



ASSEMBLY HUMAN RESOURCES COMMITTEE AGENDA

June 09, 2025 at 6:00 PM

Assembly Chambers/Zoom Webinar

<https://juneau.zoom.us/j/95241164899> or 1-253-215-8782 Webinar ID: 952 4116 4899

A. CALL TO ORDER

B. 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

D. APPROVAL OF AGENDA

E. APPROVAL OF MINUTES

1. May 19, 2025 Assembly HRC Meeting Minutes - Draft

F. AGENDA TOPICS

2. Parks & Recreation Advisory Committee (PRAC) Appointment

Per [Ordinance 2022-64\(b\)\(am\)](#) members shall be appointed by the Assembly. Members shall be appointed to staggered three-year terms. A new member shall be seated upon appointment and serve until their term ends or until their successor is appointed. The PRAC shall advise the Assembly regarding all Parks and Recreation Department managed lands, facilities, and services including, but not limited to, the Treadwell Arena, the Aquatics Facilities, and the Jensen-Olson Arboretum.

Current PRAC [Roster](#)

There is one vacant seat for an unexpired term beginning immediately and ending April 30, 2026 and one applicant for that seat.

Suggested Motion: *I move the Assembly Human Resources Committee forward to the full Assembly for approval, the appointment of _____ to the Parks & Recreation Advisory Committee for an unexpired term beginning immediately and ending April 30, 2026 and ask for unanimous consent.*

3. Ordinance 2025-17 Building Code Advisory Committee & Building Code Board of Appeals Dissolution

G. STAFF REPORTS

Verbal update on number of Empowered Board Applications received for Airport, Docks & Harbors, Eaglecrest Boards and the vacant Planning Commission Seat.

Tentative Meeting Dates for Interviews/Appointments:

Monday, June 23 - PC & Docks & Harbors Applicants

Thursday, June 26 - Airport & Eaglecrest Applicants

H. STANDING COMMITTEE TOPICS - *for discussion as meeting time allows*

Review of Boards/Committees: current board legislation, membership numbers/terms, recruitment, and creating diversified boards/committees to better reflect Juneau's population.

2025 Assembly Goal 4a: Adopt a naming policy that acknowledges Juneau's history and indigenous culture.

I. COMMITTEE MEMBER COMMENTS AND QUESTIONS

J. NEXT MEETING DATE

K. SUPPLEMENTAL MATERIALS

L. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, e-mail: city.clerk@juneau.gov.

ASSEMBLY HUMAN RESOURCES COMMITTEE MINUTES - **DRAFT**

May 19, 2025 at 6:00 PM



Assembly Chambers/Zoom Webinar

<https://juneau.zoom.us/j/95241164899> or 1-253-215-8782 Webinar ID: 952 4116 4899

A. CALL TO ORDER *Chair Adkison called the Assembly Human Resources Committee meeting to order in the Assembly Chambers and via Zoom at 6:00p.m.*

B. LAND ACKNOWLEDGEMENT – *read by Assemblymember Steininger*

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

Present: Chair Ella Adkison, Wade Bryson, Neil Steininger, and Maureen Hall

Absent: None

Staff/Others Present: Deputy City Clerk Di Cathcart, City Clerk Beth McEwen, Mayor Beth Weldon, and Meeting Tech Kevin Allen

D. APPROVAL OF AGENDA – *approved as presented*

E. APPROVAL OF MINUTES – *approved as presented*

1. April 7, 2025 Assembly HRC Meeting Minutes - Draft

F. AGENDA TOPICS

2. Parks & Recreation Advisory Committee (PRAC) Appointments

Per [Ordinance 2022-64\(b\)\(am\)](#) members shall be appointed by the Assembly. Members shall be appointed to staggered three-year terms. A new member shall be seated upon appointment and serve until their term ends or until their successor is appointed. The PRAC shall advise the Assembly regarding all Parks and Recreation Department managed lands, facilities, and services including, but not limited to, the Treadwell Arena, the Aquatics Facilities, and the Jensen-Olson Arboretum.

Current PRAC [Roster](#)

There are four seats up for action; three seats with terms due as of April 30, 2025 and one seat open with an unexpired term ending April 30, 2026. All three incumbents have reapplied.

MOTION: by Mr. Bryson that the Assembly Human Resources Committee forward to the full Assembly for approval, the reappointment of **Josh Anderson**, **Danika Swanson** and **Paulette Schirmer** all to terms beginning May 1, 2025 and ending April 30, 2028 to the Parks and Recreation Advisory Committee and asked for unanimous consent. **Hearing no objection, motion passed.**

3. Letter from Douglas Advisory Board RE: Membership Seats – *Information only, no action or discussion taken by the Assembly HRC.*

4. Douglas Advisory Board (DAB) Appointment

Per [Resolution 2331](#), the Douglas Advisory Board is a seven-member board appointed by the Assembly; and to be appointed to the DAB they must reside on Douglas Island. The purposes of the board shall be

to advise Assembly and the City and Borough administration on matters which affect Douglas Island and its facilities and residents.

There is currently one vacant seat for an unexpired term on the Douglas Advisory Board for a term beginning immediately and ending September 30, 2025. Since the term end date is within 6 months of expiring the HRC can also recommend appointment to a full-term following the unexpired term.

[Current DAB Roster](#)

There is one application in the HRC packet for consideration.

