ASSEMBLY HUMAN RESOURCES COMMITTEE AGENDA

January 09, 2023 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 acknowledge that the City and Borough of Juneau is on Tlingit land, and wished to honor the people of this land, the Auk Kwaan and Taku Kwaan. 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. AGENDA TOPICS

1. **Juneau Commission on Aging Appointments**

   Per Resolution 2944; the JCOA shall consist of nine voting members appointed from the general public. Members shall be appointed to staggered two-year terms. The assembly shall appoint members from a diverse population of people with knowledge of issues relating to aging or with expertise on health, housing, transportation, finances, insurance, and other areas of concern for seniors in Juneau. At least five public members shall be 65 years of age or older. Four public members shall serve without restriction as to age.

   There are currently two (2) 65+ seats and two (2) general public seats all with terms running January 1, 2023 through December 31, 2024.

2. **Ordinance 2022-64 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**

   This ordinance would dissolve the Treadwell Arena Advisory Board, the Aquatics Board, the Jensen-Olson Arboretum Advisory Board, and transfer those board duties to the Parks & Recreation Advisory Board ("PRAC"). Because recruitment and retention for so many community volunteers is so difficult, we have prolonged vacancies and frequently cancelled meetings due to lack of quorum. Consolidation into the PRAC will result in more effective and impactful meetings, which will improve morale of board members and community engagement. If a discrete community concern arises, the PRAC or the Assembly would be able to create a temporary task force to address a future concern.

   The Assembly Committee of the Whole discussed this topic on November 7, 2022. The SRRC reviewed this ordinance on December 13, 2022. On January 3, 2023, the PRAC reviewed this ordinance and unanimously recommended the Assembly adopt it with a proposed amendment, which is presented by Assemblymember Smith. On January 9, 2023, the Assembly Human Resources Committee is scheduled to consider this item in light of the SRRC discussion.

F. STAFF REPORTS

Setting Date(s) for Empowered Board Interviews/Appointments

Possible Dates: Wed 1/25, Tues 1/31

G. STANDING COMMITTEE TOPICS

3. **Assembly Goals - Specific to Human Resources Committee**

Goal 4: Community, Wellness and Public Safety - Juneau is safe and welcoming for all citizens

A. Acknowldge and honor Juneau's indigenous culture, place names, naming policy and recognize Elizabeth Peratrovich Day.

B. Explore government to government relations with tribes.

H. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

I. NEXT MEETING DATE

Monday, January 30, 2023 Regular HRC Meeting @ 6pm

J. 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, TDD 586-5351, e-mail: city.clerk@juneau.org.

Presented by: The Manager
Presented: 03/22/2021
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2944

A Resolution Reestablishing the Juneau Commission on Aging and Repealing Resolution 2802.

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

Section 1. Commission Reestablished. The Juneau Commission on Aging (JCOA) is reestablished.

Section 2. Membership. The JCOA shall consist of nine voting members appointed from the general public. Members shall be appointed to staggered two-year terms. Incumbents serving on the JCOA at the time this resolution is adopted may continue to serve the remainder of their present term and are eligible for reappointment. The assembly shall appoint members from a diverse population of people with knowledge of issues relating to aging or with expertise on health, housing, transportation, finances, insurance, and other areas of concern for seniors in Juneau. At least five public members shall be 65 years of age or older. Four public members shall serve without restriction as to age.

Section 3. Purpose and Mission. The purpose of the JCOA is to advise the Assembly on issues regarding seniors in Juneau and to promote awareness of Juneau's senior population, the quality of life of seniors, and the role of seniors in the social and economic life of Juneau.

Section 4. Powers and Duties: The JCOA's powers and duties may include the following:

a. Promote senior citizen participation in the planning and development of programs which benefit and enhance the health, safety, and welfare of senior citizens in the City and Borough of Juneau.

b. Build a coalition among established groups and support programs working to address the needs of seniors. Assess and identify gaps in the senior service delivery system. Share information within the coalition and report findings to the Assembly.

c. Act to support the Assembly's Economic Plan as it relates to the senior economy.

d. Collect facts and statistics, and make studies of the conditions and problems pertaining to the employment, health, financial security, social welfare, and other factors that bear upon the well-being of older Juneauites. Act as plan manager and facilitator of the Juneau Senior Needs Survey.

e. Coordinate events in the month of May highlighting Older Americans Month.

Section 5. Procedures. The Commission's procedures shall be governed by the Rules of Procedure for Assembly Advisory Boards, as amended from time to time.

Section 6. Staff Assistance. The Manager or Manager's designee shall provide such staff support and assistance for the Commission to the extent funds are available for such support.

Section 7. Reserved.

Section 8. Repeal of Resolution. Resolution 2802 is repealed in its entirety.

Section 9. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this 22nd day of March, 2020.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

City and Borough of Juneau, AK

Juneau Commission on Aging

Board Roster

Janet M Beauchamp

2nd Term Jan 01, 2021 - Dec 31, 2022

Appointing Authority Assembly
Position Voting Member
Category Public Member over 65
Dais Seat 4

Jennifer Carson

2nd Term Jan 01, 2021 - Dec 31, 2022

Appointing Authority Assembly
Position Voting Member
Office/Role Public
Category Public
Dais Seat 6

Carol Ende

2nd Term Jan 01, 2021 - Dec 31, 2022

Appointing Authority Assembly
Position Voting Member
Office/Role Public
Category Public Member over 65
Dais Seat 2

Emily A Kane

3rd Term Jan 01, 2022 - Dec 31, 2023

Appointing Authority Assembly
Position Voting Member
Office/Role Chair
Category Public
Dais Seat 5

Susan H Warner

1st Term Aug 01, 2022 - Dec 31, 2023

Appointing Authority Assembly
Position Voting Member
Category Public Member over 65
Dais Seat 1

Ann M Stepetin

2nd Term Jan 01, 2022 - Dec 31, 2023

Appointing Authority Assembly
Position Voting Member
Category Public
Dais Seat 7

Linda E Kruger

2nd Term Jan 01, 2022 - Dec 31, 2023

Appointing Authority Assembly
Position Voting Member
Category Public Member over 65
Dais Seat 8

Kathleen Samalon

2nd Term Jan 01, 2022 - Dec 31, 2023

Appointing Authority Assembly
Position Voting Member
Category Public Member over 65
Dais Seat 3

Michelle Bonnet Hale

1st Term N/A - N/A

No Recruitment
Position Assembly Liaison
Office/Role Assemblymember
Category Assembly Liaison

Vacancy

Appointing Authority Assembly
Position Voting Member
Category Public
Dais Seat 9

Application Form

Profile

NOTE: PLEASE BE AWARE THAT ALL INFORMATION YOU PROVIDE ON THIS FORM AND ATTACHMENTS ARE OPEN TO PUBLIC REVIEW AND DISCLOSURE PURSUANT TO THE ALASKA PUBLIC RECORDS ACT.

[When completing the application, please put your "**MAILING"** address in the first address block labeled **"HOME."** The optional secondary address field is for your "**RESIDENCE"** address.]

Deborah
First Name

L
Middle Initial

Craig
Last Name

[redacted]
Email Address

[redacted]
Home Address

[redacted]
Suite or Apt

[redacted]
City

[redacted]
State

[redacted]
Postal Code

[redacted]
Primary Phone

[redacted]
Alternate Phone

Employer

Job Title

Residence Address if different from your Mailing "Home" Address listed above

[redacted]

Residence Address Line 2

Residence City

Residence State

Residence Postal Code

Comments

Residence and mailing address are the same.

Secondary Email Address (if any)

[redacted]

Which Boards would you like to apply for?

