

# ASSEMBLY HUMAN RESOURCES COMMITTEE THE CITY AND BOROUGH OF JUNEAU, ALASKA

March 16, 2020 5:30 PM  
Assembly Chambers

## AGENDA

### I. ROLL CALL

### II. APPROVAL OF AGENDA

### III. APPROVAL OF MINUTES

### IV. PUBLIC PARTICIPATION

(Not to exceed a total of 10 minutes nor more than 2 minutes for any individual).

### V. AGENDA TOPICS

#### A. Board Matters

1. Resolution 2883: A Resolution Temporarily Amending Resolution 2862 Related to the Assembly Rules of Procedure and COVID-19.

In light of the public health social distancing recommendations, this resolution would temporarily amend the Assembly Rules of Procedure to do three things (1) allow up to five Assemblymembers to participate by telephone, (2) to encourage seating for members of the public to be three to six feet apart, and (3) to encourage CBJ public meetings with substantial public interest to be live broadcast, like with Facebook Live. Members of the public will still be provided a public comment opportunity at meetings. However, members of the public are encouraged to email the Assembly or use the online Assembly Contact Form to provide public comments.

The social distancing recommendations for COVID-19 were discussed at the Special Committee of the Whole on March 9. Additional COVID-19 updates were provided at the Assembly Finance Committee meeting on March 11.

**This resolution will also be presented to the Assembly on March 16 for consideration.**

2. Ordinance 2020-16: An Ordinance Amending the Civil Defense Code to Improve City and Borough of Juneau Procedures for Emergencies.

This ordinance would amend CBJC 03.25, the Civil Defense Organization chapter to be consistent with current emergency management practices.

3. Ordinance 2020-15: An Ordinance Amending the Continuity of Government Code to Improve City and Borough of Juneau Procedures for Emergencies.

The draft ordinance will be uploaded before the meeting on Monday.

#### B. Other Business

## **VI. STAFF REPORTS**

## **VII. COMMITTEE MEMBER COMMENTS AND QUESTIONS**

## **VIII. 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](mailto:city.clerk@juneau.org)

Presented by:  
Presented: 3/16/2020  
Drafted by: R. Palmer III

**RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2883**

**A Resolution Temporarily Amending Resolution 2862 Related to the Assembly Rules of Procedure and COVID-19.**

WHEREAS, COVID-19 or coronavirus is a contagious virus that is actively spreading across the world, including in the United States; and,

WHEREAS, public health officials describe that COVID-19 is most severe in people older than 65 and people with underlying health conditions like heart disease, lung disease, and diabetes; and

WHEREAS, public health officials currently recommend social distancing measures that minimize large group meetings and that encourage people to stay six feet apart; and

WHEREAS, the boards, commissions, and committees of the City and Borough of Juneau host multiple public meetings a week; and

WHEREAS, consistent with Resolution 2686 Rule 9, the Assembly Rules of Procedure govern the Assembly's advisory boards, commissions, and committees; and

WHEREAS, upon balancing the health risks of COVID-19 and transparent government principles, the Assembly finds it necessary to temporarily change how City and Borough of Juneau public meetings are conducted; and

WHEREAS, public comment opportunities still exist at public meetings, and members of the public are encouraged to submit comments in writing, like by emailing [BoroughAssembly@juneau.org](mailto:BoroughAssembly@juneau.org) or by filling out the online Assembly Contact Form, <https://beta.juneau.org/assembly/assembly-contact-form>; and

WHEREAS, Resolution 2862 Rule 16.N defines telephone or telephonic as “any system of synchronous two-way voice communication,” which could include tradition telephones and internet-based internet audio or video applications;

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

**Section 1. Telephonic Participation.** Rule 16(A-B) of Resolution 2862 is amended as follows:

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 ~~five~~ three members to contact the Clerk regarding telephonic participation in a particular meeting may participate via telephone at any one meeting.

**Section 2. COVID-19 Public Meeting Prevention and Mitigation.** Resolution 2862 is amended by adding a new Rule as follows:

**Rule 18. COVID-19 Public Meeting Prevention and Mitigation.**

**A. Public seating area.** Overflow rooms should be made available with live audio or video of the meeting. To the extent reasonable, overflow seats for members of the public should be three to six feet apart in the regular meeting area and in any overflow rooms.