MOTION: by Ms. Hall that the Assembly Human Resources Committee forward to the full Assembly for appointment **Carmen Katasse** to the Douglas Advisory Board for an unexpired term beginning immediately and ending September 30, 2025 followed by a full-term beginning October 1, 2025 and ending September 30, 2028 and asked for unanimous consent. **Hearing no objection, motion passed.**

5. Setting Dates for Empowered Board Interviews: Airport, Docks & Harbors, and Eaglecrest Boards

Possible Dates

Tues. June 17, Wed. June 18 – Doesn't work for most members

Mon. June 23 - Works for most members

Wed. June 25 – Doesn't work for most members will look at adding Thursday, June 26 if a second date is needed.

G. STAFF REPORTS - None

H. STANDING COMMITTEE TOPICS - *for discussion as meeting time allows*

Review of Boards/Committees: current board legislation, membership numbers/terms, recruitment, and creating diversified boards/committees to better reflect Juneau's population.

Mr. Bryson commented the committee needs to continue to look at how CBJ gets a more diversified group to apply for the various boards and committees.

2025 Assembly Goal 4a: *Adopt a naming policy that acknowledges Juneau's history and indigenous culture.*

I. COMMITTEE MEMBER COMMENTS AND QUESTIONS - None

J. NEXT MEETING DATE

June 9, 2025 at 6:00pm Assembly Chambers/Zoom

K. SUPPLEMENTAL MATERIALS - None

L. ADJOURNMENT

There being no further business to come before the HRC committee, meeting adjourned at 6:18 p.m.

Presented by: The Manager
Presented: 12/12/2022
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-64(b)(am)

An Ordinance Reorganizing and Consolidating the Aquatics Board, the Treadwell Arena Advisory Board, the Jensen-Olson Arboretum Advisory Board, and the Parks and Recreation Advisory Committee.

WHEREAS, the Jensen-Olson Arboretum Advisory Board was most recently created by Resolution 2377 (12/11/2006); and

WHEREAS, the Parks and Recreation Advisory Committee was most recently created by Resolution 2646 (6/3/2013); and

WHEREAS, the Treadwell Arena Advisory Board was most recently created by Ordinance 2019-04(b) (1/28/2019); and

WHEREAS, the Aquatics Board was most recently created by Ordinance 2019-03(b) (1/28/2019); and

WHEREAS, the Assembly appreciates the community engagement and extensive volunteer hours members of the Jensen-Olson Arboretum Advisory Board, the Treadwell Arena Advisory Board, the Aquatics Board, and the Parks and Recreation Advisory Committee invested into our community; and

WHEREAS, the current Assembly Advisory Board Rules of Procedure are located in Resolution 2686 (6/9/2014); and

WHEREAS, Resolution 2686 requires appointments to advisory boards based on talent and interest instead of race, creed, color, age, religion, national origin, sex, marital status, political ideology, sexual orientation, or sensory, mental or physical handicap; and

WHEREAS, Resolution 2686 also requires diverse appointments to advisory boards to reflect a membership appropriate for accomplishing the goals of the board, which should include cultural, social, political, technical, and economic viewpoints sufficient to ensure wide-ranging and active debate; and

WHEREAS, consolidation of the Jensen-Olson Arboretum Advisory Board, the Treadwell Arena Advisory Board, and the Aquatics Board duties into the Parks and Recreation Advisory Committee is in the best interest of the community because recruitment and retention of 43 engaged volunteers is challenging, board morale is low when meetings are not meaningful, staff

support time can be better spent on other projects, and fewer boards representing a larger portion of the community would be more effective and impactful.

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

Section 1. Classification. Sections 2, 3, 4, and 7 are noncode provisions. Sections 5 and 6 are code provisions.

Section 2. Repeal of Resolution 2377. Resolution 2377 is repealed. The Jensen-Olson Arboretum Advisory Board is dissolved upon the effective date of this ordinance.

Section 3. Repeal of Resolution 2646. Resolution 2646 is repealed. The Parks and Recreation Advisory Committee is reestablished consistent with Section 6 of this ordinance.

Section 4. Repeal of Ordinance 2019-04(b). Ordinance 2019-04(b) is repealed. The Treadwell Arena Advisory Board is dissolved upon the effective date of this ordinance.

Section 5. Repeal of Chapter 67.10. Chapter 67.10 – Aquatics Facilities is repealed and reserved. The Aquatics Board is dissolved upon the effective date of this ordinance.

Section 6. Amendment of Chapter 67.01. Chapter 67.01 – Recreation Areas is amended by adding articles to reestablish the Parks and Recreation Advisory Committee.

Chapter 67.01 – RECREATION AREAS

ARTICLE I. RECREATION AREA ORDINANCE

67.01.010 Short title.

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67.01.020 Other ordinances not affected.

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67.01.030 Areas regulated.

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67.01.040 Intent.

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67.01.045 Regulations.

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67.01.050 Hours of operation.

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67.01.080 Use; liability insurance.

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67.01.090 Prohibited uses.

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67.01.095 Motorized uses on Auke Lake.

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67.01.100 Criminal liability.

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ARTICLE II. PARKS AND RECREATION ADVISORY COMMITTEE**67.01.200 Establishment.**

There is established the Parks and Recreation Advisory Committee ("PRAC").

67.01.210 Membership.

(a) Membership. The members of the PRAC shall be nine citizens of the City and Borough of Juneau.