Juneau Commission on Aging: Submitted

Are you applying for reappointment to this board?

○ Yes ◉ No

If you are applying for more than one board, how many total boards are you willing to serve on?

☑ 1

Special Needs - please list any special needs below such as need for sign language interpreter, etc...

None

Interests & Experiences

Please tell us about yourself and why you want to serve. [*Contact the Clerk's Office at 586-5278 or city.clerk@juneau.org if you wish to submit a resume or CV*]

Please explain, with specificity, your reasons for applying to serve on this particular board.

I have been involved as a volunteer with the Juneau Commission on Aging since September 2021 and worked on the development of the Southeast Regional Eldercare Coalition, a group dedicated to improving services to seniors throughout our region. I am also an elder interested in eldercare.

Please select the type of board seat for which you are applying *

☑ General Public Seat

Please list any organizations for which you currently serve as a board member, officer, or employee.

I currently do not serve on a board and am a retired former state employee. I occassionally accept part time/temporary positions (grant consultant, Elections Poll Worker, etc) but do not anticipate regular employment.

Employment/Volunteer History: Please list any previous work or volunteer experience you have serving on a board.

I have been retired for over 10 years but during my work tenure, I served the Balance of State Workforce Investment Board, the PCC (Non Profit) Board (no longer in business) and Tongass Community Counseling (no longer in business) helping mental health recipients. Recently, I served the Juneau Commission on Aging as an informal volunteer and attended meetings.

Education/Training: Please list both formal and informal education & training experiences:

Bachelor of Education, formerly credentialed to teach in the state of Alaska, attended (and sometimes taught) a multitude of trainings related to social services, serving disadvantaged adults, State of Alaska Regulations training and more.

Licenses/Certifications etc... Please list any professional licenses, certifications, or registrations that may be considered a qualifying criteria for the board to which you are applying.

I previously held a State of Alaska teaching credential.

Demographics

The following ***optional*** information is requested so appointments to boards and commissions reflect the diversity of individuals within the community. If you are applying for a board with age criteria such as the Juneau Commission on Aging or the Youth Activities Board, please include your D.O.B. in the field below.

Ethnicity

☑ Caucasian/Non-Hispanic

Gender

☑ Female

[redacted]

Date of Birth

Acknowledgement/Certification

In order to submit this application, please read and agree to the following statement:

I understand that this is a volunteer position appointed by the City and Borough of Juneau Assembly and requires regular attendance at meetings. I further understand that this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in a newspaper or other media. I agree that if I am appointed to serve on a board or commission, I will follow all the laws, procedures, and practices associated with the service of a CBJ boardmember. I certify that the information in this application is true and accurate.

☑ I Agree

Application Form

Profile

NOTE: PLEASE BE AWARE THAT ALL INFORMATION YOU PROVIDE ON THIS FORM AND ATTACHMENTS ARE OPEN TO PUBLIC REVIEW AND DISCLOSURE PURSUANT TO THE ALASKA PUBLIC RECORDS ACT.

[When completing the application, please put your "**MAILING"** address in the first address block labeled **"HOME."** The optional secondary address field is for your "**RESIDENCE"** address.]

Jennifer
First Name

L
Middle Initial

Carson
Last Name

[redacted]
Email Address

[redacted]
Home Address

[redacted]
Suite or Apt

[redacted]
City

[redacted]
State

[redacted]
Postal Code

[redacted]
Primary Phone

[redacted]
Alternate Phone

Bartlett Regional HOspital
Employer

Behavioral Health Operations Director
Job Title

Residence Address if different from your Mailing "Home" Address listed above

[redacted]

Residence Address Line 2

Residence City

Residence State

Residence Postal Code

Comments

Secondary Email Address (if any)

[redacted]

Which Boards would you like to apply for?

Juneau Commission on Aging: Submitted

Are you applying for reappointment to this board?

◉ Yes ○ No

If you are applying for more than one board, how many total boards are you willing to serve on?

☑ 1

Special Needs - please list any special needs below such as need for sign language interpreter, etc...

Interests & Experiences

Please tell us about yourself and why you want to serve. [*Contact the Clerk's Office at 586-5278 or city.clerk@juneau.org if you wish to submit a resume or CV*]

Please explain, with specificity, your reasons for applying to serve on this particular board.

I have been actively involved with the JCOA for two years and am seeking reappointment. Over the past year, I was involved with getting the Southeast Regional Eldercare Coalition established. We recently were awarded a 2.5 million dollar grant to fund this project. We know that seniors are one of the fasting growing populations in Juneau/Southeast so it is important to assure there is a high level of advocacy in this area. I recently moved from CCS as the director of hospice and home health to BRH as Operations Director of BH where there is little focus on our elders. We are finding that more work needs to be done in this area.

Please select the type of board seat for which you are applying *

☑ General Public Seat

Please list any organizations for which you currently serve as a board member, officer, or employee.

Bartlett Regional Hospital - employee Outgoing Chair of Southeast Regional Eldercare Coalition Juneau Commission on Aging

Employment/Volunteer History: Please list any previous work or volunteer experience you have serving on a board.

Founding board member for Family Promise Juneau Juneau Commission on Aging Outgoing founder/Chair of Southeast Regional Eldercare Coalition I worked 9.5 years with CCS with the last 5 years as director of hospice and home care of Juneau.

Education/Training: Please list both formal and informal education & training experiences:

I have the following: BA- Psychology and Social Work Masters in Public Administration I have certifications in Healthcare Compliance and Healthcare Privacy Compliance

Licenses/Certifications etc... Please list any professional licenses, certifications, or registrations that may be considered a qualifying criteria for the board to which you are applying.

I have certifications in Healthcare Compliance and Healthcare Privacy Compliance

Demographics

The following ***optional*** information is requested so appointments to boards and commissions reflect the diversity of individuals within the community. If you are applying for a board with age criteria such as the Juneau Commission on Aging or the Youth Activities Board, please include your D.O.B. in the field below.

Ethnicity

☑ Caucasian/Non-Hispanic

Gender

☑ Female

[redacted]

Date of Birth

Acknowledgement/Certification

In order to submit this application, please read and agree to the following statement:

I understand that this is a volunteer position appointed by the City and Borough of Juneau Assembly and requires regular attendance at meetings. I further understand that this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in a newspaper or other media. I agree that if I am appointed to serve on a board or commission, I will follow all the laws, procedures, and practices associated with the service of a CBJ boardmember. I certify that the information in this application is true and accurate.

☑ I Agree

Application Form

Profile

NOTE: PLEASE BE AWARE THAT ALL INFORMATION YOU PROVIDE ON THIS FORM AND ATTACHMENTS ARE OPEN TO PUBLIC REVIEW AND DISCLOSURE PURSUANT TO THE ALASKA PUBLIC RECORDS ACT.

[When completing the application, please put your "**MAILING"** address in the first address block labeled **"HOME."** The optional secondary address field is for your "**RESIDENCE"** address.]

Carol
First Name

Middle Initial

Ende
Last Name

[redacted]
Email Address

[redacted]
Home Address

[redacted]
Suite or Apt

[redacted]
City

[redacted]
State

[redacted]
Postal Code

[redacted]
Primary Phone

[redacted]
Alternate Phone

Retired
Employer

Job Title

Residence Address if different from your Mailing "Home" Address listed above

[redacted]

Residence Address Line 2

Residence City

Residence State

Residence Postal Code

Comments

Secondary Email Address (if any)

[redacted]

Which Boards would you like to apply for?

Juneau Commission on Aging: Submitted

Are you applying for reappointment to this board?

◉ Yes ○ No

If you are applying for more than one board, how many total boards are you willing to serve on?

