

ASSEMBLY COMMITTEE OF THE WHOLE WORKSESSION MINUTES

February 26, 2024 at 6:00 PM

Assembly Chambers/Zoom Webinar



Assembly Committee of the Whole Worksession

Public Testimony will only be taken during the Special Order of Business Public Hearing section.

<https://juneau.zoom.us/j/95424544691> or 1-253-215-8782 Webinar ID: 954 2454 4691

A. CALL TO ORDER

Deputy Mayor Michelle Hale called the meeting to order at 6:01p.m.

B. LAND ACKNOWLEDGEMENT

Assemblymember Ella Adkison provided the following land acknowledgement:

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

C. ROLL CALL

Assemblymembers Present: 'Wáahlaal Gídaag (Zoom), Christine Woll, Ella Adkison, Paul Kelly (Zoom), Wade Bryson, Alicia Hughes-Skandijs (Zoom), Greg Smith, Deputy Mayor Michelle Hale, and Mayor Beth Weldon.

Clerk's note: Due to technical difficulties mid-way through the meeting, the internet connection at City Hall was lost and became intermittent resulting in the loss of the Zoom participants approximately 30 minutes prior to the end of the meeting. Since there was still a quorum present at City Hall, those present completed the final work on agenda item 7 (Title 3 & Title 85 changes re: Tourism Office) and adjourned the meeting.

Assemblymembers Absent: *None*

Staff Present: City Manager Katie Koester, City Attorney Robert Palmer, Deputy City Manager Robert Barr, Municipal Clerk Beth McEwen, Deputy City Clerk Diane Cathcart, Tourism Manager Alix Pierce, Assistant Attorney Emily Wright, Assistant Attorney Sherri Layne, Superintendent of Schools Frank Hauser, Lands Manager Dan Bleidorn, Port Director Carl Uchtyl (Zoom), Housing Officer Joseph Meyers (Zoom)

D. APPROVAL OF AGENDA

The agenda was approved as presented.

E. APPROVAL OF MINUTES

1. April 3, 2023 Assembly Committee of the Whole Draft Minutes
2. November 6, 2023 Assembly Committee of the Whole Draft Minutes (*corrected version*)

MOTION by Ms. Woll to approve the minutes of the April 3, 2023 COW meeting and the November 6, 2023 meeting with corrections as noted in the packet and asked for unanimous consent. *Hearing no objections, both sets of minutes were approved.*

F. SPECIAL ORDER OF BUSINESS - PUBLIC HEARING

Instructions for Public Participation

The public may participate in person or via Zoom webinar. Members of the public who do not wish to testify but would like to watch the proceedings live, can do so through the [CBJ YouTube Livestream](#). ***Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278 and indicating the topic(s) upon which they wish to testify.*** For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Testimony time will be limited by the Mayor based on the number of participants. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.gov.

The following ordinances were introduced at the February 23, 2024 Special Assembly meeting, scheduled for public testimony during this Assembly Committee of the Whole Meeting and set for final public hearing and Assembly action at the March 4, 2024 Regular Assembly meeting.

- 3. Public Hearing: Ordinance 2023-14(b)(AD) An Ordinance Providing for a One-Time Loan in FY24 to the Juneau School District for up to \$4.1 Million Dollars.**
- 4. Public Hearing: Ordinance 2023-14(b)(AB) An Ordinance Providing up to \$3,922,787 to the Juneau School District for Non-instructional Costs for FY24.**
- 5. Public Hearing: Ordinance 2024-01(b)(A) An Ordinance Providing up to \$1,650,405 to the Juneau School District for Non-instructional Costs for FY25.**

Public Testimony:

Mr. Neil Stichert, a resident of Mendenhall Valley and parent of two students in the Juneau school system, said he attended the School Board meeting last week. He noted the board made its final decision after midnight during the very early hours of the morning after a grueling 7 hour meeting. He said that boardmembers had stated that they had not met or meaningfully discussed some of the detailed aspects of all the options. He noted that at the same time the school board was meeting, the State House passed legislation affecting school finances and the Base Student Allocation (BSA) formula funding in real time that same night. He expressed concern about School Board members' demeanor, students, staff, teachers and members of the public were present and tensions were high and he feels the board made a decision under duress. He said that his sophomore attending Thunder Mountain has reported to him that they are already feeling the backlash of that decision in a Hunger Games style hostile environment. He spoke to the impacts the School Board's decision is having on the student body and that there is speculation flying around the community without a truly viable plan. He suggested the Assembly withhold or make a condition of the FY25 CBJ funding that the School Board provide a comprehensive analysis if the restructuring of the schools and how their recent decision will impact the student body. He said that he does not think the recent changes proposed by the School Board will have a chance to be implemented without significant impacts and a reduction in enrollment of our current student body.

Mr. Smith said that he listened to the 7 hour meeting and asked if Mr. Stichert if he heard about the plan that the School Board will be putting forward in the coming months.

Mr. Stichert said he did hear them discuss their proposed plan but that there is a lot to be figured out with respect to their proposal and he doesn't think JSD will be ready by August for all the proposed changes. He said the School Board is in a tremendously difficult position and suggests the Assembly hold open the FY25 component of the support that the Assembly hold that open until it is more fleshed out if at all possible.

Deputy Mayor Hale invited JSD Superintendent Frank Hauser to come forward and provide an update on the timeline of where they are with respect to the finances and planning process.

Superintendent Hauser reported that the Board of Education (School Board) met on Thursday February 22 and early Friday morning February 23, they made a decision on the school consolidation plan. He noted that tomorrow, Tuesday, February 27, they have a Special School Board Meeting to discuss the FY24/FY25 budgets. He said that during that discussion, they will be looking at enrollment numbers, the PTR (pupil/teacher ratio), staffing assignments, looking at the next steps for the preparation for next school year. They will be looking at the remainder of funding for FY24, including discussion on the ordinances currently before the Assembly, and how that ties into the FY25 budget. He said that the next regular meeting of the board is on March 7 and they will be having the first reading of the FY24 budget revisions as well as the FY25 budget in addition to the reduction in force plan – those will all be on for first reading. He said the second reading of those items will be on the March 12 School Board regular meeting. They are currently going through with staff to put all the pieces together, including those mentioned during public testimony. They are working on the transition as some students are already working on enrolling in courses for the next year so they are working on a combined course list for the classes going into next year. For staffing purposes, they are working on all things moving forward and hope to have additional information in the near future on what that will ultimately look like.

Deputy Mayor Hale reminded those who were participating in this meeting via Zoom, that the deadline to sign up to testify via Zoom was at 4pm today. She noted that anyone in the Assembly Chambers who wanted to testify could still sign up to do so. There being no further testimony at that time, she invited Manager Koester to provide an overview of the next agenda topic on Title 3/85 changes related to tourism.

G. AGENDA TOPICS

6. Title 3 Establishing a Tourism Office & Title 85 Duties of Docks & Harbors (D&H)

Manager Koester gave an overview of the two ordinances in the packet related to Title 3 (Tourism Office) and Title 85 (duties of the Docks & Harbors Board). She went through each section where there are proposed changes. She then answered a number of questions from Assemblymembers as related to the substantive changes in the ordinances.

Mr. Bryson asked how this ordinance change might impact the job description for the Tourism Manager?

