



# ASSEMBLY COMMITTEE OF THE WHOLE AGENDA

February 26, 2024 at 6:00 PM

Assembly Chambers/Zoom Webinar

## Assembly Committee of the Whole Worksession

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

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

### A. CALL TO ORDER

### 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. April 3, 2023 Assembly Committee of the Whole Draft Minutes

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

### F. SPECIAL ORDER OF BUSINESS - PUBLIC HEARING

#### Instructions for Public Participation

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

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

3. Public Hearing: Ordinance 2023-14(b)(AD) An Ordinance Providing for a One-Time Loan in FY24 to the Juneau School District for up to \$4.1 Million Dollars.

4. Public Hearing: Ordinance 2023-14(b)(AB) An Ordinance Providing up to \$3,922,787 to the Juneau School District for Non-instructional Costs for FY24.

5. Public Hearing: Ordinance 2024-01(b)(A) An Ordinance Providing up to \$1,650,405 to the Juneau School District for Non-instructional Costs for FY25.

### G. AGENDA TOPICS - TECHNICAL DIFFICULTIES & LOSS OF INTERNET CONNECTIVITY CAUSED THE MEETING TO MOVE UP TO CONFERENCE ROOM 224 AND ZOOM CONNECTION COULD ONLY BE RESUMED INTERMITTENTLY. COMMITTEE ADJOURNED AFTER AGENDA TOPIC 6.

- [6.](#) Title 3 Establishing a Tourism Office & Title 85 Duties of Docks & Harbors
- [7.](#) Resolution 2986 A Resolution Repealing and Reestablishing the Assembly Rules of Procedure.
- [8.](#) Resolution 3022 A Resolution adopting Guidelines for the Juneau Affordable Housing Fund.
9. Downtown City Office Space - Verbal Update

**H. STAFF REPORTS**

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

**J. SUPPLEMENTAL MATERIALS**

**K. ADJOURNMENT**

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.gov](mailto:city.clerk@juneau.gov).

# ASSEMBLY COMMITTEE OF THE WHOLE WORKSESSION **DRAFT** MINUTES



April 03, 2023 at 6:00 PM

## Assembly Chambers/Zoom Webinar/YouTube Livestream

Assembly Committee of the Whole Worksession-no public testimony will be taken.

### A. CALL TO ORDER

The Assembly Committee of the Whole meeting, held in the Assembly Chambers and via Zoom, was called to order by Deputy Mayor Maria Gladyszewski at 6:00p.m.

### B. LAND ACKNOWLEDGEMENT

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

### C. ROLL CALL

**Assemblymembers Present:** Maria Gladyszewski, Christine Woll, 'Wáahlaal Gíidaak (via Zoom), Carole Triem, Greg Smith, Michelle Hale, Wade Bryson, Alicia Hughes-Skandijs (via Zoom), and Mayor Beth Weldon.

**Assemblymembers Absent:** None.

**Staff Present:** City Manager Rorie Watt, Deputy City Manager Robert Barr, Acting City Attorney Sherri Layne, Municipal Clerk Beth McEwen, Deputy City Clerk Diane Cathcart, Engineering/Public Works Director Katie Koester, Port Director Carl Uchtyl, Tourism Manager Alix Pierce, Lands Manager Dan Bleidorn, Law Office Manager Deb Senn, Assistant City Attorney Emily Wright, Parks & Recreation Manager George Schaaf, Finance Director Jeff Rogers, Community Development Director Jill Maclean, CDD Planner Irene Gallion

### D. APPROVAL OF AGENDA

*The agenda, as presented, was approved by unanimous consent.*

### E. APPROVAL OF MINUTES

1. June 27, 2022 Draft COW Minutes

*Hearing no objection, the minutes of the June 27, 2022 Committee of the Whole meeting were approved by unanimous consent.*

### F. AGENDA TOPICS

#### 2. Fee to Trust Update

Assistant City Attorney Adam Gottschalk gave a presentation on Fee to Trust lands. Mr. Gottschalk said there are several parcels in the area of town traditionally known as the Indian Village owned by Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA). He said those lands are eligible to be taken into Trust by the Department of the Interior; one parcel is currently held in Trust as of November 2022. CBJ and CCTHITA are working on an intergovernmental agreement to clarify potential jurisdictional issues. The current intent is that CBJ will continue to provide public services on this land until CCTHITA can create comparable services.

Mr. Smith asked how land in trust is different than tribal land. Mr. Gottschalk answered that land in Trust is not subject to local taxes or codes.

Ms. Triem asked if CBJ can enter into a government-to-government relationship regardless of land being in Trust. Mr. Gottschalk said CBJ can so long as there is no state law prohibiting it.

Mr. Gottschalk and Mr. Watt answered further questions from the Assembly.

Mr. Watt told the Assembly that CBJ is losing a valuable employee as Assistant City Attorney Adam Gottschalk is moving to Anchorage to go into private practice.

### **3. Ordinance 2023-20 An Ordinance Amending the Duties of the Systemic Racism Review Committee (SRRC).**

Ms. Gladziszewski noted that there were proposed amendments in the packet and Ms. Hale said that she had another possible amendment.

#### **AMENDMENT #1**

**MOTION by Mr. Smith to amend Ordinance 2023-20 at Sec. 2, subsection (b) Duties, by adding a new subsection (7), to read:**

...

**(7) Meeting with the Assembly in a joint meeting at least once a calendar year.**

...

Mr. Smith spoke to the reasons behind his amendment and said this would allow the Systemic Racism Review Committee (SRRC) and the Assembly to better communicate about goals.

Objection by Ms. Hughes-Skandijs who said the SRRC should set their own priorities and not the Assembly.

#### **Roll Call Vote on Amendment #1**

**Yeas:** Mr. Smith, Mr. Bryson, Ms. Hale, Ms. Triem, Waahlaal Giidaak, Ms. Gladziszewski, Mayor Weldon

**Nay:** Ms. Hughes-Skandijs, Ms. Woll

**Amendment #1 passed 7 yeas: 2 nays**

#### **AMENDMENT #2**

**MOTION by Ms. Hale to amend Ordinance 2023-20 to add a new WHEREAS after the second WHEREAS, on Page 1, Line 12, to read:**

**WHEREAS, systemic racism includes policies and practices that exist throughout a whole society or organization, including historical actions and practices, and that result in and support a continued unfair advantage to some people and unfair or harmful treatment of others based on race; and**

Ms. Hale spoke to the reasons behind her amendment, and she asked for unanimous consent. Ms. Hale said the original creation of the SRRC was focused on reviewing current legislation, but it is more common that existing and historical practices perpetuate a framework of systemic racism. **Hearing no objection, Amendment #2 passed by unanimous consent.**

#### **AMENDMENT #3**

Ms. Hale noted that her next amendment was sent out in a revised version that was posted online under Supplemental Materials. Her revised version is listed below:

**MOTION by Ms. Hale to amend Ordinance 2023-20, amending the fifth WHEREAS, on Page 1, Line 16, to read:**

**WHEREAS, the residents of Juneau and the Assembly benefit from having a systemic racism review committee that works with the Assembly to address systemic racism, including reviewing legislation and policies and procedure and making recommendations to the Assembly; and**

**~~WHEREAS, the Assembly would benefit from having a systemic racism review of legislation before a resolution or an ordinance is up for public hearing; and~~**

Ms. Hale spoke to the reasons behind her amendment and she asked for unanimous consent. Ms. Hale said she did not want to remove the SRRC's requested language but wanted to add additional language.