(b) Term. Members shall be appointed by the assembly. Members shall be appointed to staggered three-year terms. A new member shall be seated upon appointment and serve until their term ends or until their successor is appointed. A member serves at the pleasure of the assembly and may be removed at any time by an affirmative vote of six members of the assembly.

(c) Quorum. Five members constitutes a quorum.

67.01.220 Meetings.

(a) Procedure. The PRAC shall be governed by the Advisory Board Rules of Procedure, which generally follows Robert's Rules of Order.

(b) Regular and special meetings. The PRAC should hold regular meetings on a schedule established by the PRAC and may hold special meetings—at the call of the chairperson or three members—as necessary to conduct business.

67.01.230 Subcommittees.

(a) Jensen-Olson Arboretum Endowment Subcommittee. There is established a permanent subcommittee to advise on use of the Jensen-Olson Arboretum Endowment. This subcommittee should meet at least once per year and as necessary to effectuate the business of the endowment.

(b) Special subcommittees. The chairperson—subject to ratification by the PRAC—or majority of the PRAC may create temporary special subcommittees to facilitate any discrete PRAC business issue. Membership on subcommittees may include public seats in addition to PRAC members. While all PRAC members may attend and participate in subcommittee proceedings, only

designated subcommittee members may vote. Temporary subcommittees should exist for no longer than 24 months and dissolve upon completion of the enabling charge.

(c) Facilities Subcommittee. There is established a Facilities Subcommittee that will focus on the health and good repair of all facilities under the purview of the PRAC. At a minimum of two times per year the Facilities Subcommittee shall engage users of each facility to hear from those users and to plan for facility needs.

67.01.240 Duties.

(a) Intent. With the exception of parking management and facilities maintenance services provided to other departments, the PRAC should advise the assembly regarding all Parks and Recreation Department managed lands, facilities, and services including, but not limited to, the Treadwell Arena, the Aquatics Facilities, and the Jensen-Olson Arboretum.

(b) The PRAC should review and provide recommendations to the parks and recreation director and assembly regarding the following:

- (1) Planning and development of all aspects of recreation and associated issues affecting parks and recreation in the community.
- (2) The Capital Improvement Plan (excluding Facilities Maintenance and Centennial Hall).
- (3) The department's Fee Schedule (excluding parking).
- (4) Adopted and proposed legislation, including regulations, related to the department.
- (5) Acquisition or disposal of City and Borough of Juneau lands managed or dedicated for park or recreation purposes.
- (6) Naming of parks or recreation facilities.

67.01.250 Staff Assistance.

Staff support and assistance to the PRAC may be provided by the City Manager as available and appropriate.

The director of each parks and recreation facility shall provide quarterly reports to the PRAC.

Section 7. Parks and Recreation Advisory Committee Transition Period. The Assembly intends on reestablishing the PRAC by May 1, 2023. Current members of the PRAC will continue to serve through April 30, 2023, and need to reapply if interested in a future PRAC position. In addition to new public members, all members of the Jensen-Olson Arboretum Advisory Board, the Treadwell Arena Advisory Board, and the Aquatics Board are encouraged to apply for a PRAC position. The Assembly shall appoint transitional PRAC positions as follows: three members for one-year terms, three members for two-year terms, and three members for three-year terms.

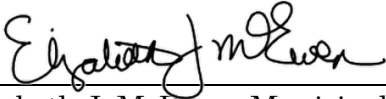
Section 8. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 27th day of February, 2023.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk



Published on *City and Borough of Juneau Alaska Meetings* (<https://juneau-ak.municodemeetings.com>)

[Home](#) > [CBJ Board Application](#) > [Webform results](#) > CBJ Board Application

Submission information

Form: [CBJ Board Application](#) [1]
Submitted by Visitor (not verified)
Sun, 05/25/2025 - 9:57pm
24 237 5 137

First Name

Susan

Last Name

Crandall

Residence Address

[REDACTED]

Mailing Address

[REDACTED]

Primary Phone Number

[REDACTED]

Secondary Phone Number

[REDACTED]

Email

[REDACTED]

Board, Commission, Committee

Parks & Recreation Advisory Committee

Current of Prior Experience on CBJ Boards/Commissions/Committees

None

Reasons for Applying

I attended a meeting on how to run for assembly positions. There was a need for board members discussed. I am interested in the grounds and the services the park in Juneau offer. The impact I would have is to share with the community what Juneau's parks offers.

Qualifications

I have lived in Juneau since 1999. I have experienced many events and enjoy looking at the flowers that Juneau plants every year. I volunteer at some of the events.

Civic Activities, Memberships or Non-profits Involved With

I am involved with Office of Public Advocacy as a CASA volunteer

Working with a Group

I work with all different kinds of families as a CASA volunteer I have worked with 3 native kids and 2 non native kids.

Meeting Schedule and Attendance

Yes

Date of Birth (Optional)**Ethnicity (Optional)****Gender (Optional)****Acknowledgment/Certification**

Susan Crandall

Resume, Education, etc. (Optional)

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Presented by: The Manager
Presented: 06/09/2025
Drafted by: Law Department

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 4019

A Resolution Setting Forth the Rules of Procedure for the Title 19, Title 53, and Title 69 Appeal Board.

