edwardson requested revisions to Rule 4 regarding presentation of legislation and to Rule 5 regarding applicants for the Aquatics Board.

A. Rule 4 Legislation

This rule describes who can have legislation presented. Presentation is the formal term for getting legislation on the agenda for consideration by an Assembly committee or for consideration by the Assembly. For example, once presented to the Assembly, the legislation “shall be rejected, deferred, referred to committee, or accepted as being introduced.” Charter 5.3. Thus, even if legislation is presented, the Assembly still decides whether to accept the legislation for further public process or action.

Chair Edwardson inquired that Rule 4 be reviewed in two ways: (1) to allow individual Assemblymembers to present legislation to the Assembly; and (2) to limit the Manager’s presentation of legislation to “administration” matters. Charter 5.3 provides instructive language: “An ordinance may be presented for consideration only by a member or committee of the assembly or by the manager at any regular or special meeting of the assembly.”

1. Assemblymember presentation

Because Charter 5.3 explicitly authorizes an Assemblymember to present an ordinance, the Assembly Rules cannot prohibit something the Charter explicitly allows. Thus, the Assembly Rules can be amended to add the following to Rule 4.A to comport with Charter 5.3:

Proposed Rule 4 Amendment:

“1(c) by request of the Mayor, ~~or~~ the Manager, or any member,”

Such an amendment would allow an Assemblymember the opportunity to have ordinances and resolutions drafted for presentation to the Assembly, but not committees of the Assembly. There may be good policy reasons for such a structure:

- All Assemblymembers are elected;
- The Assembly would still decide whether an individual Assemblymember's proposed legislation should be rejected, deferred, referred, or accepted; and
- If individual Assemblymembers invoke this authority often, staffing may need to be adjusted to adapt to a larger workload.

2. Manager presentation

Because Charter 5.3 explicitly authorizes the Manager to present legislation, the Assembly Rules cannot prohibit something the Charter explicitly allows. Chair Edwardson expressed an interest in discussing whether it makes sense to limit the manager's authority to introduce legislation to just "administrative" or operational aspects of the CBJ. Although the manager is not elected, there are multiple policy reasons why the manager should have broad authority to present legislation:

- The Charter requires the manager to present the CBJ budget, and if the Assembly does not act timely, the manager's proposed budget is law. Charter §§ 4.5(d); 9.2; 9.7; and 9.8. Thus, the Charter empowers the manager with substantial fiscal authority, and fiscal authority can be one of the largest policy decisions made annually by the CBJ.
- Except for rare occasions, the manager should present legislation to an Assembly committee instead of directly presenting to the Assembly to make sure it is something a committee desires;
- If the Assembly believes that the manager is pushing legislation too fast or too far, the Assembly can choose not to introduce the legislation; and
- The strong manager form of government is very efficient and highly nimble, and if the Assembly believes the manager is pushing too much policy, the Assembly can redirect or fire the manager.

Thus, I do not recommend limiting the manager's ability to present legislation.

B. Rule 5 Committees

Given the recent changes to the structure and duties of the Aquatics Board with Ordinance 2019-03, the Aquatics Board is no longer like the other empowered boards. As a result, Chair Edwardson requested that Rule 5 be amended to no longer require the full Human Resources Committee interview and recommend appointments for the Aquatics Board.

Proposed Rule 5 Amendment:

"(C)(2)(f) Membership for Certain Appointments. The Human Resources Committee shall meet as needed to recommend appointments to the Planning Commission, the Hospital Board, the Ski Area Board, ~~the Aquatics Board~~, the Docks and Harbors Board, and the Airport Board."

Presented by: HRC
Introduced:
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

DRAFT Serial No. 2862

**A Resolution Reestablishing the Assembly Rules of Procedure,
and Repealing Resolution No. 2781.**

WHEREAS, it is necessary for the orderly conduct of business that rules of procedure be adopted for the Assembly.

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

Section 1. Rules of Procedure. The following rules of procedure are adopted:

RULE 1. AGENDA.