Objection by Ms. Hughes-Skandijs. Ms. Hughes-Skandijs noted that the sixth Whereas clause on page 1 of the ordinance, lines 18-19, currently has language underlined that includes the SRRC's requested language. She noted that inserted language already expands SRRC review to include policies and procedures and if Amendment #3 passes and the fifth Whereas is replaced, it would be duplicative.

Ms. Hale thanked Ms. Hughes-Skandijs for pointing that out. Ms. Hale said that her intention was to remove lines 17-19 and asked Ms. Gladziszewski how best to proceed. Ms. Gladziszewski called for a 2 minute at ease.

The Committee resumed its meeting at 6:30p.m.

**Ms. Hale withdrew the previous Amendment #3 and replaced it with the following Amendment #3:**

**MOTION by Ms. Hale to amend Ordinance 2023-20, by removing the fifth and sixth WHEREAS clauses on Page 1, Lines 17-19, and replacement them with the following:**

**WHEREAS, the residents of Juneau and the Assembly benefit from having a systemic racism review committee that works with the Assembly to address systemic racism, including reviewing legislation and policies and procedure and making recommendations to the Assembly; and ...**

Objection by Ms. Hughes-Skandijs for purposes of amending Amendment #3 with #3A. Ms. Hughes-Skandijs said that she feels this brings back a portion of the fifth Whereas clause that Ms. Hale left out by accident.

**AMENDMENT #3A**

**WHEREAS, the residents of Juneau and the Assembly benefit from having a systemic racism review committee that works with the Assembly to address systemic racism, including reviewing policies and procedures and reviewing legislation prior to public hearing and ~~policies and procedure and making~~ recommendations to the Assembly; and ...**

**Hearing no objection, Amendment #3A passed by unanimous consent.**

**Hearing no objection, Amendment #3, as amended, passed by unanimous consent.**

**AMENDMENT #4**

**MOTION by Ms. Triem to amend the sunset date on page 3 of the ordinance, line 14 changing the date from August 31, 2023 to August 31, 2026.**

**Hearing no objection, Amendment #4 passed by unanimous consent.**

**AMENDMENT #5**

**MOTION by Ms. Hale to amend the sunset date clause to read as follows:**

**Section 3. Sunset Clause. The Committee created by Section 2 shall cease to exist and the provisions of Section 2 shall automatically terminate August 31, 2026, unless the Assembly extends the Committee to**

***exist until disbanded by the Assembly. In a joint meeting prior to December 31, 2025, the Committee and the Assembly shall review the Committee's work product to date and the provisions of this ordinance to determine if any changes are necessary.***

Ms. Hale discussed the reasons for her amendment. Ms. Hale said having a discussion focused on the work product of the SRRC will allow the Assembly to better meet the goals of the SRRC.

Objection by Ms. Hughes-Skandijs; she said she feels that the amendment from Mr. Smith establishes joint meetings between the Assembly and the committee.

#### **Roll Call Vote on Amendment #5**

**Yeas:** Mr. Smith, Mr. Bryson, Ms. Hale, Ms. Triem, Waahlaal Giidaak, Ms. Woll, Ms. Gladziszewski, Mayor Weldon

**Nay:** Ms. Hughes-Skandijs

**Amendment #5 passed 8 yeas: 1 nays**

**MOTION by Mayor Weldon to forward Ordinance 2023-20, as amended, back to the Assembly for public hearing. Hearing no objection, Ordinance 2023-20, as amended, was referred back to the Assembly for public hearing.**

#### **4. Animal Control/Sheltering**

Mr. Barr talked about the services Juneau Animal Rescue (JAR) provides to the community on behalf of CBJ under Title 8. JAR provides enforcement, licensing of dogs, impoundment and disposition, rabies control, quarantine services, and care for stray animals. He said it is one of CBJ's larger contracts.

Mr. Barr asked the Assembly for direction for renegotiating the contract, specifically around cost recovery. JAR recovers about 7.5% of their operating costs, primarily from licensing fees. Other CBJ programs recover between 20-70% of their cost. Mr. Barr provided options including raising licensing fees on dogs, adding new licensing fees for cats, and/or creating new incentives or disincentives to increase licensing compliance.

The Assembly discussed various options. The Assembly provided direction to explore licensing for cats, creating a new puppy license, incentives for licensing compliance, and raising rates slightly.

#### **5. 2023 State of the Visitor Industry**

Tourism Manager Alix Pierce and City Manager Rorie Watt presented about tourism in Juneau in 2023 and answered questions from the Assembly. Ms. Pierce said that as the market gets more crowded cruise ship itineraries will change, but that Juneau remains a highly desirable port of call. She said they are working on the "best ship at best dock" concept, which includes normalizing dockage fees and having an expanded role in scheduling. Mr. Watt said that Juneau's best outcome is to work with the cruise industry to advance local goals instead of using highly disruptive levers like closing a city owned dock. Ms. Pierce highlighted that shoreside activities are mostly locally owned and provide local economic activity.

**MOTION by Mayor Weldon to draft an appropriation ordinance for \$120,000 of marine passenger fees to fund a public process around commercial use throughout the borough.**

***Hearing no objection, the motion passed by unanimous consent.***

**MOTION by Mayor Weldon to draft an appropriation ordinance for up to \$80,000 of marine passenger fees the Juneau Trails Plan.**

Ms. Hale asked if the trail plan funding would include unimproved roads. Mr. Watt answered yes.

***Hearing no objection, the motion passed by unanimous consent.***

#### **6. New City Hall**

Ms. Koester asked the Assembly for direction about New City Hall. Voters did not pass a New City Hall in 2022, but since then multiple changes have occurred, including Walmart no longer being vacant, Sealaska Heritage Institute

purchasing the Municipal Way Building which houses 34 CBJ employees, and further deterioration of the Marine View Building which houses 51 employees. Ms. Koester said she is not asking the Assembly to decide tonight about putting it back on the ballot, but to consider other factors like changing the location, design or bond request.

The Assembly asked questions of Ms. Koester and Mr. Watt. The Assembly gave direction for a study about repurposing already existing buildings for New City Hall, to look at a lower bond request, and to create a public education component.

**G. NEW BUSINESS – None.**

**H. UNFINISHED BUSINESS – None.**

**I. STAFF REPORTS – None.**

**J. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS – None.**

**K. NEXT MEETING DATE - April 24, 2023; 6:00p.m.**

**L. SUPPLEMENTAL MATERIALS**

- 7. Supplemental Material - Ord. 2023-20 Systemic Racism Review Committee - Michelle Hale Substitute Amendment #2**

**M. ADJOURNMENT**

*With no more business to come before the Assembly, the meeting adjourned at 8:52pm.*

# ASSEMBLY COMMITTEE OF THE WHOLE WORKSESSION **DRAFT** MINUTES

November 06, 2023 at 6:00 PM

Assembly Chambers/Zoom Webinar



## Assembly Committee of the Whole Worksession

### A. CALL TO ORDER

Deputy Mayor Michelle Hale called the Assembly Committee of the Whole meeting to order at 6:00p.m.