None Selected

Special Needs - please list any special needs below such as need for sign language interpreter, etc...

Interests & Experiences

Please tell us about yourself and why you want to serve. [*Contact the Clerk's Office at 586-5278 or city.clerk@juneau.org if you wish to submit a resume or CV*]

Please explain, with specificity, your reasons for applying to serve on this particular board.

I was encouraged to apply for this particular board from current member, Emily Kane. For the majority of my professional career I have worked in the field of Elderhood. Creating communities where Elders continue to have opportunities to contribute and thrive no matter what challenges may occure on their life path has become a life passion.

Please select the type of board seat for which you are applying *

☑ General Public Seat

Please list any organizations for which you currently serve as a board member, officer, or employee.

I have not served on any board. I have worked with boards in my position as the Executive Director of The Eden Alternative, a non-for-profit international organization.

Employment/Volunteer History: Please list any previous work or volunteer experience you have serving on a board.

none

Education/Training: Please list both formal and informal education & training experiences:

BS Therapeutic Recreation

Licenses/Certifications etc... Please list any professional licenses, certifications, or registrations that may be considered a qualifying criteria for the board to which you are applying.

Demographics

The following ***optional*** information is requested so appointments to boards and commissions reflect the diversity of individuals within the community. If you are applying for a board with age criteria such as the Juneau Commission on Aging or the Youth Activities Board, please include your D.O.B. in the field below.

Ethnicity

None Selected

Gender

☑ Female

[redacted]

Date of Birth

Acknowledgement/Certification

In order to submit this application, please read and agree to the following statement:

I understand that this is a volunteer position appointed by the City and Borough of Juneau Assembly and requires regular attendance at meetings. I further understand that this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in a newspaper or other media. I agree that if I am appointed to serve on a board or commission, I will follow all the laws, procedures, and practices associated with the service of a CBJ boardmember. I certify that the information in this application is true and accurate.

☑ I Agree

Carol Ende

Application Form

Profile

NOTE: PLEASE BE AWARE THAT ALL INFORMATION YOU PROVIDE ON THIS FORM AND ATTACHMENTS ARE OPEN TO PUBLIC REVIEW AND DISCLOSURE PURSUANT TO THE ALASKA PUBLIC RECORDS ACT.

[When completing the application, please put your "**MAILING"** address in the first address block labeled **"HOME."** The optional secondary address field is for your "**RESIDENCE"** address.]

Jennifer
First Name

L
Middle Initial

Garrison
Last Name

[redacted]
Email Address

[redacted]
Home Address

[redacted]
Suite or Apt

[redacted]
City

[redacted]
State

[redacted]
Postal Code

[redacted]
Primary Phone

[redacted]
Alternate Phone

Catholic Community Service
Employer

Caregiver Support Regional Coordinator
Job Title

Residence Address if different from your Mailing "Home" Address listed above

[redacted]

Residence Address Line 2

Residence City

Residence State

Residence Postal Code

Comments

Secondary Email Address (if any)

[redacted]

Which Boards would you like to apply for?

Juneau Commission on Aging: Submitted

Are you applying for reappointment to this board?

○ Yes ◉ No

If you are applying for more than one board, how many total boards are you willing to serve on?

None Selected

Special Needs - please list any special needs below such as need for sign language interpreter, etc...

None

Interests & Experiences

Please tell us about yourself and why you want to serve. [*Contact the Clerk's Office at 586-5278 or city.clerk@juneau.org if you wish to submit a resume or CV*]

Please explain, with specificity, your reasons for applying to serve on this particular board.

As the Caregiver Support Regional Coordinator and Bridge Adult Day Program Manager for Southeast Senior Services/Catholic Community Service, I have seen the challenges our elderly population face and would love the opportunity to help make positive changes that will benefit our seniors. Prior to working at CCS, I was a Certified Nurse Aide at Juneau Pioneers' Home, Wildflower Court and Bartlett Regional Hospital Critical Care Unit. During my 6 year employment with BRH, I saw many elderly patients get admitted to the hospital and remain there even after their health improved, simply because they couldn't live independently anymore and didn't have anyone to care for them at home. The realization that our community lacked the resources to properly care for our elders troubled me greatly, and prompted me to open my own homecare business which I independently owned and operated for almost two years. Unfortunately, I was unable to navigate the winding road that would allow my business to accept Medicaid so all of my clients were self-pay and I was not earning enough consistent income to make ends meet. I reluctantly closed my homecare business in December 2018 and began working for CCS the following month. Although it was difficult to let my business go, my employment with CCS has been very rewarding and I have learned a lot about the issues our seniors face. It is my hope that I can contribute to this very important cause and make life better for our elders.

Please select the type of board seat for which you are applying *

☑ General Public Seat

Please list any organizations for which you currently serve as a board member, officer, or employee.

Employed by Catholic Community Service

Employment/Volunteer History: Please list any previous work or volunteer experience you have serving on a board.

None

Education/Training: Please list both formal and informal education & training experiences:

Southeast Regional Resource Center - Alaska High School Diploma by Examination (2002) Alaska Vocational Institute - Combined Office/Computer Skills Training (2004) University of Alaska Southeast - Certified Nurse Aide Course (2009) Bartlett Regional Hospital - Certified Nurse Aide II Course (2011)

Licenses/Certifications etc... Please list any professional licenses, certifications, or registrations that may be considered a qualifying criteria for the board to which you are applying.

Certified by Microsoft in Word 2000 (2004) Formerly licensed as a Certified Nurse Aide (2009-2018) SOA Certified Medicare Counselor (2019)

Demographics

The following ***optional*** information is requested so appointments to boards and commissions reflect the diversity of individuals within the community. If you are applying for a board with age criteria such as the Juneau Commission on Aging or the Youth Activities Board, please include your D.O.B. in the field below.

Ethnicity

☑ Caucasian/Non-Hispanic

Gender

☑ Female

[redacted]

Date of Birth

Acknowledgement/Certification

In order to submit this application, please read and agree to the following statement:

I understand that this is a volunteer position appointed by the City and Borough of Juneau Assembly and requires regular attendance at meetings. I further understand that this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in a newspaper or other media. I agree that if I am appointed to serve on a board or commission, I will follow all the laws, procedures, and practices associated with the service of a CBJ boardmember. I certify that the information in this application is true and accurate.

☑ I Agree

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
LAW DEPARTMENT

DATE: 12/21/2022
TO: Greg Smith, Chair Assembly Human Resources Committee
FROM: Adam Gottschalk, Assistant Municipal Attorney
SUBJECT: Ord. 2022-64: Parks and Recreation Reorganization

Through Ordinance 2022-64, three boards—the Treadwell Arena Advisory Board, the Aquatics Board, and the Jensen-Olson Arboretum Board—would be consolidated into the Parks & Recreation Advisory Board ("PRAC"). As a practical matter, consolidation would decrease the number of perennial vacancies and meetings cancelled due to lack of quorum. While consolidation *would* decrease the overall number of seats, each seat will likely attract a greater number of qualified applicants as each appointed officer would have a greater voice. As an advisory board, PRAC appointments are subject to Resolution 2686, which prohibits discrimination and requires diversity.