**B. Member seating area.** If multiple members attend telephonically, members are free to sit in a vacant seat to provide the maximum spacing between members.

**C. Alternative public broadcasting.** This provision only applies to public meetings of the City & Borough of Juneau Assembly and its committees, boards, and commissions. In addition to regular Assembly meetings broadcasts, meetings with substantial public interest should be live broadcast in a manner that is reasonably calculated to provide meaningful public observance of the public meeting. The chair of a committee, board, or commission has discretion, unless overruled by majority vote, if and how a meeting should be broadcast.

**D. Essential agenda items only.** The committees, boards, and commissions of the City and Borough of Juneau shall only hold meetings for essential agenda items. Nonessential agenda items must be delayed. Essential items can include time sensitive permit decisions, legislation, appropriation matters, continuity of operation matters, and public health matters. The chair of a committee, board, or commission has discretion to determine if a potential agenda item is essential or nonessential. Non-essential public meetings must be canceled. Public meetings with essential items in which public comment is required should allow for public comment by telephone. Meeting agendas should be evaluated one month at a time.

**Section 3. Sunset Provision.** This resolution shall automatically expire and no longer have effect after November 24, 2020.

**Section 4. Effective Date.** This resolution shall be effective immediately after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

---

Beth A. Weldon, Mayor

Attest:

---

Elizabeth J. McEwen, Municipal Clerk

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

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. draft 2020-16 HRC v1**

**An Ordinance Amending the Civil Defense Code to Improve City and Borough of Juneau Procedures for Emergencies.**

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

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment of Title.** Title 3, Administration, is amended to read:

**Chapter 03.25 Emergency Management Organization ~~Civil Defense~~  
~~Organization~~**

**03.25.010 - Established.**

There is hereby created the City and Borough Emergency Management Organization to plan ~~for, respond to, recover from, and mitigate civil defense organization to and recover from~~ prevent minimized, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, ~~or~~ public health threats, or ~~similar emergencies.~~ The emergency management ~~civil defense~~ organization shall consist of the director, the members of the assembly, the officers and employees of the City and Borough, and

1  
2 such additional members, volunteer or otherwise, who may be selected by the director or the  
3 assembly.

4  
5 **03.25.020 - Director.**

6 The director of the City and Borough emergency management ~~civil defense~~ organization shall  
7 be the manager, or someone appointed by the manager, if there is such an appointed person,  
8 who shall serve until removed or until replaced by the manager. The director shall have  
9 responsibility for the organization, administration, training and operation of the emergency  
10 management ~~civil defense~~ organization, subject to the direction and control of the manager if  
11 the director is a person other than the manager.

12  
13  
14 **03.25.030 - Continuity in office.**

15 The provisions of chapter 03.35 of this title "Continuity of Government" are hereby made  
16 applicable to all members of the City and Borough emergency management ~~civil defense~~  
17 organization.

18  
19  
20 **03.25.040 - Authority of director of the emergency management organization ~~civil~~**  
21 **defense; duties and responsibilities.**

22 (a) The director of emergency management organization ~~civil defense~~ shall have the authority  
23 to request the declaration of the existence of an emergency by the assembly or by higher  
24 authority. In the event that it is deemed necessary to declare the existence of an emergency  
25

1  
2 without delay, the director may, if the assembly is not in session, do so, but such action shall be  
3 subject to confirmation by the assembly at its next meeting.

4 (b) The duties and responsibilities of the director of the emergency management organization  
5 ~~civil defense~~ shall include the following:

- 6 (1) The control and direction of the actual or training efforts of the emergency  
7 management ~~civil defense~~ organization of the City and Borough;
- 8 (2) The determination of all questions of authority and responsibility that may arise  
9 within the emergency management ~~civil defense~~ organization of the City and Borough;
- 10 (3) The maintenance of necessary liaison with other municipal, area, state, regional,  
11 federal or other emergency management or ~~civil defense~~ organizations;
- 12 (4) The marshaling, after the declaration of an emergency as provided for above, of all  
13 necessary personnel, equipment or supplies from any department of the City and Borough  
14 to aid in the carrying out of the emergency operation ~~civil defense~~ plan;
- 15 (5) The issuance of all necessary proclamations as to the existence of an emergency and  
16 the immediate operational effectiveness of the emergency operation ~~civil defense~~ plan;
- 17 (6) The issuance of reasonable rules and regulations which are necessary for the  
18 protection of life and property in the City and Borough, including rules and regulations  
19 applicable to blackouts and air raids;
- 20 (7) The supervision of the drafting and execution of mutual aid agreements entered into  
21 by the City and Borough;
- 22 (8) The supervision of and final authorization for the procurement of all necessary  
23 supplies and equipment, including acceptance of private contributions;
- 24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(9) The authorizing of agreements, after approval of the City and Borough attorney, for the use of private property for air raid shelter and other purposes;