### B. LAND ACKNOWLEDGEMENT

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

### C. ROLL CALL

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

**Assemblymembers Absent:** *None*

**Staff Present:** City Manager Katie Koester, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy City Clerk Diane Cathcart, Engineering/Public Works Director Denise Koch, Community Development Director Jill Maclean, Tourism Manager Alix Pierce, Emergency Programs Manager Tom Mattice, Assistant Attorney Emily Wright, Assistant Attorney Sherri Layne, Lands Manager Dan Bleidorn, IT support staff Erin Flick and Jasmine Blackwell, Harbors Administrative Officer Teena Larson

### D. APPROVAL OF AGENDA

*The agenda was approved as presented.*

### E. APPROVAL OF MINUTES

1. **January 26, 2023 Assembly Legislative Delegation Worksession - Draft Minutes**
2. **January 26, 2023 Assembly Committee of the Whole Worksession - Draft Minutes**

*The minutes of both the January 26, 2023 work sessions were approved by unanimous consent.*

### F. AGENDA TOPICS

#### 3. **Mendenhall River Flood Mitigation**

*The Assembly COW will be taking public testimony on this agenda topic only and is seeking community questions and suggestions during this time.*

Deputy Mayor Hale invited Manager Koester and Director Denise Koch to first give their presentation and then the Assembly will take public testimony from the members who have signed up to testify on this topic. Deputy Mayor Hale thanked Mr. Bryson for keeping this topic on every Public Works & Facilities Committee (PWFC) agenda since the flood occurred.

Manager Koester introduced the topic and said how much they appreciated the written testimony. This meeting is to provide an opportunity to continue hearing from the public and try to answer the questions, what can CBJ do, what can property owners do? What information do we as CBJ need to help gather. She noted that CBJ has received written testimony as well and staff will collate those questions along with the ones they hear tonight and follow up with that information at a future meeting.



Engineering/Public Works Director Koch gave a short presentation to give some context on how we got here. She noted that as a local government, they set up an incident command. The Assembly moved very quickly to declare a local disaster which set the stage for the governor to establish a state disaster that was helpful. She said they brought in the Department of Military and Veterans Affairs (DMVA, who set up meetings in the Valley to talk about things like individual assistance that was available to impacted homeowners.

Director Koch noted that there was a request made for federal disaster relief to FEMA and that request was unfortunately denied, but they wanted to be sure to let people know about that.

They also invited the National Resource Conservation Service to Juneau to look at the river top to bottom. They came to try and figure out what sort of their programs we might be eligible for in terms of mitigation. She said they were here during the week of September 11<sup>th</sup> and are currently working on a draft report that we expect to receive sometime this month.

Director Koch said that CBJ did things like participate in community clean ups and try and help impacted homeowners that way. The Community Development Department also met with impacted homeowners to let them know what the requirements were for permitting. There was some relaxing of permitting in the first 30 days to allow people to do what they needed to do to protect their property in the immediate aftermath. CBJ also put forth that real property exemption or the reassessment.

They also wanted to support the University of Alaska Southeast. She said that Doctor Aaron Hood and Aaron Jacobs had given a presentation about monitoring to the Committee of the Whole as well as to the community at large and the evening and Egan series. They really they put forth some efforts, they really want to improve their monitoring; we have supported them in those ways, so they've put forth a request for congressionally directed spending.

CBJ has sent a letter of support for that congressionally directed spending, they've requested some more funding for, for monitoring and we have put forth, there's already an ordinance that was put forth to increase the amount of the CBJ contribution for that monitoring.

Director Koch then shared a "Where We are Now" slide with color coding showing the various areas where there may be potential assistance available for private property owners. The first one is the low interest disaster loan, so that comes from the federal government, the US Small Business Association came to Juneau, set up shop at the Diamond Park Aquatic Center. They processed different loan applications from both residents as well as from businesses as of last week, they had processed and approved 17 loans at approximately \$1.8 million.

She also noted that FEMA was here last week talking about flood insurance for property owners. They had a public meeting at DZ in the evening. The State of Alaska DMVA has also been working with them on state public assistance. This is assistance just for CBJ public property. So that includes things like the Mendenhall Wastewater Treatment Plant.

Other grants include a NOAA grant, that is a transformational habitat restoration and coastal resilience grant for which the lead entity on that application is Southeast Alaska Watershed Council. That is a grant, that if awarded is a little bit over \$5,000,000, it would benefit both public and private property owners and Southeast Alaska Watershed Council is really doing a good job in terms of getting a number of different partners together, including CBJ, ADF&G, DNR, Tlingit & Haida, so that would be a very exciting project if that grant were awarded then back to NRCS.

NRCS was here during the week of September 11<sup>th</sup> doing a review of the river and an assessment of what potential programs they have that might be eligible. She said that NRCS has reached out to the US Army Corps of Engineers and she noted that NRCS and the US Army Corps of Engineers are really the experts in flood mitigation.

She said CBJ has reached out to them and they have two different programs. One is a Section 14 program that is limited just to public property and the other is a broader Section 8315 program that is what they call their general investigation. For both of those U.S. Army Corps of Engineers projects, we

have requested that they come in and do the feasibility studies that they offer for up to \$100,000 at no cost to CBJ. She said CBJ has requested that they come in and do those studies, and to let us know what's possible from their perspective and what might be a good fit for some of their programs.

In concluding her presentation, Director Koch said that there are some big FEMA grants that they are also investigating and gathering information on this hazard mitigation program and the brick program and the flood mitigation assistance program. The thing to remember is that all those programs are FEMA money ultimately, and they all come with strings and their own nuances. She said they have a meeting tomorrow with them to talk more about some of those items, but to leave them with is the fact that when staff finds opportunities to apply for grants, they are doing that. They are inviting in the experts from NRCS but all of these various will come with some cost to CBJ including staff time, some local match, some lifecycle maintenance funding and that is important to remember. At the September 18th PWFC meeting, Assemblymember Hale had asked for a list of experts, technical experts on flood mitigation. We have reached out to a number of those experts who work at DMVA, the Army Corps of Engineers, and NRCS, and they stand willing to give presentations or to answer questions based on some of the feedback and comments and questions that we hear today from the public.

Deputy Mayor Hale thanked Director Koch for her presentation and said what they are trying to do with this COW meeting tonight is to try to gather questions and there will be a follow up meeting from the experts to address those questions. It is a two phase process that will be at a future COW meeting, likely held in December.

Moving into public testimony, she began with those who signed up in advance to testify online followed by those who were in the room. Each person was given 3 minutes to provide testimony.