Procedural Background

On December 13, 2022, the Systemic Racism Review Committee ("SRRC") reviewed Ordinance 2022-64. SRRC's primary concerns were that there would be fewer seats and that nothing within the text of the proposed ordinance ensured positive steps would be taken to fill seats with racially diverse officers. SRRC was informed Ordinance 2022-64 was subject to Resolution 2686, which prohibits discrimination and requires diversity. Still, SRRC made the following recommendation[1] to cure Ordinance 2022-64 of potential systemic racism:

SRRC flags Ordinance 2022-64 for potential issues of systemic racism. SRRC is supportive of the underlying intent of the ordinance, however, SRRC has concerns about actual application and actual practice and potential aggravation of systemic racism within the community. Therefore, SRRC puts forth to the Assembly some recommendations to include in the ordinance in order to help mitigate:

(1) language that goes above and beyond Resolution 2686 to actually have intentions or goals for inclusion and representation, particularly of marginalized communities, race being the core…;

(2) requirements or intentions for outreach to the community, and/or;

[1] Because this recommendation was made orally, immaterial edits have been made for clarity.

(3) *a potential sunset clause or review clause after some period of time to ensure this is going the way SRRC had hoped.*

Legal Issues

Under the Fourteenth Amendment of the United States Constitution, no state shall "deny to any person within its jurisdiction the equal protection of the laws."[2] This guarantee is known as the Equal Protection Clause. If a particular piece of legislation is challenged as being in violation of the Equal Protection Clause, the legislation will be subject to judicial review. There are three key standards of review; strict scrutiny, intermediate scrutiny, and rational basis review.[3] Higher standards of review place greater burdens on the government to justify challenged legislation.[4] Strict scrutiny is the highest standard of review, and it is appropriate when legislation involves suspect classifications (i.e., classifications based on race, national origin, or alienage) or legislation burdens fundamental rights (e.g., voting, litigating, or the exercise of intimate personal choices).[5] In order for legislation subject to strict scrutiny to survive, the government's burden is to show the legislation furthers a compelling government interest and the legislation is necessary to achieve that interest.[6] This is a far greater burden than rational basis review, in which the government merely needs to show it has a legitimate interest and the legislation is rationally related to achieving that interest.[7] It is rare for legislation subject to the strict scrutiny standard of review to survive.[8]

The equal protection clause in Alaska's Constitution affords greater protection to individual rights than its federal counterpart.[9] Alaska's Constitution also contains a civil rights clause expressly prohibiting discrimination based on certain inalienable traits such as race.[10] Thus, as with challenges under the federal equal protection clause, race is considered a suspect classification and any ordinance involving race-based classifications will be subject to the strict

---

[2] U.S. Const. amend. XIV, § 1 ("No state shall…nor deny to any person within its jurisdiction the equal protection of the laws.").
[3] *See, e.g.*, *State, Dep't of Revenue, Permanent Fund Dividend Div. v. Cosio*, 858 P.2d 621, 626 (Alaska 1993).
[4] *See id.*
[5] *State v. Ostrosky*, 667 P.2d 1184, 1192 (Alaska 1983).
[6] *Id.*
[7] *Id.*
[8] *State, Dep't of Revenue, Permanent Fund Dividend Div. v. Cosio*, 858 P.2d 621, 626 (Alaska 1993) ("Laws often fail to survive strict scrutiny, prompting one commentator to label the test '"strict" in theory, and fatal in fact.'") (quoting Gerald Gunther, *The Supreme Court Term 1971—Foreword: In Search of Evolving Doctrine on a Changing Court: A Model for Newer Equal Protection,* 86 HARV. L. REV. 1, 8 (1972)).
[9] *Alaska Civil Liberties Union v. State*, 122 P.3d 781, 787 (Alaska 2005) (quoting *Malabed v. N. Slope Borough*, 70 P.3d 416, 420 (Alaska 2003)) (quotes removed). *Compare* Alaska Const. art. I, § 1 (relevantly providing, "all persons are equal and entitled to equal rights, opportunities, and protection under the law"), *with* U.S. Const. amend. XIV, § 1 (relevantly providing, "No state shall…nor deny to any person within its jurisdiction the equal protection of the laws.").
[10] Alaska Const. art. I, § 3 (relevantly providing, "No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin.").

scrutiny standard of review.[11] To survive strict scrutiny, discriminatory legislation must further a compelling government interest and the enactment itself must be necessary to achieve that interest.[12] Note, "discrimination" in this context means "differential treatment," and an ordinance may be discriminatory on its face (i.e., through its express terms)[13] or facially neutral but with a discriminatory purpose.[14] Note also, Alaskan courts employ a sliding-scale test to determine standards of review, ranging from strict to relaxed, rather than the three discrete standards of review used in federal equal protection challenges.[15] However, Alaska's sliding-scale test is more helpful when analyzing burdens on non-fundamental rights; any legislation involving suspect categories will automatically trigger strict scrutiny review and require a compelling government interest.[16]

If Ordinance 2022-64 were adopted with a requirement that a certain amount of seats be reserved for people of color (i.e., an ordinance following SRRC's first recommendation), the ordinance would be facially discriminatory.[17] Because the ordinance would be discriminating based on race—a suspect classification—the ordinance would be subject to strict scrutiny.[18] The intentions for the racial classification do not lessen the level of scrutiny.[19] Thus, the CBJ's burden would be to show the legislation, with its use of a racial classification, supports a compelling government interest.[20] Presumably, the CBJ's interest would be along the lines of, "Requiring a racially representative committee would facilitate broader community access to public resources and lessen the perpetuation of systemic racism."[21] However, interests such as remedying the effects of societal discrimination are consistently struck down as non-compelling.[22] Race-based

---

[11] *Malabed*, 70 P.3d, at 428 (Matthews, J., concurring) ("Because by the express terms of the civil rights clause of the Alaska Constitution race is a suspect category, the ordinance must be subjected to strict scrutiny in order to determine whether it is permissible under the equal rights and civil rights clauses.").
[12] *Ostrosky*, 667 P.2d, at 1193.
[13] *Alaska Civil Liberties Union*, 122 P.3d, at 788.
[14] *State v. Schmidt*, 323 P.3d 647, 659 (Alaska 2014).
[15] *See Orstrosky*, 667 P.2d, at 1192-93. The three-step test weighs the nature of the interest impaired, the government's interest served by the challenged ordinance, and the particular means chosen to achieve the goals of the ordinance. *Alaska Civil Liberties Union*, 122 P.3d, at 789. The weight of the interest impaired determines the government's burden in justifying the discriminatory legislation. *Matanuska-Susitna Borough Sch. Dist. v. State*, 931 P.2d 391, 396 (Alaska 1997).
[16] *See State v. Erickson*, 574 P.2d 1, 11-12 (Alaska 1978). This variance is also the reason for the two analyses in *Malabed*; the majority performed an interests or rights analysis (the right to seek and obtain employment) whereas the concurring justice performed a suspect classification analysis (Native American as a racial classification). *See Malabed v. N. Slope Borough*, 70 P.3d 416 (Alaska 2003).
[17] *Alaska Civil Liberties Union*, 122 P.3d, at 788 ("When a 'law *by its own terms* classifies persons for different treatment,' this is known as a facial classification.") (quoting J. Nowak and R. Rotunda, Constitutional Law § 14.4, at 711 (7th ed. 2004) (emphasis added)).
[18] *See Ostrosky*, 667 P.2d, at 1192.
[19] *See, e.g.*, *Malabed*, 70 P.3d, at 428-29 (Matthews, J., concurring); *see also Alaska Civil Liberties Union*, 122 P.3d, at 788.
[20] *See Ostrosky*, 667 P.2d 1184, at 1193.
[21] This purpose statement is based on SRRC's duties and the body's discussion regarding the proposed ordinance.
[22] *See, e.g.*, *Wygant v. Jackson Bd. of Educ.*, 476 U.S. 267, 276 (1986) ("Societal discrimination, without more, is too amorphous a basis for imposing a racially classified remedy."); *see also City of Richmond v. J.A. Croson Co.*, 488 U.S.