A. Order of Business. At all regular meetings the order of business shall be:

- I. Flag Salute
- II. Roll Call
- III. Approval of Minutes
- IV. Manager's Requests for Agenda Changes
- V. Public Participation on Non-agenda Items (Not to Exceed a Total of 20 Minutes, Nor More than Five Minutes for Any Individual)
- VI. Consent Agenda
 - A. Public Requests for Consent Agenda Changes, Other than Ordinances for Introduction
 - B. Assembly Requests for Consent Agenda Changes
 - C. Assembly Action
- VII. Ordinances for Public Hearing
 - A. Administrative or Committee Reports
 - B. Public Hearing
 - C. Assembly Action

- VIII. Unfinished Business
 - A. Administrative or Committee Reports
 - B. Public Hearing
 - C. Assembly Action
- IX. New Business
 - A. Administrative or Committee Reports
 - B. Public Hearing
 - C. Assembly Action
- X. Staff Reports
- XI. Assembly Reports
 - A. Mayor's Report
 - B. Committee Reports
 - C. Liaison Reports
 - D. Presiding Officer Reports
- XII. Assembly Comments and Questions
- XIII. Continuation of Public Participation on Public Participation on Non-agenda Items
- XIV. Executive Session
- XV. Adjournment

B. Agenda Preparation. The agenda shall be prepared by the Manager subject to review and revision by the Mayor. The Mayor or the Manager shall brief the Assembly as to any revisions. Other matters may be considered under administrative reports, unfinished business, or new business as applicable.

C. Consent Agenda. The Manager shall include under the consent agenda:

1. Ordinances for introduction;
2. Resolutions;
3. Bid awards requiring Assembly concurrence; and
4. Other items requiring Assembly action which do not involve substantial public policy questions.

The Manager shall include with the agenda such supplemental material or reports as may be necessary to explain each item on the consent agenda and shall include a specific recommendation for Assembly action on each item. Material, reports, and recommendations submitted in writing to each member present and which are available for public inspection prior to the Assembly meeting need not be read aloud, but the minutes shall reflect the Manager's recommendation on each consent agenda

item adopted. Upon adoption of a motion to adopt the consent agenda, all consent agenda items subject to the motion are adopted as recommended by the Manager. The motion to adopt may not be amended; provided, upon the request of any member, an item on the consent agenda shall be removed from the consent agenda and placed under the appropriate regular agenda item for Assembly action. A notice or motion for reconsideration or a motion to rescind a consent agenda motion shall contain reference to the specific consent agenda item which is the subject of the notice or motion and only that item shall be affected by the notice or motion.

RULE 2. MEETINGS.

A. Date and Time of Regular Meetings. The Assembly shall regularly meet at 7:00 p.m. every third Monday according to a schedule approved by the Assembly and published by the Clerk's office. The Assembly may by motion or otherwise change the date of a meeting as may be necessary or convenient.

B. Place of Regular Meetings. Regular Assembly meetings shall be held in the Assembly Chambers at the Municipal Building at 155 South Seward Street, Juneau, Alaska, unless the Assembly, at a preceding regular or special meeting has, by motion or otherwise, designated a different place for a particular meeting.

C. Special Meetings. Special meetings may be called and held as provided by the Charter.

D. Time of Adjournment. Meetings will adjourn at 11:00 p.m. unless extended by a vote of at least six members.

RULE 3. ASSEMBLYMEMBER ATTENDANCE POLICY FOR REGULAR MEETINGS.

A. Excused Absences. Any absence of an Assemblymember from a regular meeting of the Assembly shall be deemed to be unexcused unless the Assemblymember is absent from the meeting as a result of attending to official business on behalf of the City and Borough of Juneau, for extenuating medical reasons, or for other significant cause, in which case the absence shall be deemed to be excused.

B. Attendance Report. Upon request of the Human Resources Committee, the Manager shall direct the Clerk to provide to the Assembly quarterly reports on attendance at regular Assembly meetings.

RULE 4. LEGISLATION.

A. Drafting. The Attorney shall draft ordinances and resolutions

1. For presentation to the Assembly only
 - (a) by vote or consensus of the Assembly,

- (b) by vote of a standing or ad hoc Assembly committee,
 - (c) by request of the Mayor, ~~or~~ the Manager, or any member, or
 - (d) on the Attorney's own initiative to correct errors not otherwise correctable in any section or to make amendments to Title 01.45 the Conflict of Interest Code, Title 01.50 the Appellate Code, Title 01.60 the Regulation Procedures Code, Title 03.30 the Code Enforcement Code, Title 42 the Penal Code, or any section imposing duties on the Attorney.
2. For presentation to a standing or ad hoc Assembly committee only by vote of the committee, request of its chair, or by direction of the Assembly.