**Mr. Steve Bradford**, a resident of 4401 Riverside Drive and the condos that were severely damaged in the flood. Mr. Bradford said he is a graduate civil engineer with over 40 years of experience. He is retired from the Alaska DOT as the Chief Bridge Engineer and has lived in Juneau for nearly 50 years. He said that he was pleased to see in the previous presentation that the city is talking to the Army Corps of Engineers about investigating the flood. He said that he thinks it is important that the Corps come in and analyze the river geomorphics. There have been numerous properties armoring their river slopes and this is going to have a profound effect on the unarmored properties along the river. He said that while he appreciates their studying and forecasting the future events. He believes we should be taking some proactive steps to control the outflows from these future events. We should not merely stand by and simply advise the public of impending floods. We need to take steps to implement flood control. He said that according to the gentleman from the university, we're expecting maybe 30 more years of possible outbreak flows. Mr. Bradford proposes CBJ vigorously seek federal funds and authority to construct an overflow tunnel from the Suicide Basin with an outlet in the Nugget Creek area. This is the distance of approximately 2300 meters. This overflow tunnel will only allow the Suicide Basin to hold a small amount of water, thereby minimizing the outbreak sledding, if any, on the Mendenhall. He said there are a number of people in Juneau that are very well experienced at tunneling and rock, so those with a lot more experience than he could speak to the costs and so forth. He said that while these things can be studied, he believes that action should be taken. Senator Lisa Murkowski was at our site and observed the damage and has been up and down the river and he thinks we could get her support for federal funds for this problem.

**Ms. Deborah Rudis**, a resident on River Rd, stated that she lives on the opposite side of the road from the river so her property was not affected by the flood. She asked why there's no emergency type of funding that the city would have to give some short term emergency funding for property owners that are affected by various catastrophes, such as the jökulhlaup that occurred this August. She said that she finds it sort of disingenuous that the city can spend \$150,000 to remove junk cars on a piece of property, but they can't have an emergency fund to help people that are severely affected and financially stressed out because of emergencies such as this. So she would like to see some discussion about that, or if there is such a possibility of that type of funding, they wouldn't need to rely on an immediate state or federal money, but it would be CBJ funding.

**Mr. Andy Kumelev**, a resident of Meander Way since he was a kid. He said that when he was a kid, he had a dream that he would have a castle with a moat and for one day this summer his dream came. He said that the riverbank on his house is reinforced so that thing held out like Fort Knox during this flood. He said that fortunately their house was unaffected also because it sits very high. However, Meander Way became a second Riverview in the front of their house. He said that while he isn't an engineering, he believes that one of the reasons for that was that the culverts that were draining out from Meander Way into the river were completely underwater, and the water had absolutely nowhere to go, which is what created the massive flood on Meander Way. He said that their house suffered no damage because it sits very high up on the river, but the houses across the street from them, their garage levels got flooded and first levels got flooded. He said that they sat out in the backyard and watched the river keep rising and rising and rising until it peaked at about 11:00p.m. at which point they realize it was not going to get any higher than that. He said that one a normal day, when he stands in his backyard and looks down at the river, it's usually a 14 foot clearance on this particular day, there was barely one foot clearance at the highest point. He brought this up because he is concerned that if these floods get worse, he has a feeling that the entire valley is going to be open to potentially being flooded and flooded badly, because at that point the river is no longer a river. He said that something might have to be done to redirect the flow of the water or possibly what Mr. Bradford suggested about redirecting water from Suicide Basin because if it gets over the hill where his house is, it's going to be bad for everyone as you're not looking at one or two isolated houses, you're looking at possibly hundreds of houses getting wiped out completely or at the very least getting really badly.

**Mr. Marty McKeown**, a resident at 4411 Riverside Drive, said that while he doesn't have a lot of questions, he does have a little bit of venting. He echoed what Mr. Bradford said about the need to be proactive. Mr. McKeown said that he is a 4<sup>th</sup> generation Alaskan whose family goes back to the 1890s. His entire family is in Juneau and he has raised all his kids here. He said that he owns several businesses, and feels like he kicks in and pays his taxes. He said that he doesn't feel like everyone one the river or affected by this flood got much support from the city. There was no money coming in from CBJ, not \$1.00. He said that he didn't get one phone call, somebody came up and said your house is condemned and you can't live there. He said that he agrees with the lady who testified about the fact that there should be some sort of funding by the city if there's a big fire that goes through downtown, if there's some other major catastrophe, there needs to be something that the city does to support the citizens. He said that he is out \$300,000. He said that he isn't a complainer but something needs to be done. He didn't get a phone call or an email. He did receive a form saying he'd get a break on his taxes next year. He filled that out and they sent him another one. He said he has his commercial businesses on the river and the bank's getting hammered. There's nothing from the SBA or from the state for commercial properties. There's no support so everybody's having to dip into their pockets and pay to get some riprap and that is expensive. He said there were suggestions that they may take the tax off the gravel pit and somebody said that would not be very much since it is only 5%. He said at least that is something and something is better than nothing.

**Mr. Howard Jagger**, a resident of 3451 Meander Way, said that he didn't plan on speaking because he said his piece four or five years ago and it fell on deaf ears. He said they are now hearing from this gentleman talking about the same thing they talked about five years ago. They also didn't receive any reimbursement for their bank either. They lost 15 to 20 feet of it towards river which they could not reclaim. He said that he doesn't know what the folks currently affected are doing now, but when it happened to them, they had to pay the whole bill at the same time. He said at that time, it was a little event and only got a few houses. He said that the water this time was higher than it's been since he has lived there 40 years and it seems like it's gotten much bigger than that run. He said that nothing went on for those four last four or five years. He said that for everybody along the river, the help from the city was very minimal. He was told here's who you have to get your permits from. And when I was trying to get my permit, there was a fellow from Anchorage that was down here and when Mr. Jagger asked him about it, he was told that he was in a precarious position as well as the neighbor who testified and the former neighbor. He said that his riprap stood up pretty well but whenever those 100+ foot trees came down the

river, there was one of those trees that went up the bank to the property of former Representative Bill Hudson's house.

Deputy Mayor Hale thanked all of those who testified and shared their input and she stated how very sorry she was for what they have gone through. She encouraged anyone who still wishes to comment to submit written comments to the Assembly. She affirmed that they will be notifying everyone on the email list when they have the next COW meeting following up from this COW meeting with some of the suggestions and questions that came up tonight.

Mayor Weldon asked Director Koch if any of the funding she was looking into were going to be available for preventative measures or if it was just for repair and recovery.

Director Koch said they are looking at what preventative measures are possible and that is part of the scope of what NRCS in particular is looking at.

Mr. Smith asked about the mention at a previous presentation that they were shooting LIDAR to determine what the new channel looks like. He asked if that was being done. Director Koch said that DOT was very helpful right after the flood and running LIDAR but they know that there has been a lot of work that has happened on the river since that time. In light of that, Director Koch said that they have made an additional request to DOT. They have their own permitting they have to do and they have to coordinate with the FAA so that won't be something instantaneous but their intent is to do LIDAR again.

Ms. Hale asked that they make maps and any additional information available to the public. Director Koch said they will ensure that is done.

#### **4. Ordinance 2023-18 Landslide and Avalanche Hazard Regulations**

Manager Koester provided an overview of the background of this issue and referenced her memo dated November 2, 2023 as provided in the COW packet. This picks up where the Assembly COW left off during the last COW meeting at which time, Deputy Mayor Gladziszewski made a motion to repeal the current code, adopt the Avalanche maps only and not adopt the landslide code and no regulations of landslide. The motion also included the requirement to publish the maps on the CDD website and provide notification to the public and people who live in those hazard areas that those maps existed. She said that what they took from that discussion and what she put in her memo was from a logistical perspective was that they would send out an annual postcard that would go out to people who lived within 500 feet of the mass landslide area and a public service announcement. She asked the Assembly to provide direction to staff if that is not the direction they want staff to take.