government action may be justified when it can be shown the action is necessary to remedy prior intentional discrimination *by the government unit involved*; however, it is unlikely the CBJ can show this without specific factual evidence, such as significant statistical evidence,[23] and provided longstanding anti-discrimination code provisions (e.g. CBJC 41.05.005-.045 ("Equal Rights")) and anti-discrimination provisions advisory board rules resolutions (e.g., Resolution 2686, Resolution 2662, Resolution 2246).[24] A compelling government interest *could* be found if a federal law, such as the Indian Child Welfare Act ("ICWA"), mandated differential treatment.[25] But in the present case, there is neither past specific-to-this-government intentional discrimination to remedy[26] nor a federal law mandating differential treatment. As mentioned above, Alaska's equal protection and civil rights clauses are even *more* protective of individual rights than their federal counterparts. Further, Alaska's Supreme Court has historically been hostile toward any race-based discrimination; the Court would likely find the CBJ lacks not only a compelling interest, but even a legitimate one.[27] Without a compelling interest,[28] it is not necessary to analyze whether this legislation is necessary and narrowly tailored to achieve a compelling interest.[29]

If Ordinance 2022-64 were adopted with certain outreach requirements (i.e., an ordinance following SRRC's second recommendation), the ordinance would likely be facially

469, 499 (1989) ("[A]n amorphous claim that there has been past discrimination in a particular industry cannot justify the use of an unyielding racial quota.").

[23] *See J.A. Croson Co.*, 488 U.S., at 501. Finding a sufficiently "gross statistical disparity" between applicants and appointees may be particularly challenging in this case as consolidation is largely sought because there are too few applicants—so it is unlikely a gross statistical disparity can be shown as, presently, virtually all qualified applicants are appointed.

[24] *See Wygant*, 476 U.S., at 278 n.5. Theoretically, racially discriminatory legislation or practices pre-dating the 1970 establishment of the CBJ would be insufficient as these would regard a different governmental unit (if not also sufficiently remote in time to have graduated into "societal discrimination").

[25] *See Malabed*, 70 P.3d 429 n.9. Notably, the constitutionality of ICWA is currently being challenged in before the U.S. Supreme Court in *Brackeen v. Haaland*.

[26] *See, e.g.*, *Mallory v. Harkness*, 895 F.Supp. 1556, 1559 (S.D. Fla. 1995) (finding that possible explanations for a lack of diversity in judicial nominating commissions are insufficient to show "direct findings of racial bias in the nomination process"). *Mallory* is also noteworthy because the case regarded official appointments, which had no apparent effect on the standard of review (classification still warranted strict scrutiny review). *See id.* at 1559. *See also Back v. Carter*, 933 F.Supp. 738, 755-59 (N.D. Ind. 1996) (challenging race and gender quotas regarding membership to county's judicial nominating commission).

[27] *See, e.g.*, *Malabed*, 70 P.3d, at 426-27 (stating, "Because the borough is a political subdivision of Alaska, its legitimate sphere of municipal interest lies in governing for all of its people; preferring the economic interests of one class of its citizens at the expense of others is not a legitimate municipal interest, regardless of whether we view its ordinance as drawing distinctions founded on political status or race.").

[28] Note also, racial diversity alone would not be considered a compelling government interest. *See Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 722 (2007).

[29] *See id.* Further, an attempt to perform a means-to-fit analysis on a particular piece of legislation that seeks to remedy systemic racism presents its own set of conundrums (i.e., How do you show *this* legislation is necessary to remedy systemic racism?). Note also quotas, percentages, or goals are reliably struck down as not narrowly tailored to achieve compelling interests. *See, e.g.*, *Regents v. Univ. of California v. Bakke*, 438 U.S. 265, 315 (1978); *see also Mallory*, 895 F.Supp., at 1560-62.

neutral.[30] This could be achieved by requiring notices of vacancies to be posted at a certain number of spots, or certain spots with high traffic, or posted for a certain amount of time. In order for a plaintiff to prove facially neutral legislation violates the equal protection clause, the plaintiff must show the legislation was applied in a discriminatory manner and there was an unlawful intent to discriminate.[31]

The concern then is to what extent, if any, does SRRC's first recommendation—that a certain amount of seats be reserved for people of color—"taint" a facially neutral version of Ordinance 2022-64 by indicating an illegitimate government objective?[32] It is not clear, but Alaska's Supreme Court has acknowledged that due to "the extreme difficulty of proving discriminatory intent," even weak evidence may be sufficient to create a genuine factual dispute.[33] Critically, SRRC does not appoint officers, so SRRC's first recommendation and expressed intentions would likely be insufficient evidence standing alone to impute discriminatory intent on the appointing body.[34] Thus, to the extent SRRC's second recommendation is incorporated into an amended version of the proposed ordinance, the language should be facially neutral and the ordinance should be neutrally applied (e.g., applicants should be considered and evaluated based on neutral, objective criteria[35]) to minimize any risk SRRC's first recommendation could be considered evidence of a discriminatory intent.

---

[30] However, if the ordinance had express references to suspect classifications (e.g., requirements that vacancies be advertised in places predominantly patronized by people of color or members of a particular national origin), the ordinance would be facially discriminatory and subject to strict scrutiny. *See Alaska Civil Liberties Union*, 122 P.3d, at 788 n.33 (quoting *Cook v. Babbitt*, 819 F.Supp. 1, 14 (D.D.C. 1993) ("In cases where a law or regulation makes an explicit reference to a suspect characteristic, purposeful discrimination is self-evident, and the measure is subject to challenge on its face without any evidentiary inquiry into the motives of the relevant government actors.")).

[31] *See Alaska Civil Liberties Union*, 122 P.3d, at 788 n.33 (citing *Hamlyn v. Rock Island Cty. Metro. Mass Transit Dist.*, 986 F.Supp. 1126, 1133 (C.D. Ill. 1997) ("In cases where the particular law or policy is fair on its face, but is applied in a way that treats similarly situated individuals differently, the equal protection clause requires plaintiffs to allege and prove the presence of an unlawful intent to discriminate against the plaintiff for an invalid reason.")).

[32] *See Esmail v. Macrane*, 53 F.3d 176, 179 (7th Cir. 1995) (regarding alleged ill intent).

[33] *Alaska Inter-Tribal Council v. State*, 110 P.3d 947, 963 n.62 (Alaska 2005) (noting discrimination is usually perpetuated through subtle acts and "[g]overnment officials will almost never openly avow a discriminatory intent….").

[34] *See, e.g.*, *Welch v. N. Slope Borough*, 364 F.Supp.2d 1074, 1076 (D. Alaska 2005) (noting the plaintiff, a rejected job applicant bringing an action in light of an unconstitutional Native American hiring preference, failed to show the defendant mayor considered the plaintiff's race or national origin).