WHEREAS, the Assembly has created an appeal board of three hearing officers to review decisions made under Title 19, Title 53, and Title 69; and

WHEREAS, this appeal board replaces the Bidding Review Board, Sales Tax Board of Appeals, Building Code Advisory Committee, and the Building Code Board of Appeals; and

WHEREAS, this Resolution codifies the Rules of Procedure for the new appeal board.

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

Section 1. The Assembly hereby approves the Rules of Procedure for the Title 19, Title 53, and Title 69 Appeal Board, attached as Exhibit A.

Section 2. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this _____ day of _____, 2025.

Attest: _____
Beth A. Weldon, Mayor

Breckan L. Hendricks, Municipal Clerk

CITY AND BOROUGH OF JUNEAU RULES OF PROCEDURE FOR TITLE 19, 53, AND 69 APPEALS BOARD

1. Intent and Construction

These Rules of Procedure are established pursuant to Ordinance 2025-17. A list of hearing officers will be established by the Manager's Office to handle appeals made under Title 19, Title 53, or Title 69. A hearing before the City and Borough of Juneau Hearing Officers Appeal Board is intended to be an informal, fair proceeding for review of a final agency decision not addressed by another hearing procedure. These rules of procedure are intended to ensure the expeditious resolution of appeals and protests and shall be interpreted in a manner consistent with that intent.

2. Parties

The parties to the hearing may include (a) protestor/appellant; (b) department representative; (c) any bidder or process participant; and (d) an intervener.

3. Rules of Evidence

Any relevant document, information, or testimony which a responsible person would rely on in the conduct of serious affairs may be considered, regardless of the existence of any common law, statutory, or court rule that might make such evidence inadmissible in a civil or criminal action. This shall include any documents or information relied upon by the agency decision maker. The Hearing Officers will rule on any objections to the evidence presented.

4. Attendance

A party or the party's designated representative may attend the hearing. A party who has received timely notice and fails to attend the hearing, without good cause, waives the right to participate in the hearing.

5. Burden of Proof

The protestor/appellant bears the burden of proof of establishing by a preponderance of the evidence that the decision should be reversed or modified.

6. Prehearing Procedures

The Hearing Officers may hold a prehearing conference to settle, simplify, or identify the issues in a proceeding and to set timeframes as necessary if briefing is requested by the parties, or to consider other matters that may aid in the expeditious disposition of the proceeding.

7. Conduct of Hearing

- a. The Hearing Officers shall preside over the hearing, maintain decorum, and assure that all parties have a reasonable opportunity to present their cases.
- b. The hearing shall be recorded. A party may request a copy of the recording or a transcript of the hearing from the Clerk's Office. The requesting party shall bear the cost of copying or transcription.
- c. The Hearing Officers may ask the parties questions concerning any matter related to the hearing at any time. The Hearing Officers may recess and reconvene the hearing for the convenience of the participants and the Hearing Officers.

- d. Unless otherwise determined by the Hearing Officers, the hearing shall proceed as follows:
 - (1) Each party may make a short opening statement summarizing their position and the evidence they intend to introduce (5 minutes);
 - (2) The party with the burden of proof shall present their evidence through testimony and introduction of exhibits (20 minutes);
 - (3) The other parties, starting with the CBJ staff, shall then present their evidence through testimony and introduction of exhibits (20 minutes each);
 - (4) The Hearing Officers may allow the party with the burden of proof to present additional rebuttal evidence and testimony (up to 10 minutes);
 - (5) Each party may make a short closing argument summarizing their case and stating what action, if any, they believe the Hearing Officers should take (up to 5 minutes each); and
 - (6) The Hearing Officers will then ask any final questions.
- e. After the parties have presented their evidence and argument, the Hearing Officers shall deliberate in executive session or may recess and reconvene its deliberations as appropriate.

8. Best Interest Finding

If at any point the Manager or Manager's Designee makes a Best Interest Finding, the Hearing Officers' role is deemed moot and the appeal will be closed. Parties shall be notified and will receive a copy of the finding within 24 hours of issuance. The Best Interest Finding must include findings of fact and a determination on each issue presented based on the record available. The Best Interest Finding shall be submitted to the Assembly for review at the next regular Assembly meeting. The parties may include an objection/response in writing to the Best Interest Finding for consideration by the Assembly. The objection/response must be provided no later than 3 days after receiving notice of the Best Interest Finding.

9. Hearing Officers' Recommendation

The Hearing Officers shall issue a written recommendation containing findings of fact and conclusions of law on each of the issues presented. A recommendation may affirm, modify, or set aside an agency decision in whole or in part. The decision shall be submitted to the Manager no later than 10 working days after the close of the hearing.

10. Manager Decision

The Manager shall review the recommended decision of the Hearing Officers. Within 10 working days the Manager shall (a) accept the recommendation, (b) reject the recommendation and issue an independent decision, or (c) remand to the Hearing Officers for additional findings. The Manager's decision shall be in writing and set forth the reasons for the decision with specificity.

11. Assembly Review

- a. Under CBJC 53.50.062(n), if the bid amount contested is over \$750,000, the hearing officers' decision and recommendation will go directly to the Assembly for review.

- b. Manager's Decision on the Hearing Officers Recommendation. The Decision may be appealed to the Assembly as designated in Chapter 01.50.
- c. Best Interest Finding. If a Best Interest finding has been made, at its next regular meeting the Assembly shall review the Best Interest Finding and any objection/response received from the parties. The Assembly may affirm or reject the Best Interest Finding. If affirmed, the decision of the Assembly is final. If rejected the case will go back to the Hearing Officers at the stage in the process when the Finding was made. The Assembly may provide comments for consideration to the Hearing Officers.