She said that with staff doing those notification pieces related to landslides, the ordinance before them at this time is just related to avalanches and that she was willing to answer any questions about the ordinance or process pieces and Mr. Palmer was also available to answer any questions on the ordinance.

Mr. Palmer provided a brief overview of the ordinance. He said the ordinance is roughly 11 pages long but the heart of the ordinance is in Section 7 as found on pages 7-10 of the ordinance. He said that the decisions/recommendations that the COW should focus on Section 7 as the other sections are secondary based on what is contained in Section 7. He said that he would be happy to answer any questions they may have.

Mr. Bryson asked Mr. Palmer if this changed anything for the ability of the public to either achieve financing or insurance goals. He said it looks like they eliminated the slide zones, left avalanches in place so it seemed to him like nothing much has changed for the residents of Juneau because the shaded

areas are still considered a hazard zone and that we haven't eliminated or made any improvements is how he is reading this.

Mr. Palmer said that is a tricky question and he will try to answer. He said that one side of the discussion is easier if the COW decides to go with this ordinance and that would be the repeal of the current landslide ordinance. He said that this ordinance, in concept, retains the avalanche hazard areas although they are a little different, and could be thought of in terms of a Venn diagram that some are in and some are out of avalanche zones.

Mr. Palmer said that from a regulatory perspective, if this ordinance is adopted, it would still generally allow for the CDD Director to permit single-family homes or a dwelling unit but anything more than that would require a Planning Commission process and there are some conditions that would exist. He said that with respect to Mr. Bryson's question about the lending and insurance industries, that gets a little more tricky. The reason he said that is tricky, is that we can identify areas that are hazardous and to the extent we have done that, that is included in the third whereas clause on page 1 of the ordinance in which CBJ can identify areas as stated in the Tetra Tech guide as follows:

*"The level of assessment prepared for this project is suitable for determining whether land areas could be affected by avalanches. A more detailed site-specific investigation and evaluation would be required to determine appropriate mitigations for specific properties;"*

He said there is an identical clause for landslides but because we are not regulating landslides with this current draft, he will stay away from that. He said that they have regulatory levers in play for people to be able to develop on their properties for at least single-family homes but what that ultimately looks like and how people will be able to get lending or insurance are separate questions. He said it is becoming a chicken and egg question. Are they regulating because there are hazards or are they creating a hazard. He said that his take is that we are regulating the current and expected conditions of a property and that lenders and insurance companies can reach their own conclusions without CBJ's maps.

Ms. Woll said that she was curious about the language around regulating in Avalanche hazard areas. She said that we had certain terms of regulation when they were just a generic hazard area that included both Avalanche and landslide. She said that the manager made some recommendations on the regulations that should be in place and the Planning Commission worked on those regulations. She asked if the regulations that are in this ordinance are what was originally in there or where it came from? Where did those terms come from? Mr. Palmer explained that various portions come from current code, but the bulk of the avalanche text came from CDD text and Ms. Woll asked if someone from CDD was present who may be available to speak to those questions.

CDD Director Maclean said that Attorney Palmer was correct and this is almost identical to the version of the ordinance that the Lands, Housing, & Economic Development Committee saw back in March 2023. She said that if her recollection was correct, that draft was just after it had gone to the Planning Commission (PC) a second time. The PC had forwarded it to the Assembly and asked for more guidance. The LHEDC provided additional direction and it went back to the PC which held another public hearing on it and they resent a recommendation to the Assembly and they had concerns with risk on the landslide of things and were a little more comfortable with the avalanche side.

Mr. Bryson said that if they were to remove the avalanche component as well as landslides, he asked if every single home would still have to go through the permit and PC process. Ms. Maclean said that she avoids the "every" and "all" language but generally speaking, each development would need to go through a permitting process whether that was through Director approval or approval by the Planning Commission. She said that the value in this ordinance details what the Assembly supports for development in the hazard areas where they are identified as moderate or severe for avalanches only.

She said that the Director can approve a single-family home, lot consolidation, and some other items on the list. The rest would be before the Planning Commission for approval. She noted that the key piece is whether the Assembly wants to regulate development more strictly in this mapped hazard area or not. If they want to permit those areas like any other areas in the community, he is correct, the permit process would be no different.

Ms. Maclean said in touching back to an earlier question from Mr. Bryson about what does this do and does it help property owners in the avalanche zone. She said that she believes it does. They have been hearing from the public. The current maps are not of a good quality, the boundaries are a really thick font and aren't very good. Simply removing landslides, repealing the current ordinance and maps completely and then not regulating landslides and only adopting the avalanche maps, she said they believe that will help people who are truly in avalanche zones that are not landslide zones. She said that beyond that, she would concur with Mr. Palmer's earlier comments.

Ms. Maclean and Mr. Palmer then proceeded to answer questions from Assemblymembers about some of the specific language in the ordinance, who would be able to provide approvals for Accessory Dwelling Units (ADUs) and what the roles of the Director, PC, Building Official, and Engineering/Public Works Director's are in this ordinance.

Mr. Smith said that during public testimony, they heard talk of un-ringing the bell on this. He asked if we have complicated this even more by just having these maps out in the world or prevented transactions of real estate from happening in landslide or avalanche hazard zones. Ms. Maclean said that her understanding was that no one in those industries were willing to come forward and speak on the record about it. She said that due to the nature of each individual property, she understands why they may not have wanted to come forward to speak in general terms in a public manner like that.

Additional discussion took place about the philosophical questions surrounding the ability and/or likelihood of being able to build housing in the downtown and other areas that are known to members of the insurance and real estate professions in town as having potential hazards. Mayor Weldon said that she asked CBJ Emergency Programs Manager Tom Mattice to come and speak to the committee about this topic. Mr. Mattice introduced himself and noted that he was initially hired on with CBJ as the Avalanche Specialist in 2008.

Mayor Weldon said that she has been struggling with this topic internally trying to weigh the rights of individual property owners against public safety issues as seen through her background with disaster response. She asked Mr. Mattice if, with his expertise in avalanches, does he feel the maps reasonably map out avalanche hazards in those areas.

Mr. Mattice said the avalanche maps have been done to a good scientific standard and have been reviewed nationally and internationally and have been very well done. He said that when they start projecting 300-year climate models with 300-year avalanche slides based on climate change, that is debatable.

Mr. Kelly said his concerns with this ordinance are two-fold, one related to the lending industry and the other is with respect to public safety. He asked Mr. Mattice if he thought there would be elements of this ordinance that would improve the safety of Juneau residents and homeowners.

Mr. Mattice said that it is important to recognize hazards and understand the hazards that affect our jurisdiction. He said it is somewhat difficult because some areas have been overstudied and yet it is hard to ignore certain areas that have historical events. He said that acknowledging hazards and developing hazard models are good to do and the difficulties here about landslides and avalanches are that avalanches are very well versed in magnitude and frequency whereas landslides are more like thousand

year models as opposed to hundred year models. It is using newer science that makes it harder to take at face value but he sees the Assembly making good decisions.