B. Procedure. Upon presentation of an ordinance, any member may move that it be introduced and set for public hearing, referred to committee, deferred, or rejected as provided in Charter section 5.3. If the motion is for referral to committee, the Mayor shall refer the ordinance to the appropriate committee. The Mayor's referral may be changed by a majority vote of the members of the Assembly. If the motion is for introduction, the motion shall set a date for the public hearing. All such motions may be amended.

RULE 5. COMMITTEES.

A. Standing Committees. The Assembly shall have the following standing committees:

- 1. Committee of the Whole
- 2. Finance Committee
- 3. Human Resources Committee
- 4. Lands Committee
- 5. Public Works and Facilities Committee

Any member of the Assembly may sit with any committee at all times; such member shall have the right to participate in committee discussion except that members of the committee shall have priority in obtaining the floor and only committee members may vote. Reasonable opportunity for the public to be heard shall be allowed at committee meetings other than those designated as work sessions.

B. Special Committees. The Assembly shall have such special committees as may be considered necessary. Special committees automatically terminate upon completion of the committee's assignment.

C. Selection, Process and Duties of Committees of the Assembly.

- 1. Standing Committees.

- (a) With the exception of the Committee of the Whole, the Finance Committee, and the Human Resources Committee in proceedings pursuant to Rule 5(C)(2)(f), there shall be not more than four Assemblymembers appointed to each standing committee of the Assembly. Each Assemblymember will be appointed to at least one, but not more than three, standing committees, in addition to the Finance Committee and the Committee of the Whole.
 - (b) Nominations for standing committee appointments and for the position of chair of each such committee shall be made by the Mayor, and shall be subject to ratification by the Assembly. In making nominations for committee appointments, the Mayor shall strive to ensure, to the extent reasonably possible, that there is a balance and diversity of opinion, viewpoints, and perspective among the Assemblymembers nominated for committee membership, and that there is at least one Assemblymember nominated for appointment to each committee who has expertise in the areas assigned to the committee.
 - (c) Each year following the regular municipal election, all Assemblymembers will be given an opportunity to indicate in writing which of the standing committees they request to serve on. At least two of the nominations for appointment for each standing committee shall be made from those Assemblymembers, if any, who have requested to serve on the committee for which the appointments are to be made. The nomination for membership and chair positions shall be made by the Mayor and ratified by the Assembly within seven days of the first meeting after the certification of the regular municipal election each year. All committee members shall be appointed to serve for a term expiring upon ratification by the Assembly of the committee appointments following the next regular municipal election. All committee members serve at the pleasure of the Assembly.
 - (d) A standing committee may at the call of its chair or the vote of its membership take up any matter within the scope of its charge established by these rules and not pending as legislation authorized by the Assembly. Matters not within the scope of any standing committee, or within the scope of more than one standing committee shall be assigned by the Mayor.
 - (e) Each committee shall refer information to and coordinate activities with other appropriate committees. Issues referred to another committee and any directions to the Manager must have the concurrence of a majority of the committee members.
2. Human Resources Committee. The Human Resources Committee may take up issues relating to the health and well-being of Juneau citizens

and their participation in local government. The duties of the Human Resources Committee shall include:

- (a) Nominating citizens to all CBJ boards and commissions. Appointment to such bodies shall be made by the full Assembly;
- (b) Making recommendations to the full Assembly regarding the issuance, renewal or transfer of liquor licenses, restaurant designation permits, and marijuana licenses;
- (c) Reviewing and proposing amendments to these Rules;
- (d) *Reserved.*
- (e) Overseeing Juneau's relations with its sister cities;
- (f) Membership for Certain Appointments. The Human Resources Committee shall meet as needed to recommend appointments to the Planning Commission, the Hospital Board, the Ski Area Board, ~~the Aquatics Board~~, the Docks and Harbors Board, and the Airport Board. The Mayor and all Assemblymembers shall serve as members of the Committee and the Human Resources chair shall serve as chair at these meetings.