(10) The supervision of the drafting and execution of the emergency operation ~~civil~~ defense plan, and the constant updating of such plan as required. The emergency operation ~~civil~~ defense plan shall be adopted by the assembly by resolution.

**03.25.050 - Functions and duties.**

The functions and duties of the City and Borough emergency management ~~civil defense~~ organization shall be distributed among such departments, divisions, services, and special staff as the assembly shall prescribe by resolution. Any such resolution shall set forth the form of organization, establish and designate services, assign functions, duties and powers, and designate officers and employees to carry out the provisions of this chapter. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the federal government and the recommendations of the ~~civil defense agency of the state~~.

**03.25.060 – Reserved ~~Civil defense workers oath required.~~**

~~Each person serving as a member of the City and Borough civil defense organization shall, prior to assuming duties, take an oath which shall be substantially as follows:~~

~~"I \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully~~

1  
2 ~~discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I~~  
3 ~~do not advocate, nor am I a member of, or an affiliate of, any political party or organization,~~  
4 ~~group, or combination of persons that advocates the overthrow of the government of the United~~  
5 ~~States or of this State by force or violence; and that during such time as I am a member of the~~  
6 ~~City and Borough of Juneau Municipal Civil Defense organization I will not advocate or become~~  
7 ~~a member or affiliate of any organization, group or combination of persons or of any political~~  
8 ~~party that advocates the overthrow of the government of the United States or of this State by~~  
9 ~~force or violence."~~  
10

11  
12 **03.25.070 - Lights during blackouts declared public nuisances.**

13 Any light displayed contrary to any order, rule or regulation promulgated pursuant to the  
14 provisions of this chapter constitutes a public nuisance, and when deemed necessary in order to  
15 protect life or property during blackouts or air raids, the police are authorized and directed to  
16 enter upon any premises within the City and Borough, using reasonable force, and extinguish  
17 lights or take other necessary action to make effective any order, rule or regulation  
18 promulgated under the authority conferred by this chapter.  
19

20  
21 **03.25.080 - Unauthorized warning or all-clear signals prohibited.**

22 Any unauthorized person who operates a siren or other device so as to simulate a blackout  
23 signal or air raid, or the termination of a blackout or air raid, is guilty of a violation of this  
24 chapter, and shall be subject to the penalties imposed by this chapter.  
25

1  
2  
3  
4 **03.25.090 - Conflicting ordinances, orders, rules and regulations suspended.**

5 At all times when the orders, rules and regulations made ~~and promulgated~~ pursuant to this  
6 chapter shall be in effect, they shall supersede all existing ordinances, rules, orders and  
7 regulations insofar as the latter may be inconsistent therewith.  
8

9  
10 **03.25.100 - Conflict with state or federal statutes.**

11 This chapter shall not be construed so as to conflict with any state or federal statute, or with  
12 any military or naval order, rule or regulation.  
13

14 **03.25.110 - Municipal or private liability.**

15 (a) This chapter is an exercise by the City and Borough of its governmental functions for the  
16 protection of the public peace, health, safety. Consistent with Alaska law, ~~and~~ neither the City  
17 and Borough, the agents and representatives of the City and Borough, nor ~~or~~ any individual,  
18 receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof, in  
19 good faith carrying out, complying with or attempting to comply with, any order, rule or  
20 regulation made ~~promulgated~~ pursuant to the provisions of this chapter, shall be liable for any  
21 loss or damage sustained to person or property as a result of such activity.  
22

23 (b) Any person owning or controlling real estate or other premises who voluntarily and without  
24 compensation grants to the City and Borough a license or privilege, or otherwise permits the  
25 City and Borough to inspect, designate and use the whole or any part, or parts of such real