[35] In a 1978 Alaska Supreme Court case, *Alaska Gay Coalition v. Sullivan*, the Court held that the exclusion of an organization from a government publication (a public forum) due to the organization's beliefs violated the organization's constitutional rights *including equal protection*. *Alaska Gay Coal. v. Sullivan*, 578 P.2d 951, 960 (Alaska 1978). In a 2001 case, *DHSS v. Planned Parenthood of Alaska*, the Court, analogizing from *Alaska Gay Coalition*, noted the State was bound to apply neutral criteria in allocating health care. *Planned Parenthood of Alaska, Inc.*, 28 P.3d, at 910. As the Court stated, additionally referencing a case regarding workers' compensation and the constitutional right to travel, "under Alaska's equal protection provision the government may not allocate state benefits so as to deter citizens' exercise of constitutional rights." *Id.* at 910-11 (referencing *Alaska Pacific Assurance Co. v. Brown*, 687 P.2d 264, 274 (Alaska 1984) and *Alaska Gay Coal.*, 578 P.2d, at 960). Based on the Court's subsequent analysis, it is likely rejecting a potential applicant from serving on an advisory committee based on a racial classification would constitute "invidious discrimination" denying that applicant equal protection of the laws. *See Planned Parenthood of Alaska, Inc.*, 28 P.3d, at 911 (quoting *Shapiro v. Thompson*, 394 U.S. 618, 627 (1969)). Similarly, it would violate

Legal Advice

Especially in Alaska, any government attempt to use a racial classification in legislation—regardless of the intent—risks affecting the constitutional guarantee of "equal rights, opportunities, and protection under the law."[36] If Ordinance 2022-64 were to contain an express reference to race, it would likely be subject to strict scrutiny, which it would not pass. Legislative goals, such as non-discrimination and diversity, may be legally pursued by increasing advertising and outreach efforts, not through quotas or race-conscious outreach efforts or criteria. Federal case law consistently reveals how rarely governments may use racial classifications, and Alaska case law is considerably more restrictive.

From
/AG

AS 18.80.255(1) (stating, "It is unlawful… to refuse, withhold from, or deny to a person any local, state, or federal funds, services, goods, facilities, advantages, or privileges because of race, religion, sex, color, or national origin."), CBJ Charter 15.2(a) (stating, "No person may be discriminated against in any municipal appointment, employment, or promotion because of race, sex, color, political or religious affiliation, or national origin."), and Resolution 2686. Further, as stated in the preamble to Resolution 2946, which reestablished JHRC, "the Assembly finds discrimination against an inhabitant of the municipality because of any characteristic unrelated to merit is a matter of public concern...."

[36] *See Planned Parenthood of Alaska, Inc.*, 28 P.3d, at 908-909 (quoting Alaska Const. art. I, § 1).

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

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.

…

67.01.020 Other ordinances not affected.

…

67.01.030 Areas regulated.

…

67.01.040 Intent.

…

67.01.045 Regulations.

…

67.01.050 Hours of operation.

…

67.01.080 Use; liability insurance.

…

67.01.090 Prohibited uses.

…

67.01.095 Motorized uses on Auke Lake.

…

67.01.100 Criminal liability.

…

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. Members of such subcommittee are limited 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.

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.

Section 7. Parks and Recreation Advisory Committee Transition Period. The Assembly intends on reestablishing the PRAC by April 1, 2023. Current members of the PRAC will continue to serve through March 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 March 15, 2023.

Adopted this _____ day of _____, 2023.

_____
Beth A. Weldon, Mayor

Attest:

_____
Elizabeth J. McEwen, Municipal Clerk

Ord 2022-64 Amendment _____ (via Assemblymember Smith)

Background: On January 3, 2023, the Parks and Recreation Advisory Committee unanimously recommended the Assembly adopt Ordinance 2022-64 with one amendment to allow members of the public to be eligible for subcommittee positions.

Motion: I move to amend Ordinance 2022-64 Section 6 as follows (Ordinance Page 5, line 9):

67.01.230 Subcommittees.

…

"(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. <u>Membership on subcommittees may include public seats in addition to PRAC members.</u> ~~Members of such subcommittee are limited 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."

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
PARKS & RECREATION

TO: Robert Barr, Deputy City Manager

FROM: George Schaaf, Parks & Recreation Director

DATE: November 4, 2022

RE: Restructuring Parks & Recreation Boards and Committees

The Parks & Recreation Department supports five citizen advisory boards and committees, requiring 43 volunteer members:

1. Parks & Recreation Advisory Board
2. Treadwell Arena Advisory Board
3. Aquatics Board
4. Jensen-Olson Arboretum Advisory Board
5. Youth Activities Board

The Parks & Recreation Advisory Committee (PRAC) was established in the 1980s and charged with making recommendations to the Department and Assembly on all matters affecting recreation in the community. This broad mandate was eroded over the last 15 years as new committees were created to focus on specific issues or facilities (i.e. the ice rink, arboretum, pools, etc.). While most of these committees were intended to be temporary, they were all made permanent. Having so many boards engaging in different areas of the Department has resulted in a number of problems and challenges:

- It is very difficult to recruit and retain 43 engaged volunteers who are interested in recreation. With over 30% of these board seats vacant, meetings are frequently cancelled or unable to proceed due to lack of quorum.

- Supporting five boards and committees requires over 1,000 hours of staff time each year. This diverts limited resources away from delivering core services and programs.

- The ability of citizens to influence decision-makers is reduced when each facility or operation is represented by a niche board or committee. Fewer boards representing a larger portion of the community would be more effective and impactful.

- Board morale suffers when meetings have no purpose or no meaningful action is taken.

155 S. Seward St • Juneau, AK 99801
Phone: (907) 586-5226 • Fax: (907) 586-4589 • Email: Parks.Rec@juneau.org

It is imperative that the public have meaningful opportunities to provide input and recommendations to staff and the Assembly regarding the services and programs delivered by the Parks & Recreation Department. With so many boards and committees, however, little has been accomplished: The Aquatics Board has approved only one regulation in the eight years since it was established, and the Treadwell Arena Advisory Board has not taken any action in three years. Considering the staff and volunteer resources required by more than 40 public meetings every year, there are more efficient ways to engage the public.

Juneau uses a "council-manager" form of government where elected officials set policy and the manager oversees day-to-day operations. According to the International City/County Management Association (ICMA), "Because decisions on policy and the future of the community are made by the entire governing body rather than a single individual, council-manager governments more often engage and involve their residents in decision-making. Residents guide their community by serving on boards and commissions, participating in visioning and strategic planning, and designing community-oriented local government services."[i] A 2009 report by the University of Tennessee distinguished between various standing committees that typically exist in city government (planning commissions, park boards, etc.) and "citizen panels that are appointed to investigate or review a single issue *and that are disbanded once recommendations on that issue have been delivered to the governing body*."[ii]

An informal survey of parks & recreation agencies nationwide by CBJ staff found that the vast majority use just one citizen board or committee. Only very large cities like Miami or Chicago have more than four advisory committees, mainly to represent large geographic areas rather than specific programs or interests, like aquatics.

The community would be better represented by a single, well-managed Parks & Recreation board that provides for diverse representation of the public in all of the Department's programs, facilities, and services. This approach would not only reduce the burden on staff, but also allow board members to accomplish meaningful and needed work throughout the year. In recent weeks, staff met with the chairs of the Aquatics Board, Treadwell Arena Advisory Board, and Jensen-Olson Arboretum Advisory Board. All support the concept of a single permanent board or committee. Integrating these committees will require some changes to the PRAC, such as the establishment of a permanent subcommittee to advise the City & Borough on the management of the Jensen-Olson Arboretum Endowment.

The next step would be for the Department to work with the City Attorney to draft legislation repealing the resolutions and ordinances that established the current committee structure, as well as a new ordinance re-establishing a robust Parks & Recreation Advisory Committee.

---

[i] (International City/County Management Association)
[ii] (Angerer, 2009)

Presented by: The Manager
Introduced: 11/04/2013
Drafted by: A.G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2662

A Resolution Reestablishing the Rules of Procedure for Assembly Advisory Boards, and Repealing Resolution 2246.

WHEREAS, citizen advisory boards are an important community resource for the Assembly; and

WHEREAS, "Advisory Board" is a general term and includes those bodies which include in their title the word Board, Committee, Commission, or Council and is a governmental body of the City and Borough of Juneau having only authority to advise or make recommendations to the Assembly without authority to establish policies or make decisions for the Assembly, and does not include the Docks & Harbors Board, Airport Board, Hospital Board, Eaglecrest Ski Area Board and the Planning Commission; and

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

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

SECTION 1. MEMBERSHIP.