Manager Koester said that following the VITF recommendations, they established a position in the Manager's office at a high level position that has been given the authority to negotiate on behalf of CBJ. The ordinance changes provide some more structure for the Manager to assign the Tourism Manager as the client department or the project manager for any project with substantial relationship to cruise ship tourism. She explained what that looks like logistically using the Engineering/Public Works model. In most instances, the Port Engineer will be the project manager but by adding this language to the code, it would give the Tourism Manager either the role of a client department or a co-project manager and they would have direct role in influencing and being part of that project. The Tourism Manager would not take over the role of the Engineer who has the expertise for those types of project but it does ensure the Tourism

Manager has a substantive seat at the table. Examples of the types of projects this would include are Dock Electrification, and Seawalk Expansion. She said that while these examples are docks and harbors focused, another example would be Eaglecrest as it expands into summer operations and that would be a nexus where they would want the Tourism Manager to have a seat at the table to help look at the broader community tourism aspects.

Mayor Weldon stepped away at 6:20 from the meeting for approximately 3 minutes during this presentation.

Manager Koester, going through the Title 85 ordinance, said that on page 1 of the ordinance, line 24, it is explicit as to the responsibilities of the D&H Board which is still responsible for boat launch ramps and harbors and still does maintenance of the docks as well. She said that this section clarifies what the D&H Board would NOT be responsible for which includes dock rate setting, scheduling or policy related to the cruise ship industry or interaction between the industry and the citizens of Juneau including the impact from tours.

Ms. Woll said that she is curious about what this will do to the rate setting process. She said that her understanding is that right now D&H proposes rate changes and the Assembly gets to either approve those or sends them back to D&H for reconsideration at a high level. She said that she agrees that may not serve the Assembly, given their goals, but she isn't sure what this change would mean in terms of a process moving forward as she sees that both entities have a key part to play with the rates.

Manager Koester provided a recent example of some miscommunication that had occurred with respect to dockage rates. The D&H Board had been working on their rates for both harbors and docks and brought forward a 9% proposed increase across the board to both. At that same time, the Manager's office had been in negotiations with the cruise industry about dockage rates and there was a misunderstanding as to who was charged with working on that task. Manager Koester said this ordinance change was to try to bring better alignment of the roles and responsibilities for each agency and moving forward, the Manager would bring those rates forward to the Assembly.

Ms. Woll asked Manager Koester what role the D&H board would have in that process.

Manager Koester explained that the Manager's office would consult with D&H on those but this ordinance doesn't mandate that so if the Assembly wants to have that formalized, that would need to be a change included in this ordinance. She then pointed to the section of the ordinance found on page 2 of the ordinance lines 4-10 and that provides increased communication between the Manager and the D&H Board as well as the Assembly.

Manager Koester then addressed the change to page 5 of the ordinance, lines 14 where it is repealing the language of 85.02.065 that currently reads: ***"Limitation on authority. The Board of Directors of the City and Borough Docks and Harbors Board may commit the City and Borough to long range port development or capital improvement plans or projects only as authorized in advance by the assembly by ordinance or resolution."*** Manager said that the reason for repealing this section is that if it were to be left in this code section, it means that the long range waterfront plan and any bigger capital improvement projects associated with the docks are something that the Assembly wants to give the Docks & Harbors Board direction to work on. She said that the reality is that, as she understands it, that is what the Assembly was wanting to do at the Assembly level long range planning so this ordinance change is to clarify those roles.

Mr. Smith asked Manager Koester what CBJ staff would work on those things, if that would be the Tourism Manager or someone else. Manager Koester said that would be as designated by the City

Manager. In case of long range planning, it would be the Tourism Manager. Notably, it is long term capital planning but not capital improvement projects as those are still under the D&H duties as found on page 3 of the ordinance, starting on line 23. Under that section D&H maintains control of the CIPs unless otherwise specified by the Assembly by resolution. She noted this does not remove the capital project management piece, it just specifies for bigger picture planning. She said the Seawalk is one instance that type of planning that crosses multiple departments and is greater than the impact on one small project and would be headed up by the Tourism Manager.