1  
2 estate or premises for the purpose of sheltering persons during an actual, impending or practice  
3 enemy attack, shall, together with all successors in interest, if any, not be civilly liable for the  
4 death of, or injury to, any person or about such real estate or premises under such license,  
5 privilege or other permission, or for loss of, or damage to, the property of such person.  
6

7  
8 **03.25.120 - Emergency declared by governor.**

9 If the governor declares that an a civil defense emergency exists in the event of actual enemy  
10 attack upon the United States or the occurrence within the state of a major disaster resulting  
11 from enemy sabotage or other hostile action, ~~or~~ natural causes, public health threat, or similar  
12 emergency it shall be the duty of the emergency management ~~civil defense~~ organization to  
13 cooperate fully with the state ~~civil defense agency~~ and with the governor in the exercise of  
14 emergency powers as provided by law.  
15

16 **03.25.130 - Expenses of civil defense.**

17 No person shall have the right to expend any public funds of the City and Borough in carrying  
18 out any emergency management ~~civil defense~~ activity authorized by this chapter without prior  
19 approval by the assembly, nor shall any person have any right to bind the City and Borough by  
20 contract, agreement or otherwise without prior assembly approval. In the event of any disaster,  
21 and for the duration of the exigency, City and Borough contracts or purchases may be entered  
22 without regard to the procedures or formalities otherwise prescribed, when the object of the  
23 contract or purchase is to procure such services, supplies, equipment or materials as may be  
24 necessary to combat any disaster, or to protect and provide emergency assistance to victims of a  
25

1  
2 disaster. ~~This section is ordained under the authority of Charter section 5-16; it is not a waiver~~  
3 ~~of any other Charter requirement or of any provision in the ordinance creating the finance~~  
4 ~~department and stipulating fiscal procedures.~~  
5

6 **03.25.140 - Emergency locations; governmental powers.**  
7

8 (a) Whenever, due to an emergency consistent with this chapter ~~resulting from the effects of~~  
9 ~~enemy attack~~, it becomes imprudent, inexpedient or impossible to conduct the affairs of local  
10 government at the regular or usual place, or places thereof, the assembly may meet at any place  
11 within or without the City and Borough limits on the call of the manager or any four members  
12 of the assembly, and shall proceed to establish and designate by ordinance, resolution or other  
13 manner alternate or substitute sites or places as the emergency temporary location, or  
14 locations, of government where all or any part of the public business may be transacted and  
15 conducted during the emergency situation. Such sites or places may be within or without the  
16 territorial limits of the City and Borough, and may be within or without the state.  
17

18 (b) During the period when public business is being conducted at the emergency temporary  
19 location, or locations, the governing body—including its boards, commissions, committees—and  
20 other officers of the City and Borough shall have and possess, and shall exercise at such  
21 location all of the executive, legislative and judicial powers and functions conferred upon such  
22 body and officers by or under the Constitution or laws of the state, and the Charter and  
23 ordinances of the City and Borough. Such powers and functions may be exercised in the light of  
24 the exigencies of the emergency situation without regard to, or compliance with, time  
25 consuming procedures and formalities prescribed by rule or ordinance, and all acts of such body

1  
2 and officers shall be valid and binding as if performed within the territorial limits of their City  
3 and Borough.

4  
5 **03.25.150 - Violations.** *[this section needs more updating]*

6 It is unlawful for any person willfully to obstruct, hinder or delay any member of the emergency  
7 management ~~civil defense~~ organization in the enforcement of any rule or regulation issued  
8 pursuant to this chapter, or do any act forbidden by rule or regulation issued pursuant to this  
9 chapter, or do any act forbidden by any rule or regulation issued pursuant to the authority  
10 contained in this chapter. It is likewise unlawful for any person to wear, carry or display any  
11 emblem, insignia, or any other means of identification as a member of the City and Borough  
12 emergency management ~~municipal civil defense~~ organization unless authority so to do has been  
13 granted to such person by the proper officials. Convictions for violations of the provisions of this  
14 chapter shall be punishable according to section 01.40.010 of this Code.  
15  
16

17 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.  
18

19 Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.  
20

21 \_\_\_\_\_  
Beth A. Weldon, Mayor

22 Attest:

23  
24 \_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk  
25