Policy 1. Residence: Members of Boards, Commissions or Committees shall be residents of the City and Borough of Juneau with special consideration to be made in certain instances to provide for necessary expertise as the need arises.

Policy 2. Non-discrimination: Unless otherwise required by federal or state programs, nominations to boards, commissions, or committees shall be made with due regard to talent, interest or requirements of code or ordinance, and without regard to race, creed, color, age, religion, national origin, sex, marital status, political ideology, sexual orientation, or sensory, mental or physical handicap.

Policy 3. Diversity: Committee appointments shall reflect a membership appropriate for accomplishing the goals of the committee, and should include cultural, social, political, technical and economic viewpoints sufficient to ensure wide-ranging and active debate.

Policy 4. Board Vacancies: Candidates for nomination to vacancies on advisory boards shall be solicited from residents through appropriate public announcement of vacancies. Vacancies shall be announced for a period of at least ten days between the public announcement of a vacancy and the date on which nominations take place, unless the Assembly has determined that a lesser time is appropriate under the circumstances of a particular appointment. During such periods, residents may convey recommendations of candidates for nomination to vacancies to members of the Assembly or the Clerk's office.

A. Definitions:

1. "Advisory Board" is a general term and includes those bodies entitled "board," "committee," "commission," "council," or the like, and comprise a governmental body of the City and Borough of Juneau having authority only to advise the Assembly rather than to establish policies or make decisions for the Assembly.

2. "Vacancies" include vacancies in positions which have never been filled; vacancies caused by the vacation of a position by an incumbent for any reason prior to expiration of term of office; and vacancies which will occur at the expiration of an incumbent's term whether or not the incumbent has signified a desire to succeed himself or herself.

3. A vacancy on a City and Borough advisory board shall exist under the following conditions:

(a) If a person appointed to membership fails to qualify and take office within 30 days of appointment;
(b) If a member departs from the City and Borough with the intent to remain away for a period of 90 or more days;
(c) If a member submits his or her resignation to the Assembly;
(d) If a member is unable to attend board meetings for a period of more than 90 days; or
(e) If a member misses more than 40 percent of the board meetings in a 12-month period.

The chair of the advisory board shall notify the Clerk's office of any vacancy on the board. Upon notification, the Clerk shall follow the procedures for filling vacancies as outlined in this section.

Policy 5. Appointment Process:

A. Applications: All new applications are kept on file with the Municipal Clerk's office for one year. In the event a vacancy occurs in the interim, the applicants will be contacted by the Clerk's office to determine if the applicant would like his or her application submitted for the vacant seat. Applications, except those of appointed board members, are purged after the one-year period has expired and applicants will need to reapply for future vacancies.

B. Reappointment of Committee Members: Incumbent committee members may seek reappointment at the end of their term of office. Incumbent members will need to submit new applications to be considered in the same manner as all other applications. Factors considered in re-appointing incumbents are the enthusiasm of the individual, need for continuity, and the attendance record of the individual. Appointments and reappointments are based on merit, and incumbent members are not automatically reappointed.

C. Terms: Members of advisory boards shall be appointed for a term of three years unless otherwise specified in their governing legislation. The Assembly shall endeavor to make appointments during the month in which the terms expire, provided that a board member shall continue to serve until a successor is appointed and takes office. Appointments to fill vacancies shall be for the unexpired term. In the event a seat has 6 months or less remaining to the unexpired term, the Assembly, at its discretion, may choose to appoint the member to the remainder of the current term as well as to the full term immediately following the expiration date of the unexpired term. The members of the boards who are serving at the time of adoption of this resolution shall continue to serve the duration of their terms of office.

Policy 6. Officers: Officers of each board shall consist of a Chairperson, Secretary, Treasurer, and any other officers as the board may from time to time deem necessary. Officers shall be elected at the first regular meeting after which the regular annual appointments of board members are made by the Assembly. Each officer shall serve for a one-year term or until such time as offices become vacant. The advisory board shall elect one of its members as a Secretary to record, keep, and file with the Clerk minutes of all committee meetings.

Policy 7. Staff Liaisons: The Manager may appoint a staff member or members as appropriate or as requested by the Assembly to serve as a liaison to an advisory board. The Manager, at the time of appointment, will provide the staff liaison with a memo outlining the duties of the assignment. The role of the staff liaison is to serve as a link between the board and the City's departmental staff and the Assembly. Boards shall not direct the work of staff liaisons in their advisory role to the Assembly. Liaisons shall not have the power to vote on the board or commission, and are not to be counted in determining whether a quorum of the board or commission is present.

Policy 8. Ad-Hoc Committees/Task Forces: Ad-Hoc Committees shall be appointed by the Mayor to develop recommendations on a single issue. The appointment of members shall be accompanied by a memorandum outlining the committee's charge, defining the deliverables, and giving the sunset date of no more than two years from the date of appointment.

Policy 9. Reports: Advisory Boards shall report to the Assembly at least annually. Reports to the Assembly shall be approved by a majority vote of the board. Minority reports may accompany the report approved by the Majority. Each board shall submit to the Assembly a brief annual report setting forth the activities and accomplishments of the committee and the attendance record of each committee member during the preceding twelve months. The Assembly will strive to review each board's annual report at the same time it takes up the annual appointments of members. A representative of the board should be present at any Assembly or Assembly committee meeting at which the report is to be considered.

Policy 10. Evaluation: The Assembly may periodically evaluate each advisory board. Such evaluation shall consider the board's mandate, its goals and objectives, its success at reaching its goals and objectives, its activities, the extent to which it has attracted citizen participation, and suggestions for methods of improving the disposition of board business. A report of the evaluation shall be made and returned to the advisory board and shall include recommendations for future functions of the board.

SECTION 2. PROCEDURE. Advisory committee procedure shall be governed by Robert's Rules of Order except where superceded by the Assembly Rules of Procedure, as such may be amended from time to time.

SECTION 3. REPEAL OF RESOLUTION. Resolution 2246 is hereby repealed.

SECTION 4. EFFECTIVE DATE. This resolution shall be effective immediately upon adoption.

Adopted this 4th day of November, 2013.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Clerk

Assembly Goals 2022

Assembly Goals set at
December 4, 2021 retreat

1. Housing - Assure adequate and affordable housing for all CBJ residents

	AA*	Implementing Actions	Responsibility	*Notes:*
A	P	Revise and improve Title 49 to facilitate housing	Assembly, Planning Commission, Manager's Office, CDD	
B	P/F	Implement projects & strategies that advance the goals of the Housing Action Plan	Assembly, Manager's Office	
C	P/F/O	Continue a robust use of the Affordable Housing Fund and its sustainability	Assembly, Manager's Office	
D	P/F	Reduce barriers to downtown housing development	Assembly, Manager's Office, CDD	

2. Economic Development - Assure Juneau has a vibrant, diverse local economy

	AA*	Implementing Actions	Responsibility	*Notes:*
A	F/O	Update the Comprehensive Plan	Assembly, Planning Commission, Manager's Office, CDD	
B	O	Adopt and implement strategies developed by the Visitor Industry Task Force to mitigate impacts & increase economic benefits of tourism	Assembly, Manager's Office, Docks & Harbors	
C	P/F/O	Examine options for a tourism governing structure that mitigates impacts & increases economic benefits of tourism	Assembly, Manager's Office, Docks & Harbors	
D	P/F/O/S	Implement project strategy for Juneau Economic Plan, including revitalizing downtown, with regular updates	Assembly, Manager's Office	
E	F	Explore financing for the Capital Civic Center	Assembly, Manager's Office, Finance	
F	P/F/S	Support Eaglecrest Summer Operations Task Force & self-sufficiency of Eaglecrest	Assembly, Manager's Office, Eaglecrest	
G	P/F	Pursue and plan for West Douglas and Channel Crossing	Assembly, CDD, Planning Commission, Manager's Office	