3. Finance Committee. The Finance Committee may take up issues relevant to the fiscal status of the CBJ. The Mayor and all Assemblymembers shall serve as members of the Finance Committee. The duties of the Finance Committee shall include:

- (a) Review of the Manager's proposed budget and recommendations to the Assembly for a final budget;
- (b) Review of the fiscal policies of the CBJ as deemed necessary by the committee.

4. Committee of the Whole. The Committee of the Whole may take up those issues within the jurisdiction of multiple committees and those warranting detailed review prior to consideration by the Assembly. The Mayor and all Assemblymembers shall serve as members of the Committee of the Whole. Generally, the rules of the Assembly shall be followed in the Committee of the Whole, provided that, at the discretion of the chair, the rules may be relaxed and the rules relating to participation by the presiding officer and the number of times a member may speak shall not be in effect unless otherwise ordered by a majority of the committee. In preparing the committee agenda the chair shall consult with the Mayor.

5. Lands Committee. The Lands Committee may take up issues relevant to the lands, water or air within the City and Borough. The duties of the Lands Committee shall include recommendations to the Assembly regarding:

- (a) The preparation and revision of a land management plan and the acquisition and disposal of CBJ lands;
 - (b) The administration of the lands fund and the mineral holdings of the CBJ.
 - (c) Implementation of the Long Range Waterfront Development Plan, and issues relating to use and development of the CBJ waterfront.
 - (d) Promotion of improved housing availability in the City and Borough.
6. Public Works and Facilities Committee. The PWFC may take up issues relevant to the infrastructure of CBJ, including transportation and utilities. The duties of the PWFC shall include:
- (a) Making recommendations to the Assembly regarding the capital improvement program required by Charter section 9.2 and other capital improvement plans and lists;
 - (b) Advising each newly elected Assembly of unfinished capital projects to be continued;
 - (c) Making recommendations to the Assembly regarding the preparation and revision of an areawide transportation plan.
 - (d) Making recommendations related to energy efficiency, renewable resources, waste reduction and recycling, global warming and green building.
7. Special Committees. Nominations for special committee appointments and the chair position of each special committee shall be made by the Mayor, and shall be subject to ratification by the Assembly. In making nominations for special committee appointments, the Mayor shall strive to ensure, to the extent reasonably possible, that there is a balance of opinion, viewpoints, and perspective among the Assemblymembers nominated for committee membership, and that there is at least one Assemblymember nominated for appointment to each such committee who has expertise in the areas assigned to the committee. All members shall serve at the pleasure of the Assembly.

D. *Reserved.*

E. Quorum of Committees. For the Committee of the Whole and the Finance Committee, a majority of the membership shall constitute a quorum. For committees with seven or eight members, four of the membership shall constitute a quorum, for committees with five or six members, three of the membership shall constitute a quorum. For committees with four or fewer members, two of the membership shall constitute a quorum for the transaction of business.

F. Voting. The minimum vote required to take official action shall be the same as that constituting a quorum; provided, however, that in the case of a tie vote, the action fails.

RULE 6. ASSEMBLY LIAISONS TO BOARDS AND COMMISSIONS.

A. Appointment of Liaisons. The Mayor shall nominate one member of the Assembly to serve as the liaison to each of the following City and Borough boards and commissions:

Planning Commission
Hospital Board
Docks and Harbors Board
Airport Board
School Board
Ski Area Board
Aquatics Board

The nominations shall be subject to ratification by the Assembly. Liaisons to other entities may be appointed from time to time.

B. Role of Liaison. Assembly liaisons serve as a link between the Assembly and the board or commission to establish and maintain communication between the bodies on issues, projects, and other matters of mutual concern and interest. Assembly liaisons are not required to regularly attend board or commission meetings; but if they do, they shall not have the power to vote on the board or commission, and are not to be counted in determining whether a quorum of the board or commission is present.

C. Other Meetings. The Assembly encourages its members to attend meetings of other boards, commissions, and citizen groups and inform the Assembly on the activities of those bodies and the issues before them, as appropriate.

RULE 7. DEBATE.

A. Speaking on the Question. A member or the Manager may speak more than once to the same question at the same stage of proceedings provided that priority of access to the floor shall be given to members who have not spoken on the question. Members shall endeavor to provide the body with relevant facts and arguments and shall strive to avoid redundancy.

B. Asking Questions. After obtaining recognition from the chair, a member may ask direct questions of another member of the Assembly or to a person appearing before the Assembly. The questions may not be argumentative.