12. Judicial Review.

A final decision by the Assembly may be appealed to the superior court in accordance with the Alaska Rules of Appellate Procedure.

**Staff Recommended Amendment to 2025-17 with
Companion Rules of Procedure Resolution #4019**

Presented by: The Manager
Presented: 04/28/2025
Drafted by: Law Department

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2025-17 v Staff Amendment 1

An Ordinance Amending the City and Borough Code Relating to Quasi-Judicial and Appeal Review Boards.

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 Chapter. Chapter 01.50, Administrative appeal procedures, is amended by adding the following section:

01.50.270 Hearing officers.

In the event of an appeal, a group of three hearing officers will be randomly selected to hear the appeal. Should any one of the persons selected not be available, the clerks will randomly select the next name, until a panel of three hearing officers are available.

- (a) If a hearing officer is needed to review decisions made under Title 19, Title 53, or Title 69, a list of available hearing officers will be established by the manager. Members of the Bidding Review Board, Sales Tax Board of Appeals, Building Code Advisory Committee, and Building Code Board of Appeals will be offered a position as a hearing officer as part of the repeal of these boards. To the extent feasible, hearing officers will have experience in the legal, financial, land use, fire, or building code fields. Hearing officers will be appointed for a period of three years. If no hearing officer is available, the manager may seek an outside appointment.

(b) Rules of Procedure will be established by resolution and reviewed and approved by the Assembly every five years.

~~(b)(c)~~ The hearing officers may:

- (1) Hold prehearing conferences to settle, simplify, or identify the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding;
- (2) Require parties to state their positions concerning the various issues in the proceeding;
- (3) Require parties to produce for examination those relevant witnesses and documents under their control;
- (4) Rule on motions and other procedural matters;
- (5) Regulate the course of the hearing and conduct of the participants;
- (6) Establish time limits for submission of motions or memoranda;
- (7) Impose appropriate sanctions against a person who fails to obey an order of the manager, including:
 - (A) Prohibiting the person from asserting or opposing designated claims or defenses or introducing designated matters into evidence;
 - (B) Excluding all testimony of an unresponsive or evasive witness; and
 - (C) Excluding a person from further participation in the hearing.
- (8) Take official notice of a material fact not appearing in evidence, if the fact is among the traditional matters subject to judicial notice;
- (9) Administer oaths or affirmations.

~~(e)(d)~~ A transcribed record of the hearing shall be made available at cost to a party that requests it.

~~(d)(e)~~ The hearing officer shall recommend a decision to the manager based on the evidence presented. The recommendation must include findings of fact and conclusions of law. The hearing officers shall issue a written recommendation containing findings of fact and conclusions of law on each of the issues presented. A recommendation may affirm, modify, or set aside an agency decision in whole or in part. The decision shall be submitted to the manager no later than 10 working days after the close of the hearing.

- ~~(e)(f) The manager may remand the matter to the hearing officer if additional findings are necessary. The manager shall review the recommended decision of the hearing officers. Within 10 working days, the manager shall (a) accept the recommendation, (b) reject the recommendation and issue an independent decision, or (c) remand to the hearing officers for additional findings. The manager’s decision shall be in writing and set forth the reasons for the decision with specificity.~~
- ~~(f) The manager shall release the final decision after the hearing or upon failure of the person to timely request a hearing. The decision shall be issued within 20 days of the hearing, unless otherwise noted in code. A decision takes effect immediately.~~
- ~~(g) A final decision may be appealed to the Assembly as designated in code or superior court in accordance with the Alaska Rules of Appellate Procedure.~~
- ~~(h) If, provided by code, a manager or manager’s designee makes a Best Interest Finding, the hearing officers’ role is deemed moot and the appeal will be closed. Parties shall be notified and will receive a copy of the finding within 24 hours of issuance. The Best Interest Finding must include findings of fact and a determination on each issue presented based on the record available. The Best Interest Finding shall be submitted to the Assembly for review at the next regular Assembly meeting. The parties may include an objection/response in writing to the Best Interest Finding for consideration by the Assembly. The objection/response must be provided no later than 10 working days after receiving notice of the Best Interest Finding. The Assembly may affirm or reject the Best Interest Finding. If affirmed, the decision of the Assembly is final. If rejected the case will go back to the Hearing Officers at the stage in the process when the Finding was made. The Assembly may provide comments for consideration to the Hearing Officers.~~

Section 3. Amendment of Chapter. Chapter 19.02, Board of appeals, is amended as follows:

19.02.010.1 ~~Created; membership~~ Reserved.