3. Sustainable Budget and Organization - Assure CBJ is able to deliver services in a cost efficient and effective manner that meets the needs of the community

	AA*	Implementing Actions	Responsibility	*Notes:*
A	P/F	Develop strategy for fund balance and protect restricted budget reserve	Assembly, Manager's Office, Finance	
B	P/F	Continue to evaluate sales tax structure including equity and evaluate removing sales tax on food	Assembly, Manager's Office, Finance	
C	P	Long term strategic planning for CIPs	Assembly, Manager's Office, EPW	
D	P/F	Reduce mil rate as appropriate	Assembly, Manager's Office, Finance	
E	F/O	Allocate resources to implement Assembly goals	Assembly, Manager's Office, Finance	
F	F/O	Maintain Assembly focus on deferred maintenance including BRH and JSD.	Assembly, Manager's Office, EPW, all operating departments with facilities	

*Assembly Action to Move Forward: P = Policy Development, F = Funding , S = Support, O = Operational Issue

Assembly Goals 2022

Assembly Goals set at
December 4, 2021 retreat

4. Community, Wellness, and Public Safety - Juneau is safe and welcoming for all citizens

	AA*	Implementing Actions	Responsibility	*Notes:*
A	P/O/S	Acknowledge and honor Juneau's indigenous culture, place names, naming policy, and recognize Elizabeth Peratrovich Day	Assembly, Manager's Office	
B	P/S	Explore government to government relations with tribes	Assembly, Manager's Office	
C	P/F/O	Examine social service funding levels and process	Assembly, Manager's Office	

5. Sustainable Community - Juneau will maintain a resilient social, economic, and environmental habitat for existing population and future generations.

	AA*	Implementing Actions	Responsibility	*Notes:*
A	P/O	Develop a zero waste or waste reduction plan	Assembly, Manager's Office, EPW, Finance	
B	P/O	Develop strategy to measure, track and reduce CBJ energy consumption.	Assembly, Manager's Office, all departments	
C	P/O/F	Implement projects and strategies that advance the goal of reliance on 80% of renewable energy sources by 2045	Assembly, Manager's Office, all departments	
D	P/F	Develop a climate change adaptation plan	Assembly, Manager's Office	
E	P/O/F	Develop strategy to reduce abandoned/junked vehicles	Assembly, Manager's Office, EPW, Law, P&R, D&H	

*Assembly Action to Move Forward: P = Policy Development, F = Funding , S = Support, O = Operational Issue

(d) on the Attorney's own initiative to correct errors not otherwise correctable in any section or to make amendments to Title 01.45 the Conflict of Interest Code, Title 01.50 the Appellate Code, Title 01.60 the Regulation Procedures Code, Title 03.30 the Code Enforcement Code, Title 42 the Penal Code, or any section imposing duties on the Attorney.

2. For presentation to a standing or ad hoc Assembly committee only by vote of the committee, request of its chair, or by direction of the Assembly.

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

RULE 5. COMMITTEES.

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

1. Committee of the Whole
2. Finance Committee
3. Human Resources Committee
4. Lands, Housing, and Economic Development Committee
5. Public Works and Facilities Committee
6. Joint Assembly/School Facilities Committee (per Charter 13.8)

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

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

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

1. Standing Committees.

(a) With the exception of the Committee of the Whole, the Finance Committee, and the Human Resources Committee in proceedings pursuant to Rule 5(C)(2)(f), there shall be not more than four Assemblymembers appointed to each standing committee of the Assembly. Each Assemblymember will be appointed to at least one,

but not more than three, standing committees, in addition to the Finance Committee and the Committee of the Whole.

(b) Nominations for standing committee appointments and for the position of chair of each such committee shall be made by the Mayor, and shall be subject to ratification by the Assembly. In making nominations for committee appointments, the Mayor shall strive to ensure, to the extent reasonably possible, that there is a balance and diversity of opinion, viewpoints, and perspective among the Assemblymembers nominated for committee membership, and that there is at least one Assemblymember nominated for appointment to each committee who has expertise in the areas assigned to the committee.

(c) Each year following the regular municipal election, all Assemblymembers will be given an opportunity to indicate in writing which of the standing committees they request to serve on. At least two of the nominations for appointment for each standing committee shall be made from those Assemblymembers, if any, who have requested to serve on the committee for which the appointments are to be made. The nomination for membership and chair positions shall be made by the Mayor and ratified by the Assembly within seven days of the first meeting after the certification of the regular municipal election each year. All committee members shall be appointed to serve for a term expiring upon ratification by the Assembly of the committee appointments following the next regular municipal election. All committee members serve at the pleasure of the Assembly.

(d) A standing committee may at the call of its chair or the vote of its membership take up any matter within the scope of its charge established by these rules and not pending as legislation authorized by the Assembly. Matters not within the scope of any standing committee, or within the scope of more than one standing committee shall be assigned by the Mayor.

(e) Each committee shall refer information to and coordinate activities with other appropriate committees. Issues referred to another committee and any directions to the Manager must have the concurrence of a majority of the committee members.

2. Human Resources Committee. The Human Resources Committee may take up issues relating to the health and well-being of Juneau citizens and their participation in local government. The duties of the Human Resources Committee shall include:

(a) Nominating citizens to all CBJ boards and commissions. Appointment to such bodies shall be made by the full Assembly;

(b) Making recommendations to the full Assembly regarding the issuance, renewal or transfer of liquor licenses, restaurant designation permits, and marijuana licenses;

(c) Reviewing and proposing amendments to these Rules;

(d) Reserved.

(e) Overseeing Juneau's relations with its sister cities;

(f) Membership for Certain Appointments. The Human Resources Committee shall meet as needed to recommend appointments to the Planning Commission, the Hospital Board, the Ski Area Board, the Docks and Harbors Board, the Airport Board, and the Systemic Racism Review Committee. The Mayor and all Assemblymembers shall serve as members of the Committee and the Human Resources chair shall serve as chair at these meetings.

3. Finance Committee. The Finance Committee may take up issues relevant to the fiscal status of the CBJ. The Mayor and all Assemblymembers shall serve as members of the Finance Committee. Finance Committee meetings will be conducted as work sessions unless public testimony is permitted by call of the Chair at least 24 hours in advance of the meeting. The duties of the Finance Committee shall include:

(a) Review of the Manager's proposed budget and recommendations to the Assembly for a final budget;

(b) Review of the fiscal policies of the CBJ as deemed necessary by the committee.

4. Committee of the Whole. The Committee of the Whole may take up those issues within the jurisdiction of multiple committees and those warranting detailed review prior to consideration by the Assembly. The Mayor and all Assemblymembers shall serve as members of the Committee of the Whole. Generally, the rules of the Assembly shall be followed in the Committee of the Whole, provided that, at the discretion of the chair, the rules may be relaxed and the rules relating to participation by the presiding officer and the number of times a member may speak shall not be in effect unless otherwise ordered by a majority of the committee. In preparing the committee agenda the chair shall consult with the Mayor. Committee of the Whole meetings will be conducted as work sessions unless public testimony is permitted by call of the Chair at least 24 hours in advance of the meeting.

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

(a) The preparation and revision of a land management plan and the acquisition and disposal of CBJ lands;

(b) The administration of the lands fund and the mineral holdings of the CBJ;