C. Decorum. Members shall not question the motives, competency or integrity of any person except as necessary to decide an appeal, personnel evaluation, contract award, or other matter in which such issues are clearly relevant. The chair shall admonish any member violating this rule and if violations are severe or repeated, may without a vote declare a recess not to exceed ten minutes.

RULE 8. RULES OF PUBLIC PARTICIPATION.

When permitted by Rule 14, public participation during hearings on ordinances and matters other than appeals will be conducted according to the following rules, which will be posted in the Assembly Chambers:

A. The hearing will be conducted by the Mayor as chair.

B. The Mayor will open the hearing by summarizing its purposes and reemphasizing the rules of procedure.

C. The Mayor may set a time limit for public testimony, for individual speakers, or both if it appears necessary to gain maximum participation and conserve time, and may for the same reason disallow all questions from the Assembly to members of the public. The time limit may be extended by a majority of the Assembly. The time limit for individual speakers shall be uniform for all speakers, and shall be strictly enforced. Speakers shall not have the right to transfer their unused time to other speakers, but the Mayor may grant additional time to a person speaking on behalf of a group present in the chambers.

D. Citizens will be encouraged to submit written presentations and exhibits. Material submitted to the Manager's office more than three business days before a meeting and comprising ten pages or less will be eligible for copying for that meeting. Material submitted less than three days before a meeting will be distributed by the Clerk at the meeting provided that the submission includes at least 15 copies.

E. The Mayor will set forth the item or subject to be discussed and will rule non germane comments out of order.

F. All speakers, public, and members of the Assembly will be recognized by the chair by surname.

G. Members of the public will precede their remarks by stating their names and, unless otherwise allowed by the Mayor, their place of residence.

H. Members of the Assembly will not direct questions to each other or to the chair during public participation except as to the conduct of the hearing.

I. Members of the Assembly may direct questions to members of the public only to obtain clarification of material presented. The questions may not be argumentative, nor may they have the purpose or effect of unreasonably extending any time limit applicable to public speakers.

J. The public may direct questions to the Assembly or the administration. The questions may not be argumentative.

K. The public may direct questions to the chair only as it pertains to the conduct of the hearing.

L. The Manager may participate in the same manner as the members of the Assembly.

M. There shall be an opportunity for public participation on non-agenda items at each regular meeting of the Assembly. Such public participation shall be limited to no more than 20 minutes, with each speaker limited to a length of time set by the Mayor not to exceed five minutes. Assemblymembers may ask questions of the speaker, but shall not deliberate at that time on matters raised, or answer questions directed to the members.

RULE 9. MOTIONS.

A. Seconds. Seconds to motions are not required.

B. Renewal of Defeated Motions. Defeated motions may be renewed only under suspension of the rules.

C. Priority of Privileged Motions. Privileged motions shall have the following priority:

1. Fix time to adjourn
2. Give notice of reconsideration
3. Adjourn
4. Recess
5. Question of privilege of the body
6. Question of personal privilege

RULE 10. CLERICAL ERRORS.

Clerical errors that do not affect the substance of an ordinance or resolution, such as errors in numbering or errors in spelling, may be corrected by the Attorney upon discovery of the error.

RULE 11. VOTE REQUIRED.

The affirmative vote of five members of the Assembly shall be sufficient to take any action except as otherwise provided by Charter or ordinance and except in the following instances, which require the affirmative vote of at least six members:

- A. Limiting, extending, or closing debates
- B. Suspension of the rules
- C. Setting of or postponement of special orders
- D. Objection to consideration of question
- E. Motion for immediate vote (previous question)
- F. Rescind
- G. To take up a motion for reconsideration at the meeting at which the action to be reconsidered was taken

RULE 12. PARLIAMENTARIAN.

The Attorney shall act as the parliamentarian.

RULE 13. SESSIONS.

Each regular or special meeting of the Assembly constitutes a session for purposes of the rules.

RULE 14. PUBLIC PARTICIPATION CONFINED TO THAT AGENDA ITEM.

No person except a member or the Manager may participate in Assembly proceedings except as provided in the agenda item for public participation and except that the Attorney or Clerk may comment on professional or procedural aspects. Public participation shall be permitted on a motion to recess into executive session prior to the vote on such a motion. Public participation shall be permitted on all items on the agenda, except for meetings advertised as work sessions only, but shall not be permitted on items before the body for information or scheduling purposes except to the extent such public participation concerns scheduling only.