~~In order to determine the appropriateness of orders, decisions and determinations made by the building official or fire chief concerning the application and interpretation of the codes, there is created a board of appeals consisting of seven members. Members shall be appointed by the assembly on the basis of their general building construction expertise. General building~~

~~construction expertise may include, but is not limited to, knowledge, experience, or training relating to building construction, plumbing, mechanical, electrical, property maintenance, fire safety or other similar fields. Members of the board of appeals shall be appointed by the assembly for three year staggered terms. The board of appeals shall elect from its membership a chair and a vice chair and shall adopt reasonable rules for the conduct of its proceedings. The City and Borough shall provide secretarial and other staff support required by the board of appeals.~~

~~(Serial No. 2009-16(b), § 2, 9-21-2009; Ord. No. 2012-34, § 2, 8-27-2012)~~

19.02.010.2 Appeals.

Appeals shall be conducted in accordance with the adopted rules of procedure and must be filed within 20 days after the day the decision, notice, or order was served, except that if the order appealed from relates to a building or structure which has been determined by the building official to be in such condition as to make it immediately dangerous to life, limb, property or safety of the occupants, the public, or adjacent property and is ordered vacated and is posted in accordance with the applicable section of the International Property Maintenance Code as adopted, such appeal must be filed within ten days from the date of the service of notice and order of the building official. Appeals will be heard by a panel of hearing officers under CBJC 01.50.270.

(Serial No. 2009-16(b), § 2, 9-21-2009; Ord. No. 2012-34, § 2, 8-27-2012)

19.02.010.3 Limitations of authority.

An application for appeal shall be based on a claim that the true intent of the building codes or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of these codes do not fully apply, or an equally good or better form of construction is proposed. The hearing officers ~~board of appeals~~ shall not be empowered to waive requirements of the building codes.

All variance requests to IRC ~~323.3.1 through 323.3.5~~ 306 and IBC 1612 shall be heard by the Planning Commission, under procedures established per 49.70.410.

(Serial No. 2009-16(b), § 2, 9-21-2009; Serial No. 2021-19, § 11, 8-2-2021, eff. 9-1-2021)

Section 4. Amendment of Section. CBJC 19.01.119, Adoption of new international, national and uniform codes; procedures, is amended as follows:

19.01.119 Adoption of new international, national and uniform codes; procedures.

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2 Upon the publication of new or updated versions of the international, national and uniform
3 codes adopted under this title, ~~the building code advisory committee, with the assistance of the~~
4 building official and the fire chief, shall review the new codes and proposed changes. It is the
5 policy of the assembly to adopt international, national and uniform codes under this title with a
6 minimum of changes. Changes proposed should be justified primarily on the basis of conditions
7 in the City and Borough that require additional consideration. ~~Prior to proposing adoption of~~
8 ~~new codes and changes thereto, the building code advisory committee, with the assistance of~~
9 ~~the building official and the fire chief, shall conduct a public hearing on the proposed code and~~
10 ~~changes. After the hearing, the~~ The manager shall present an ordinance for the adoption of the
11 new code and changes recommended by the building code advisory committee. The building
12 official shall include with the ordinance a synopsis of the comments presented at the public
13 hearing.

(Serial No. 2009-16(b), § 2, 9-21-2009)

13 **Section 5. Repeal of Section.** CBJC 53.50.061, Bidding review board, is repealed
14 in its entirety.

15 **53.50.061 Bidding review board Reserved.**

- 16 ~~(a) — There is established a bidding review board. The bidding review board shall consist of~~
17 ~~five persons appointed by the assembly. To the extent possible, one of the members shall~~
18 ~~be an attorney licensed to practice law in the state. The members of the bidding review~~
19 ~~board shall serve three year terms. The bidding review board shall adopt written rules~~
20 ~~of procedure for the purpose of ensuring the expeditious resolution of protests. No~~
21 ~~member of the bidding review board who has served for three consecutive terms or nine~~
22 ~~years shall again be eligible for appointment until one full year has intervened,~~
23 ~~provided, however, that this restriction shall not apply:~~
24 ~~(1) — If there are no other qualified applicants at the time reappointment is considered~~
25 ~~by the assembly human resources committee, or~~
26 ~~(2) — To qualified board members serving in board seats for which a specific~~
27 ~~occupation or expertise is set forth by ordinance.~~
28 ~~(b) — The bidding review board shall hear protests as provided in this chapter and may~~
29 ~~perform such other related duties as the manager or assembly may, from time to time,~~
30 ~~request.~~

~~(Serial No. 93-11am, § 11, 1993; Serial No. 99-03, § 3, 1999; Serial No. 2004-08, § 7, 3-22-2004)~~

Section 6. Amendment of Section. CBJC 53.50.062, Protests, is amended as follows:

53.50.062 Protests.

- (a) A party may protest award to any other party of a competitive sealed bid or competitive sealed proposal, but such protest shall be heard only if protests have also been filed against the award recommended by the purchasing officer and against any other bid or proposal having a higher ranking than that of the party filing the protest.
- (b) A party shall provide written notice of intent to protest. Notice of intent to protest shall be delivered to the purchasing officer by 4:30 p.m. Alaska time the working day following posting by the purchasing officer of a notice of apparent low bidder or successful proposer. Late notices of intent to protest shall not be considered. The notice of intent to protest shall include the name and address of the protestor and a brief description of the grounds for the protest.
- (c) A written protest shall be filed with the purchasing officer within five working days after posting of notice of apparent low bidder or successful proposer.
- (d) A written protest shall, at a minimum, contain the following:
 - (1) The name, address, and telephone number of the interested party filing the protest;
 - (2) The signature of the interested party or the interested party's representative;
 - (3) Identification of the proposed award at issue;
 - (4) A statement of the legal or factual grounds for the protest;
 - (5) Copies of all relevant documents; and
 - (6) The fee required by section 53.50.080.
- (e) The purchasing officer shall reject an untimely or incomplete protest.
- (f) If a timely and complete protest is filed, the award of the contract shall be stayed until the protest is resolved, unless the manager determines in writing that award of the contract pending resolution of the protest is in the best interests of the City and Borough.
- (g) The purchasing officer shall issue a written response to the protestor within ten working days of the date the protest is filed. If multiple protests have been filed, they may be

consolidated for purposes of the response. Copies of the response shall be provided to any other protestor requesting one. The response may include an amendment of all or any part of the recommended award. The manager may, upon written request of the purchasing officer, for good cause shown, extend the date for the purchasing officer's response for such additional period as may be necessary.