**MOTION** by Mayor Weldon to move Ordinance 2023-18vCOW1 to the Assembly for consideration.

Objection by Mr. Smith for purposes of a question. Mr. Smith asked Manager Koester what the expected timing on this ordinance would be. Manager Koester said that they could introduce this ordinance at the next regular Assembly meeting on November 18. Chair Hale said that after that, it would be scheduled for the next Assembly meeting for public comment. Manager Koester said that the public hearing would take place at the December 11 regular Assembly meeting.

Mr. Smith said that he is good with keeping this moving but that he may want to reach out to members of the real estate and other professional industries to provide appropriate disclaimers so they can hopefully un-ring the bell somewhat on this. Mr. Smith removed his objection.

Mr. Bryson objected to the motion. He said that he feels they can un-ring the bell. The best thing that the Assembly can do is to get the 1987 ordinance repealed and anyone who wants to build will still have to go through the appropriate permitting process and people are going to be as cautious as they feel they are comfortable in being for their property.

**ROLL CALL VOTE** to forward Ordinance 2023-18vCOW1 to the Assembly for introduction

**Yeas:** Adkison, Kelly, Waahlaal Gidaag, Smith, Hughes-Skandijs, Hale, Weldon

**Nays:** Bryson

**Motion passed 8Yeas:1Nay**

Mr. Kelly said that it was his understanding that they were going to be considering the ordinance and then considering process. Ms. Hale said that they were not intending on discussing process but she recessed for a break and said they'd pick that up after the break.

Following a 5 minute break, Ms. Hale called the meeting back to order and said that during the break she spoke with Mr. Kelly and he said that he had a question on the memo. Mr. Kelly said that in being a new Assemblymember, he is curious on how things are implemented in general. He said that since the memo mentions the method by which they are communicating to the public through a postcard notice is not referenced in the ordinance, he asked how staff goes about ensuring that those processes are followed.

Manager Koester explained that CDD keeps a calendar for tracking notifications and sends out similar notices throughout the year for a variety of reasons. She said they would send out notice once this ordinance passes and then set it on their annual calendar to be sent out annually, likely in the fall, since that is when they get heavy rains and the soils have not yet frozen for the winter. Mr. Kelly said that works for him and thanked her for that answer.

Mayor Weldon said that begs the question that if they aren't adopting landslide maps, why would they be sending out notices to individuals in the landslide identified areas. Manager Koester said that was the direction that staff took from the previous conversations and meetings at which this topic was discussed by the Assembly but if the Assembly didn't want them to do that, this would be the time to provide additional direction to staff.

Ms. Hale asked Mayor Weldon if she wanted to entertain a motion at this time to give alternative direction. Mayor Weldon said not at this time as she will wait to see what happens at the Assembly level.

## 5. General Direction on Tourism Management

Tourism Manager Alix Pierce said that she is here seeking extremely high level direction from the Assembly with the idea that gives her marching orders to be able to drill down and come back to the body with options, tools, levers that can be used to manage visitor volume. She said that they ended this last tourist season with 1.638 million visitors which was a 30% growth over the 2019 season which had been the busiest season ever. She said the projected numbers are level for the 2024 and 2025 seasons. She said that the busy days, with the five ship limit going into effect in 2024, will be less busy. Our busiest days this year were approximately 20-21,000. The busiest days for this year are approximately 17,000 visitors so the five ship limit is already having a moderating effect and has plateaued.

Ms. Pierce explained the history of the five ship limit and said that it was a strategy which came out of the Visitor Industry Task Force (VITF) and like any strategy, as you are implementing it, there are some things that may need adjustment. She said that for 2026 and beyond, they need to think of their strategy and she provided a list of issues that they may want to look at and different mechanisms that they might use for addressing the impacts of tourism on the community. The direction she is hoping the Assembly will provide will help her determine what next steps they should be taking. Ms. Pierce said that the Assembly will be seeing a lot of her as she brings updates on what is happening and to see if there are any course corrections the Assembly wants her take.

Ms. Woll said that we know at this stage that if we are maintain the current tools in use, we will be seeing a flattening of the numbers over the next two years. She asked Ms. Pierce, if they basically do nothing more, does she think they will continue to see growth. Ms. Pierce said that would be a variable answer depending on how many cruise ship docks are in operation. Speaking in more detail, Ms. Pierce said ships are getting bigger and Alaska is a premium market and Juneau drives the numbers for Alaskan cruising. Vancouver and Seattle are two hub ports and Vancouver is considering adding an additional berth. What we do in Juneau makes a big difference in their decision. Because we are geographically the center of cruise network, she has been told anecdotally by the cruise industry that they can't sell Alaska without Juneau. She said that she thinks we will see growth, whether due to ship size or based on increased home port capacity. She said that if Juneau does end up having an additional facility that would accommodate large ships will mean we will see more visitor number increases.

Assemblymembers asked Ms. Pierce if she could speak to the numbers of tourists that were here during April and October out of the 1.638 million, how many landed during those shoulder months. They also asked her to speak to operator capacity or lack of operator capacity impacts things during these higher numbers.

Ms. Pierce said to address the shoulder season numbers, she didn't have those numbers handy but would email them later to the Assembly. She said that the April and October early and late ships are just one line and are just a couple of ships and it has only expanded by a week earlier and later in 2019, 2022, and 2023. She said that she doesn't think it is a huge number in the tens of thousands rather than the hundreds of thousands. She said she doesn't think the shoulder season have had a major, measurable impact. She has received a lot of feedback with discomfort about the extended season from both businesses and residents but she doesn't think it has a major impact on numbers. She said that as they look at the numbers and the impacts of those numbers, she said it is actually better to look at the daily numbers as opposed to a season-wide number. The questions she is asking are: "How did our days feel? What were the impacts? and, What can we work to change?"

Ms. Pierce said that with respect to the operator capacity question, while some of the operators may be able to handle a little more capacity but based on the public and operator feedback, they are close to the limits of capacity for the high volume activities. There has been a lot of discussion about whale watching, fi that industry turns back on more, that might mean more boats, and more impacts. The helicopter market hasn't really grown or shrunk much since the early 2000s. They're working off the same Forest Service permit that they've had since 2001, and while it impacts some residents a lot, it hasn't changed much over the last two decades. Glacier tours saw a huge impact this year because they had operators running out of their permits in mid-July so the bottleneck there wasn't necessarily operator capacity, it



was the number of permits issued by the Forest Service. The tram was really busy this year. She said that there is certainly room in our shore excursion market for operators to turn back to but there isn't much room to increase those high volume items mentioned above. She said as the Forest Service completes its planning and implementation of a new parking lot and trails in 2026 and Eaglecrest coming online with perhaps some new opportunities for growth beyond those she has already mentioned.

Ms. Hughes-Skandijs asked Ms. Pierce if she could speak to the status of the whale watching group and if there is any progress towards a limited entry process for that group. Ms. Pierce said that the group is still meeting and while she doesn't currently have any updated information on that, she will be speaking with Mr. Palmer and that group and keep the Assembly informed as that process evolves.