RULE 15. RECONSIDERATION.

A. What May Be Reconsidered. Main motions, amendments to main motions, privileged motions involving substantive questions, and appeals are subject to reconsideration. Procedural motions may not be reconsidered.

B. Who May Reconsider. Any member, whether or not that member voted on the prevailing side, may give notice of or move for reconsideration.

C. Effect of Notice. The effect of giving notice of reconsideration is to suspend all action on the subject of the notice until a motion for reconsideration is made and acted upon or until the time within which the motion for reconsideration may be made and acted upon has expired.

D. Time in Which Notice Must Be Taken Up. A notice of reconsideration expires unless a motion for reconsideration is made and acted upon prior to adjournment of the next regular meeting succeeding the meeting at which the action to be reconsidered occurred.

E. Successive Reconsideration. There may be only one reconsideration even though the action of the Assembly after reconsideration is opposite from the action of the Assembly before reconsideration.

F. Precedence. A motion for reconsideration has precedence over every main motion and may be taken up at any time during the meeting when there is no other motion on the floor.

G. Effect. A motion for reconsideration completely cancels the previous vote on the question to be reconsidered as though the previous vote had never been taken.

RULE 16. TELEPHONIC PARTICIPATION.

A. A member may participate via telephone in an Assembly meeting, or an Assembly Committee meeting, if the member declares that circumstances prevent physical attendance at the meeting. If the Mayor chooses to participate via telephone, the Deputy Mayor shall preside.

B. No more than the first three members to contact the Clerk regarding telephonic participation in a particular meeting may participate via telephone at any one meeting.

C. The member shall notify the Clerk and the presiding officer, if reasonably practicable, at least four hours in advance of a meeting which the member proposes to attend by telephone and shall provide the physical address of the location, the telephone number, and any available facsimile, email, or other document transmission service.

D. At the meeting, the Clerk shall establish the telephone connection when the call to order is imminent.

E. A member participating by telephone shall be counted as present for purposes of quorum, discussion, and voting.

F. The member participating by telephone shall make every effort to participate in the entire meeting. From time to time during the meeting the presiding officer shall confirm the connection.

G. The member participating by telephone may ask to be recognized by the presiding

officer to the same extent as any other member.

H. To the extent reasonably practicable, the Clerk shall provide backup materials to members participating by telephone.

I. If the telephone connection cannot be made or is made then lost, the meeting shall commence or continue as scheduled and the Clerk shall attempt to establish or restore the connection, provided that if the member participating by telephone is necessary to achieve a quorum, the meeting shall be at ease, recess, or adjourn as necessary until the telephone connection is established or restored.

J. Meeting times shall be expressed in Alaska time regardless of the time at the location of any member participating by telephone.

K. Participation by telephone shall be allowed for regular, special, and committee meetings of the Assembly.

L. Remarks by members participating by telephone shall be transmitted so as to be audible by all members and the public in attendance at the meeting, provided that in executive session the remarks shall be audible only to those included in the executive session.

M. Any member of the public present with the member participating by telephone shall be allowed to speak to the same extent he would if physically present at the meeting.

N. As used in these rules, "telephone" means any system for synchronous two-way voice communication. "Mayor" includes the Acting Mayor or any other member serving as chair of the meeting.

RULE 17. ADOPTION OF ROBERT'S RULES OF ORDER.

The conduct of the meetings of Assembly shall be governed by the Mayor according to Robert's Rules of Order, 11th Edition, except as otherwise provided by Charter, law, or these rules.

Section 2. Repeal of Resolution. Resolution No. 2781 is repealed.

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

Adopted this _____ day of _____, 2019.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



MEMORANDUM

DATE: July 25, 2019
 TO: Maria Gladyszewski, Chair of Committee of the Whole
 FROM: Robert Palmer, City Attorney
 SUBJECT: Criminal Justice Reform

The State recently adopted a suite of criminal justice reform legislation. The State legislation clarified ambiguous terms, reclassified crimes, and generally lengthened penalties. Because the CBJ criminal codes generally mirror the applicable State criminal laws to avoid confusion and to enable the CBJ to independently prosecute cases to protect the community, I recommend the Committee of the Whole authorize me to prepare an ordinance to make the following amendments.