- (h) A protestor aggrieved by the purchasing officer's response pursuant to subsection (g) of this section may request review ~~by a hearing officer~~ the bidding review board.
- (i) The protestor may seek review of the purchasing officer's response by providing written notice of intent to request review. The protestor shall notify the purchasing officer of the intent to request review by 4:30 p.m. Alaska time the working day following issuance of the purchasing officer's response. Late notices shall not be considered. ~~A written request for review shall be filed within five working days after the response is issued by the purchasing officer. The notice of intent to request review and the written request for review shall be in the same form as provided in subsections (b), (c), and (d) of this section.~~
- (j) A written request for review shall be filed within five working days after the response is issued by the purchasing officer. The notice of intent to request review and the written request for review shall be in the same form as provided in subsections (b), (c), and (d) of this section.
- ~~(k)(j)~~ Upon receipt of a timely and complete request for review of the purchasing officer's response, the matter shall be forwarded to the ~~hearing officers~~ under CBJC 01.50.270 ~~bidding review board~~ and a hearing date shall be established. Once the hearing date has been established, all bidders or proposers shall be notified of the hearing in writing.
- ~~(l)(k)~~ The ~~hearing officers~~ ~~bidding review board~~ shall conduct a hearing ~~and issue a recommendation~~ within ~~seven calendar~~ ten working days of the date the referral is made ~~to the board~~. The ~~hearing officers~~ ~~bidding review board~~ may, by written notice ~~to all bidders or proposers~~, extend this ~~seven-day~~ period to a maximum of 30 days. The hearing officers shall issue a recommendation no later than ten working days after closing the hearing. Hearings shall be conducted informally, with due regard for the rights of the parties involved. Hearings shall be recorded.

~~(m)(4)~~ The hearing officers' ~~bidding review board's~~ recommendation shall be based on the provisions of this Code interpreted in light of applicable state case law and generally accepted principles of government purchasing as set forth in standard treatises, decisions of the United States Comptroller General, and similar authorities. The recommendation shall contain findings of fact and conclusions of law.

~~(n)(m)~~ The hearing officers' recommendation:

(1) May include the following:

- (A) A recommendation that a designated bid in a competitive sealed bid or proposal process be accepted as the lowest qualified bid or proposal; or
- (B) A recommendation that one or more bids or proposals be considered or rejected or that the procurement process at issue be canceled;

(2) Shall not, except to the extent necessary to correct a failure to follow the procedures required by this chapter, include a recommendation for:

- (A) An amendment of the specifications for a bid or request for proposals;
- (B) A change in the criteria for selection of a proposal; or
- (C) An amendment, reordering, or reassessment of any qualitative judgment in the rating of a proposal;

(3) Shall not include a recommendation for:

- (A) Selection or rejection of any additive or deductive alternate; or
- (B) The payment of money, including attorney's fees, by the City and Borough or any party, provided that the recommendation may recommend a refund of protest fees or payment of bid preparation costs by the City and Borough to one or more bidders or proposers;

(4) Shall be forwarded to the manager, or assembly. If the bid amount is over \$750,000.00 as appropriate, for consideration in the award of the contract, the award shall not be made until after Assembly approval.

~~(o)(m)~~ The protest procedures established by this section, may be adapted for a procurement as necessary to maintain eligibility for state or federal funding for that procurement, provided that no such adaptation may authorize the board to grant a form of relief prohibited by subsection (m)(3) of this section.

(Serial No. 93-11am, § 12, 1993; Serial No. 95-20, § 2, 1995; Serial No. 96-31, § 5, 1996; Serial No. 97-11, § 2, 1997; Serial No. 99-03, § 4, 1999; Serial No. 2001-38, § 2, 7-2-2001; Serial No. 2019-43, § 2, 11-25-2019, eff. 12-25-2019)

Section 7. Amendment of Section. CBJC 69.05.104, Protest of tax, is amended as follows:

69.05.104 Protest of tax.

- (a) A buyer who protests the payment of the tax levied under this chapter shall pay the tax and shall provide the seller, marketplace facilitator collecting and remitting sales tax on behalf of the seller, or any transportation network company collecting the sales tax on behalf of a transportation network company driver, and the sales tax administrator with a written statement of protest within five working days of the sale that identifies the sale, rental, or service that is the subject of the tax protested, the amount of tax paid, the buyer's and seller's name, mailing address, telephone number, and the basis for the protest.
- (b) If the seller or marketplace facilitator collecting and remitting sales tax on behalf of the seller ~~a transportation network company that has collected or remitted sales tax on behalf of a transportation network company driver~~ protests liability for sales tax, penalties, or interest, the seller or marketplace facilitator ~~transportation network company~~ shall pay the tax, penalties, and interest under a written protest filed before or with the payment and setting forth the basis for the protest. No appeal under CBJC 01.50.270 ~~from the sales tax board of appeals~~ nor any action for a refund may be filed or maintained nor may a defense to nonpayment be maintained in a civil action unless the amount in dispute has been paid under protest as provided in this subsection. A protest accompanying a payment shall be deemed waived unless the protestor files an appeal under this chapter pursuant to and within 90 days of the protest.
- (c) An appeal under CBJC 01.50.270 ~~from the sales tax board of appeals~~ or an action for a refund may be filed, maintained, or both without the payment under protest otherwise required by subsection (b) of this section:
- (1) Upon a finding by the director of finance that:
- (A) The seller or marketplace facilitator collecting and remitting sales tax on behalf of the seller ~~the transportation network company on behalf of the~~