Ms. Pierce answered additional questions about the lower daily numbers in the coming year being attributed mostly to the five ship/day limit but also due to her ability to influence the scheduling of which ships will be using which docks. When asked about the results of the annual tourism survey, she said that she will be receiving the survey results at the end of November and hope to present those to the Assembly in early December in time for the retreat. Both residents and visitors alike were surveyed and an economic impact study was part of the visitor survey. Those results are a little bit delayed because the consultant is waiting on sales tax data.

Deputy Mayor Hale said that Ms. Pierce mentioned in her memo the ramifications of what Juneau decisions have on other communities and asked if she could speak to that more.

Ms. Pierce said that there has been a loose group of port communities in Alaska that started meeting during COVID and has been meeting approximately monthly. It is driven by the communities that get big visitor numbers such as Juneau, Skagway, Ketchikan and Sitka and they have been joined by staff from other communities drifting in and out as things are relevant to them. She said that they met during Southeast Conference and discussed the possibility of formalizing their organization, likely under AML. Ms. Hughes-Skandijs has been helping Ms. Pierce in her day job capacity with the idea that they would have a centralized group that could potentially hold contracts such as their survey contract. She said that if they were to formalize a "Port Communities of Alaska" group, they could contract for a wider visitor survey across the region. She said that most of the other cruise tourism destinations in the world have organizations of this type which are formalized in different ways, depending on the model. She said that we are unique in that we haven't had an organized body to this point. Ms. Pierce said that Juneau is the big port and we are geographically central and we get 99% of the ships so the things that we do affect other communities. She said that anything that happens in one of the regional communities affects the other communities in the region. She gave the example of a possible Sitka ballot initiatives that would cut visitation in half, that would have big ramifications for other ports in the region. She said it is important that we work together to make these decisions in a collaborative way and try to collectively figure out what a sustainable tourism industry in Southeast Alaska looks like. She thinks after formalizing the group, the big meaty question for the group would be where do we go from here and what is sustainability. She said they have been having that conversation here in Juneau but that conversation needs to move to the regional level.

Ms. Hale thanked Ms. Pierce for her answers and said that rather than do a formal motion, she would like to do a thumbs up, thumbs down, or thumbs sideways to give Ms. Pierce broad direction so she can come back to the Assembly retreat on December 2 with details about how we might go about the directions she would take.

Ms. Hale asked members to give a thumbs up if they are OK with seeing growth, thumbs sideways if they want to maintain as is, or thumbs down if they want to see a decrease in visitor numbers.

Mr. Smith said he has a process question. During candidate forums, there are always those yes/no questions that truly have some nuanced answers. He said that if he were to vote as "maintain" for this, it is with the nuance that really means "Maintain while continuing to aggressively manage tourism to reduce impacts on residents."

Ms. Hale said they will take that as the interpretation of “maintain.

The THUMB VOTE was taken as follows:

**THUMBS UP: None.**

**THUMBS SIDEWAYS (Maintain):** Mayor Weldon, Greg Smith, Wade Bryson

**THUMBS DOWN:** Christine Woll, ‘Wáahlaal Gidaag, Michelle Hale, Alicia Hughes-Skandijs, Paul Kelly, Ella Adkison

Ms. Hale said she didn’t think they would be voting in that manner in the future but she thanked Ms. Pierce and said they look forward to having more robust discussions on tourism in the future.

#### **G. STAFF REPORTS**

#### **H. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS**

Mayor Weldon noted that for the Assembly retreat, while the start time hasn’t been officially set, it will be early. She also told members to be sure to watch their emails as Mr. Barr will be sending them information on goals that they will need to respond to.

**I. NEXT MEETING DATE: December 18, 2023 6:00p.m.**

#### **J. SUPPLEMENTAL MATERIALS**

#### **K. ADJOURNMENT**

*There being no further business to come before the body, the meeting adjourned at 7:59p.m.*

Presented by: AFC  
 Presented: 02/23/2024  
 Drafted by: R. Palmer III

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

Serial No. 2023-14(b)(AD)

### **An Ordinance Providing for a One-Time Loan in FY24 to the Juneau School District for up to \$4.1 Million Dollars.**

WHEREAS, although the Legislature has the duty to maintain a public school system, the City and Borough of Juneau (CBJ) and the Juneau School District (JSD) currently have a responsibility to provide public education to the children of Juneau (*Compare* Article VII, §1, Alaska Const. *with* AS 29.35.160 and CBJ Charter §13); and

WHEREAS, the CBJ Assembly has a long history of funding instructional services at the Juneau School District to the maximum local contribution cap allowed by law, AS 14.17.410(c); and

WHEREAS, in FY24 the CBJ Assembly appropriated over \$30 million dollars for instructional services subject to the AS 14.17.410(c) local contribution cap and an additional \$2.3 million dollars of funding for non-instructional services representing over 5 mills of property tax revenue; and

WHEREAS, in early January 2024, the JSD discovered that it faced a significant growing structural deficit (~\$9.5M for FY23 and FY24, and an additional ~9.7M for FY25) requiring immediate and long-term reductions in spending; and

WHEREAS, on January 12, 2024, the JSD met with the Alaska Department of Education and Early Development, who indicated the JSD could address the deficit through the procurement of a loan; and

WHEREAS, on January 16, 2024, the Board of Education directed the JSD staff to implement immediate cost saving measures and pursue long-term solutions; and

WHEREAS, the JSD took immediate action with a series of cost-saving measures and initiated community discussions for structural changes to educational delivery, school consolidation, building closure(s), and staff reduction to respond to the continued lack of adequate funding from the State as well as the declining student population in Juneau; and

WHEREAS, on January 30, 2024, the Board of Education and the CBJ Assembly met to discuss the deficit and a path forward with both expressing a strong commitment to work together to establish a sustainable budget; and

WHEREAS, the CBJ Assembly expressed an interest to support the JSD with a one-time loan, maintenance of facilities, and one-time fiscal support for non-instructional expenses involving, insurance, utilities, and custodial services; and

WHEREAS, in addition to the one-time non-instructional fiscal support through Ordinance 2023-14(b)(AB), a loan is necessary to balance the FY24 JSD budget consistent with AS 14.17.900(a), and because there is no practical way to cut ~\$4M in the final few months of a school year while still providing the Constitutionally required free public education to the students in Juneau and complying with AS 29.35.160; and

WHEREAS, the JSD explored other sources for a loan like from a commercial lender, private entities, and the State, all of which would clearly not be subject to the AS 14.17.410(c) local contribution cap, and the CBJ Assembly Finance Committee on February 7, 2024, indicated that it was willing to support the JSD with a ~\$4M loan; and

WHEREAS, the intent of this appropriation is to help stabilize the JSD's FY24 budget by giving the JSD a five-year fiscal reorganization opportunity; and

WHEREAS, the CBJ Assembly recognizes the JSD structural deficit exists in FY25, and the JSD will need to make substantial reductions in expenditures through school consolidations, school closure, and staff reductions even with the Assembly's support with this loan, Ordinance 2023-14(b)(AB) (FY24 up to \$3.9M), and Ordinance 2024-01(b)(A) (FY25 up to \$1.6M) to create a balanced budget. Importantly, any education funding support from the Legislature and the Governor this session would minimize the severity of the expenditure reductions to the students, families, staff, and economy of Juneau; and

WHEREAS, as part of the loan, the JSD will need to make their financial systems and records available to the CBJ Finance Department to increase transparency and share expertise between the two organizations; and

WHEREAS, as part of bringing forward a FY26 balanced budget, the JSD will be required to present their loan payback schedule for the remainder of the term of the loan; and

WHEREAS, if the JSD fails to make timely payments on this loan, the CBJ Assembly has appropriation authority over JSD's budget in the annual budget process to ensure this loan is repaid (AS 14.14.060(c), CBJ Charter 13.6-13.7).