An ordinance can be ready for introduction on August 19 and set for public hearing at the next meeting, which is scheduled for September 16. There would be an additional 30-day waiting period before the CBJ could prosecute any changes. During that time, the CBJ would continue to prosecute under the existing CBJ laws and refer any egregious cases to the District Attorney to be considered under the new State laws.

Code Section	Change	Reason
01.40.010: Violations Penalty	Updated penalties	HB49 changes the penalties for a class A misdemeanor and class B Misdemeanor to the pre-SB91 penalties. All Class A's are now a maximum of 1 year, with no exceptions. Class B's have increased to 90 days. *Note: the penalties for a disorderly conduct are now 72 hours and 10 days (if there are priors), you will find this in the DC code itself.

01.40.060: Costs	Updated language.	This new language fixes a conflict in code that was potentially limiting our ability to collect cost of incarceration over \$1000. So, for example, in DUI cases we are able to collect up to \$2000 (see title 72), by changing the language in 01.40.060 it ensures there is no conflict.
03.30.050: Failure to Appear (FTA)	Updated language	HB49 changes Failure to Appear (FTA) back to a class A misdemeanor if the person is awaiting trial for a misdemeanor, all qualifying/limiting language put in by SB91 has been removed.
42.05.100: Attempt	New code section.	This is a new section recommended by Law. By adding this in, prosecutors will have more options in charging and plea-bargaining. Language matches state statute.
42.05.130: Definitions	New code section.	Adds in clear definitions for DV and family violence cases, and clarifies that AS 11.81.900 governs. Language matches state statute.
42.05.110: Violation of Conditions of Release (VCOR)	Penalties updated	HB49 changes Violation of Conditions of Release (VCOR) back to the pre-SB91 language. This removes the five day limit on incarceration time and makes it an A misdemeanor if you violate while on felony conditions of release.
42.10.020: Reckless Endangerment	Language is modified to match state statute	This change is for consistency with the state and will assist JPD, as they can charge under either state statute or city code. This language is slightly broader than current code.

42.10.030: Stalking	New code section	This is a new section recommended by Law. Currently CBJ can prosecute stalking protection order violations, but we have no stalking provisions. This will allow the CBJ to help the community by being able to prosecute the underlying behavior to minimize the need for people being afraid enough to seek a stalking protective order. JPD will have more flexibility to send a case to either the state or CBJ.
Theft Crimes 42.15.020: Larceny 42.15.025: Theft by Failure to Make Disposition of Funds 42.15.030: Theft by Receiving 42.15.040: Concealment 42.15.050: Theft of Lost Property 42.15.060: Bad Checks 42.15.070: Theft of Services 42.15.080: Theft by Deception 42.15.085: Fraudulent Use	Language updated to match state language and updated per HB49: Penalties, priors, and inflation updated.	HB49 updated all theft related crimes. HB49 made major updates as to inflation and penalty. The penalties are now back to the pre-SB91 levels; further, we no longer have to take into account inflation when calculating the value. *Larceny: Existing CBJ language is cumbersome. For example, there is no definition of "steal" which is problematic for jury instructions and trial. This update matches state language. *Theft by deception: Has an update to the mens rea of "purposefully," which does not exist and there is no definition. The mens rea is modified to "knowingly" which matches state statute and reflects current practice.
42.15.110: Criminal Mischief	Updates mens rea to "knowingly" and inflation updated.	Updated the language to match the state and to remove the mens rea of "purposefully." The mens rea is modified to "knowingly" which matches state statute and reflects current practice. HB49 removes the need to adjust for inflation.
42.15.115: Possession of Motor Vehicle Theft Tools	New code section.	This is a new law under HB49. We anticipate that this will more often be used by the state, but it allows JPD to charge city code if needed.