- ~~transportation network company driver~~ has registered for the sales tax and filed returns according to the schedule specified in this chapter;
- (B) The contested liability arises from an audit finding;
 - (C) The contested liability is not of a kind regularly remitted by similarly situated sellers; and
- (2) Subject to the requirement that if the appeal or action for refund is denied, interest, but not penalty, shall be charged notwithstanding relief under this subsection.

(Serial No. 83-66, § 13, 1983; Serial No. 85-44, § 7, 1985; Serial No. 2001-04am, § 2, 2-26-2001; Serial No. 2018-38(b)(am), § 10, 9-17-2018, eff. 10-18-2018)

Section 8. Amendment of Section. CBJC 69.05.180, Appeals, is amended as follows:

69.05.180 Appeals.

- (a) *Informal appeal.* For controversies involving taxable sales, sales taxes, penalties and interest not exceeding \$500.00, or involving procedures implemented by the treasurer, an appeal by a financially aggrieved taxpayer or merchant shall be directed to the treasurer. The treasurer shall advise the appellant of a date certain for a hearing and shall informally review the appeal claim, make written findings and state reasons for the decision. The decisions shall be maintained and indexed by the treasurer for review by the public. The appellant may appeal the decision of the treasurer to a panel of hearing officers ~~the board of appeals~~ within 15 days after receipt of the written decision of the treasurer and failure of the appellant to so appeal shall be deemed to be a waiver of any right to appeal such decision.
- (b) Hearing officers ~~Board of appeals~~.
- (1) In order to provide an appeal mechanism for controversies involving taxable sales, sales taxes, penalties and interest, and exceeding \$500.00, and in order to hear appeals from decisions of the manager as provided under subsection (a) of this section, a panel of hearing officers will be appointed, under CBJC 01.50.270, to hear controversies. ~~there is established a board of appeals which shall consist of five members appointed by the assembly for staggered three year terms. To the extent possible, one member of the board of appeals shall be a certified public~~

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2 accountant, one member shall be licensed to practice law in the state, and the
3 remainder shall be members of the general public. The board of appeals shall
4 elect from its membership a chair, a vice chair and a secretary. Three members
5 of the board of appeals shall constitute a quorum for the transaction of business.
6 The City and Borough shall provide secretarial and other staff support required
7 by the board of appeals.

8 No member of the sales tax board who has served for three consecutive terms or
9 nine years shall again be eligible for appointment until one full year has
10 intervened, provided, however, that this restriction shall not apply:

- 11 (A) — If there are no other qualified applicants at the time reappointment is
12 considered by the assembly human resources committee, or
- 13 (B) — To qualified board members serving in board seats for which a specific
14 occupation or expertise is set forth by ordinance.

15 (2) The hearing officers ~~board of appeals~~ shall conduct a hearing on a protest no
16 more than 60 days after the protest is filed. Decisions of the hearing officers
17 ~~board of appeals~~ shall be in writing and shall be maintained and indexed by the
18 manager for review by the public. Records and proceedings before the hearing
19 officers ~~board of appeals~~ are public, except that the hearing officers ~~board~~ may
20 deliberate in closed session. The hearing officers ~~board's~~ authority in its review
21 of sales tax appeals includes the authority to recommend, in writing, that the
22 manager compromise and abate penalties and interest, and to recommend, in
23 writing, that the manager negotiate and enter into payment plans for delinquent
24 sales taxes, penalties and interest.

25 (3) Hearings shall be conducted informally, with due regard for the rights of the
parties involved. Hearings shall be recorded. ~~The board of appeals shall adopt~~
~~rules of procedure governing sales tax appeals and proceedings before the board~~
~~of appeals which rules shall become effective upon adoption, or such later date as~~
~~the board may specify. Rules adopted by the board of appeals may not be~~
~~inconsistent with this chapter. Upon adoption by the board of appeals, the rules~~
~~and all additions and changes thereto shall be submitted to the assembly. The~~

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~~assembly may, by motion or resolution, modify any rules adopted by the board of appeals.~~

(c) *Review by assembly.* Any party to an appeal proceeding in this chapter shall have a right to review by the assembly in accordance with chapter 01.50 of this Code. (Serial No. 85-72, § 2, 1985; Serial No. 86-73, § 3, 1986; Serial No. 96-32, § 4, 1996; Serial No. 2001-04am, § 3, 2-26-2001; Serial No. 2002-13, § 2, 4-15-2002; Serial No. 2004-08, § 9, 3-22-2004)

Section 9. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2025.

Beth A. Weldon, Mayor

Attest:

Brecken L. Hendricks, Municipal Clerk