Ms. Hughes-Skandijis asked for clarification that this would remove all long term planning from the D&H but that they are managing the project at the project level. Manager Koester said that is correct and that what she is not saying is that they would be removed entirely from dock projects, they would still be involved in the dock projects, but they would just not be the lead department. In continuing her overview of the ordinance, Manager Koester noted that on page 6 of the ordinance, starting at line 21, it states that the Port Director shall take direction from the city manager or their designee on all things related to cruise ship tourism.

Manager Koester said that was the end of her of her formal overview of the ordinances but that Port Director Uchytel and D&H Chair Etheridge were also available to answer any questions the Assembly may have.

Mr. Smith asked who would be in charge of things if they were developing a port on the back side of Douglas, who would be dealing with that planning and if that would be the Tourism Manager. Manager Koester said that is a fairly large project that would have a number of departments involved including master planning and other work involved. She said that in the event there is a nexus with tourism, the Tourism Manager or Manager's designee such as a project manager from Engineering/Public Works would be involved. She explained that when she thinks of the backside of Douglas, she thinks of developing a port that would handle freight and something like that might be handled by Engineering or D&H. She spoke to a collaboration between those two departments when there are shared services involved.

Mr. Bryson asked if there was an end date or exit strategy for these changes. He said that while we may be moving in this direction now, will it still be necessary 10-20 years from now and would we even have a Tourism Director at that point. He asked if there would be something that would cause them to go away than what we are working on now. Manager Koester said that is a difficult question as it is presupposing future Assemblies and future budgets. She said that the underlying question is "Do we see this a temporary clarification of the roles and responsibilities of the D&H Board?" She said that she does not see it as temporary. She sees the community of Juneau struggling with managing tourism from a wholistic view which is beyond the docks and is complex problem solving. She sees a wide variety of factors having an influence as an economic reality that anything can happen to change our reality. There are so many unknowns but she doesn't see this as a temporary change.

Ms. Adkison said that seeing this as a significant change in the D&H staff roles and responsibilities, does Manager Koester anticipate any change in staff capacity, making some staff not necessary? Manager Koester said that she wants to be clear that the ordinance speaks to the roles, responsibilities, and duties of the board rather than staff. She said that obviously staff has to implement the will of the board but D&H spends a tremendous amount of time managing and securing the docks and there are major maintenance and operational duties for dock staff to continue as they have been. She said that the primary affect of this ordinance is in providing a seat at the table for the Tourism Manager.

MOTION by Mayor Weldon to ask the Assembly liaisons to bring these proposals to all the empowered boards and bring back their responses. Also moved to introduce the two ordinances at April 1 Regular Assembly Meeting and asked for unanimous consent.

Mayor Weldon asked D&H Chair Etheridge when their next meeting is being held. He said that it is scheduled for Thursday, February 29. Mayor Weldon invited members of the Assembly to attend that meeting to hear what the D&H Board thoughts are on these proposed ordinances.

Mr. Smith objected for purposes of a question for staff. He asked the Manager how they can make sure that there isn't an inordinate amount of work getting dumped onto the Tourism Manager and he asked what types of chains of command were in place to protect that position. Manager Koester noted that as far as workload is concerned, D&H staff would have a pivotal role in managing projects in Docks & Harbors both. She said it is a very professionally run department and she feels they can still maintain those duties and expectations.

Mr. Smith said that he has faith and thinks that the manager and D&H staff can work out the differences and he removed his objection.

At 6:47p.m. TECHNICAL DIFFICULTIES & LOSS OF INTERNET CONNECTIVITY CAUSED THE MEETING TO MOVE UP TO CONFERENCE ROOM 224 AND ZOOM CONNECTION COULD ONLY BE RESUMED INTERMITTENTLY.

Deputy Mayor Hale called for an at ease at the request of the Clerk to try to troubleshoot the connectivity. During the troubleshooting period, staff suggested that the meeting move upstairs to the City Hall Conference Room #224 to see if they could re-engage with those on Zoom. Clerk McEwen dialed into the Zoom feed from her phone to notify members of the Assembly and public participating on Zoom that they were trying to reestablish the feed to the live meeting. It was discovered that the internet connections for all of City Hall went down at that point.