42.15.150: Prior Convictions	New code section.	This is a new provision under HB49 that defines prior convictions for theft and concealment of merchandise cases.
42.15.160: Determination of Value	New code section.	This is a new section as part of HB49's removal of the inflation calculation requirements. This clarifies how we determine the value of an item by cross-referencing the state statute. HB 49 allows JPD and prosecutors to combine the value of services or property taken by a defendant over a 180 day period when determining value for the charge.
42.20.080: Destructive Devices	Updates mens rea to "knowingly."	Updates the mens rea of "purposefully," which does not exist and there is no definition, to "knowingly" which matches state statute and reflects current practice.
42.20.085: Weapons on School	Correct to Class A misdemeanor	This is a correction to the class of misdemeanor; it should be a class A per state statute.
42.20.090: Disorderly Conduct	Update mens rea and make penalty changes.	Updates the mens rea of "purposefully," which does not exist and there is no definition, to "knowingly" which matches state statute and reflects current practice. HB49 updates the penalties for DC: 72 hours for first offense, and 10 days if you have priors.
42.20.095: Disturbing the Peace	Update language	Adds in a section which matches state code to clarify "noise." This is purely for consistency of language and to clarify what is already in practice by JPD.
42.20.100: Riot	Deleted	Deleted – this will be handled at the State level as it is now a class C felony. This is most often used for jail riots.

42.20.110: Harassment	Updated language.	HB14 added a provision prohibiting sending, publishing, or distributing pictures of genitalia. For example, posting pictures on Facebook, social media, etc.
42.20.120: Obstructing Highways	Update mens rea.	Updates the mens rea of “purposefully,” which does not exist and there is no definition, to “knowingly” which matches state statute and reflects current practice.
42.25.010: Indecent Exposure	New code section.	The CBJ currently has an “open lewdness” provision, which is a class B misdemeanor. This new section adds a class A option which matches state language. This will give JPD additional options and will ensure that our charges can be used as priors for aggravated indecent exposure charges (felony level for repeat offenders).
42.25.020: Prostitution	Deleted	Deleted – this will be best handled at the state level. There has been major changes in state statute in regards to how law enforcement combats sex trafficking, prostitution, and the promotion of prostitution. The state has more flexibility and resources to handle these cases – which often cross municipal boundaries.
42.30.015: Escape	Updated language.	This update is to ensure we match state language for consistency. It also reflects current practice and case law.
42.30.020: Terroristic Threat	Deleted	Deleted – this will be best handled at the State level. Under HB 49 state statutory language is more broad and is designated as a class C felony.

42.30.040: False Report	Updated language	This update is to ensure we match state language for consistency. It also reflects current practice and case law.
42.30.080: Unlawful Contact	Updated penalties	This update is to ensure we match state language for consistency. It also reflects current practice and case law.
42.30.085: Tampering	New code section.	This is a new code section which was added at the request of JPD. This language matches state statute, and will allow JPD to charge under either state law or CBJ code.
42.30.090: Failure to Maintain Custody	Updated language.	This update is to ensure we match state language for consistency. It also reflects current practice and case law. Updates the mens rea of "purposefully," which does not exist and there is no definition, to "knowingly" which matches state statute and reflects current practice.
72.10.010: DUI	Updated language to add CRCs and other places for EM. Updated the lookback period.	HB49 added in language that allows defendants to serve time at a Community Residential Center and clarifies when/where electronic monitoring is allowed. In addition, we have corrected the "lookback" period to match state statute and current practice.
72.10.012: Refusal	Updated language to add CRCs and other places for EM. Updated the lookback period.	HB49 added in language that allows defendants to serve time at a Community Residential Center and clarifies when/where electronic monitoring is allowed. In addition, we have corrected the "lookback" period to match state statute and current practice.

72.10.028: Driving with License Revoked or Suspended (DWLR/S)	Updated penalties	HB49 expanded the driving with license revoked/suspended language to add that a person may be charged at a higher level (class A misdemeanor) level if they have prior convictions for driving without a license (for any reason). Currently it can only be an A misdemeanor for a specific list of suspensions, for example, DUI and/or refusal convictions.
72.10.040: Failure to Use Headlights	New language	Under HB49, the state added this to their statute and added part 3. The CBJ already had this as a code violation, but it has been updated to match the new state language.
72.23.100: Impoundment	"Shall" to "May"	The language change allows JPD more flexibility to deal with impounded vehicles. This matches current practice and CBJ code 72.22 language.
72.23.101: Presumptions	"Shall" to "May"	The language change allows JPD more flexibility to deal with impounded vehicles. This matches current practice and CBJ code 72.22 language.
72.23.104: Definitions	Corrected the lookback period.	We have corrected the "lookback" period to match state statute and current practice.

/RP