At 7:03p.m. the meeting resumed in Room 224. There continued to be intermittent connectivity issues.

Deputy Mayor Hale invited a member of the public who came in late to testify on the ordinances that were up for public hearing at the beginning of the meeting.

Ms. Nanibah Frommherz, a student at Thunder Mountain High School, stated that she plays varsity basketball and cross country varsity and she thanked the Assembly for their time and thanked them for considering helping out the Juneau School District as it means a lot to her.

Ms. Woll thanked Ms. Frommherz for being at this meeting. She said that last Friday at its Special Meeting, the Assembly decided to have this public hearing on these ordinances but that they did not get a lot of public participation. She asked Ms. Frommherz, from her perspective, how we could get the word out better so that folks know about the decisions the Assembly will be making in the next week.

Ms. Frommherz said that she hears a lot about school board meetings from the school newsletter as well as from Instagram. Deputy Mayor Hale thanked Ms. Frommherz for coming to testify.

Deputy Mayor Hale stated that since there was still a quorum of members present in City Hall Room 224 that we would proceed with the remainder of the meeting to finish up this one agenda item and all other agenda items would be taken up at a later meeting.

AMENDMENT #1 by Ms. Woll to direct the City Attorney to draft language in Ordinance 2024-10vCOW1 (Amending Chapter 85.02) to include language that Docks and Harbors would be consulted for any rate changes prior to them coming to the Assembly.

When asked what portion of the ordinance that language would fall under, Ms. Woll said that it would likely fall in the General Powers section and she asked the City Attorney to use his judgement on where it would be best to include that language. City Attorney Palmer asked Ms. Woll if she would approve him making a similar change to Ordinance 2024-04vCOW1 (Amending Chapter 03.15) to mirror that language in both ordinances for clarity. Ms. Woll said that would be acceptable to her and she asked for unanimous consent. *Hearing no objection, that motion passed by unanimous consent of those present in the room.*

AMENDMENT #2 by Ms. Woll to restore the language on page 5 of Ordinance 2024-10vCOW1, lines 14-18 that was removing 85.302.065 as noted above. Objection by Mayor Weldon for purposes of a question.

Mayor Weldon asked the City Attorney to speak to the removal of that language and the consequences if it were restored. Attorney Palmer explained that if that language were left in the ordinance, it conveys that the Assembly is giving the Docks and Harbors Board the authority and direction to commit CBJ to long range port development or CIP projects unless they are explicitly directed not to.

Ms. Woll said the intent of her amendment is that in her mind, this should be a collaborative process and she would be happy to work with the Attorney on crafting other language for this section. **After hearing additional clarification from the City Attorney and other Assemblymembers stating that they supported the removal of that section from the ordinance, Ms. Woll withdrew her Amendment #2.**

Mayor Weldon said that the Assembly will be the primary decision maker for any long range port development and CIP projects related to tourism and that they will consult with the D&H Board.

Deputy Mayor Hale asked for any further discussion on the main motion as amended. Hearing no further discussion, the main motion, as amended by Amendment #1, passed by unanimous consent.

Deputy Mayor Hale noted that due to the continued lack of internet connection, the remaining items on the agenda as noted below would be taken up at a future meeting.

- 7. Resolution 2986 A Resolution Repealing and Reestablishing the Assembly Rules of Procedure.**
- 8. Resolution 3022 A Resolution adopting Guidelines for the Juneau Affordable Housing Fund.**
- 9. Downtown City Office Space - Verbal Update**

H. STAFF REPORTS

I. NEXT MEETING DATE: March 11, 2024, 6:00p.m.

J. SUPPLEMENTAL MATERIALS

K. ADJOURNMENT

Deputy Mayor Hale adjourned the meeting at 7:16p.m.