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

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

**Section 2. Appropriation.** There is appropriated to the Juneau School District the sum of \$4.1 million dollars as a loan for the District to continue providing educational services in FY24 while it continues reducing expenditures.

**Section 3. Terms.** The CBJ Assembly authorizes the Manager to enter into a loan agreement with the Juneau School District for an amount up to \$4.1 million dollars with the following essential terms:

- (a) The loan period is five (5) years;
- (b) The first payment is due no later than in FY26; and
- (c) The interest rate shall be zero percent (0%).

**Section 4. Source of Funds.** To be paid from the restricted budget reserve.

**Section 5. Effective Date.** This ordinance shall become effective upon adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Presented by: AFC  
 Presented: 02/23/2024  
 Drafted by: R. Palmer III

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

### Serial No. 2023-14(b)(AB)

#### **An Ordinance Providing up to \$3,922,787 to the Juneau School District for Non-instructional Costs for FY24.**

WHEREAS, although the Legislature has the duty to maintain a public school system, the City and Borough of Juneau (CBJ) and the Juneau School District (JSD) currently have a responsibility to provide public education to the children of Juneau (*Compare* Article VII, §1, Alaska Const. *with* AS 29.35.160 and CBJ Charter §13); and

WHEREAS, the CBJ Assembly has a long history of funding instructional services at the Juneau School District to the maximum local contribution cap allowed by law, AS 14.17.410(c); and

WHEREAS, in FY24 the CBJ Assembly appropriated over \$30 million dollars for instructional services subject to the AS 14.17.410(c) local contribution cap and an additional \$2.3 million dollars of funding for non-instructional services representing over 5 mills of property tax revenue; and

WHEREAS, in early January 2024, the JSD discovered that it faced a significant growing structural deficit (~\$9.5M for FY23 and FY24, and an additional ~\$9.7M for FY25) requiring immediate and long-term reductions in spending; and

WHEREAS, on January 16, 2024, the Board of Education directed the JSD staff to implement immediate cost saving measures and pursue long-term solutions; and

WHEREAS, the JSD took immediate action with a series of cost-saving measures and initiated community discussions for structural changes to educational delivery, school consolidation, building closure(s), and staff reductions to respond to the continued lack of adequate funding from the State as well as the declining student population in Juneau; and

WHEREAS, on January 30, 2024, the Board of Education and the CBJ Assembly met to discuss the deficit and a path forward with both expressing a strong commitment to work together to establish a sustainable budget; and

WHEREAS, the CBJ Assembly expressed an interest to support the JSD with a one-time loan, maintenance of facilities, and one-time fiscal support for non-instructional expenses involving, insurance, utilities, and custodial services; and

WHEREAS, the JSD incurs significant non-instructional expenses in its operating fund for providing space and services in school facilities and on school grounds like after-school childcare, community activities, and sporting activities; and

WHEREAS, in addition to the one-time loan through Ordinance 2023-14(b)(AD), this one-time non-instructional fiscal support is reasonable and necessary to balance the FY24 JSD budget consistent with AS 14.17.900(a), and because there is no practical way to cut ~\$4M in the final few months of a school year while still providing the Constitutionally required free public education to the students in Juneau and complying with AS 29.35.160; and

WHEREAS, 4 AAC 09.990(b) currently exempts this ordinance from the definition of local contribution in AS 14.17.990, because these funds are only to be used for non-instructional purposes and the JSD is still required to pay for the fair market value of insurance, utilities, and maintenance of facilities related to free public education from the operating fund; and

WHEREAS, the intent of this appropriation is to help offset the JSD’s FY24 non-instructional expenses involving maintenance of facilities, insurance, utilities, and custodial services that have been absorbed by the JSD’s operating fund and which should be provided by special revenue funds; and

WHEREAS, the amount appropriated by the CBJ Assembly in this ordinance, if any, should not be construed or interpreted as being determinative of the maximum amount the JSD could request or expend for non-instructional purposes consistent with 4 AAC 09.990(b).

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

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

**Section 2. Appropriation.** There is appropriated to the Juneau School District the sum of \$3,922,787 for non-instructional costs for FY24.

**Section 3. Source of Funds.** Unrestricted general fund.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Attest:

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

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

Presented by: AFC  
Presented: 02/23/2024  
Drafted by: R. Palmer III

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

### Serial No. 2024-01(b)(A)

#### **An Ordinance Providing up to \$1,650,405 to the Juneau School District for Non-instructional Costs for FY25.**

WHEREAS, although the Legislature has the duty to maintain a public school system, the City and Borough of Juneau (CBJ) and the Juneau School District (JSD) currently have a responsibility to provide public education to the children of Juneau (*Compare* Article VII, §1, Alaska Const. *with* AS 29.35.160 and CBJ Charter §13); and

WHEREAS, the CBJ Assembly has a long history of funding instructional services at the Juneau School District to the maximum local contribution cap allowed by law, AS 14.17.410(c); and

WHEREAS, in FY24, the CBJ Assembly appropriated over \$30 million dollars for instructional services subject to the AS 14.17.410(c) local contribution cap and an additional \$2.3 million dollars of funding for non-instructional services representing over 5 mills of property tax revenue; and

WHEREAS, in early January 2024, the JSD discovered that it faced a significant growing structural deficit (~\$9.5M for FY23 and FY24, and an additional ~\$9.7M for FY25) requiring immediate and long-term reductions in spending; and

WHEREAS, on January 16, 2024, the Board of Education directed the JSD staff to implement immediate cost saving measures and pursue long-term solutions; and

WHEREAS, the JSD took immediate action with a series of cost-saving measures and initiated community discussions for structural changes to educational delivery, school consolidation, building closure(s), and staff reductions to respond to the continued lack of adequate funding from the State as well as the declining student population in Juneau; and

WHEREAS, on January 30, 2024, the Board of Education and the CBJ Assembly met to discuss the deficit and a path forward with both expressing a strong commitment to work together to establish a sustainable budget; and

WHEREAS, the CBJ Assembly expressed an interest to support the JSD with a one-time loan, maintenance of facilities, and one-time fiscal support for non-instructional expenses involving, insurance, utilities, and custodial services; and



WHEREAS, the JSD incurs significant non-instructional expenses in its operating fund for providing space and services in school facilities and on school grounds like after-school childcare, community activities, and sporting activities; and

WHEREAS, in addition to changes to educational delivery, school consolidation, building closure(s), and staff reductions, this one-time non-instructional fiscal support is reasonable and necessary to balance the FY25 JSD budget consistent with AS 14.17.900(a), and because otherwise cuts of ~\$9.7M would harm students, families, staff, and the economy; and

WHEREAS, 4 AAC 09.990(b) currently exempts this ordinance from the definition of local contribution in AS 14.17.990 because these funds are only to be used for non-instructional purposes and the JSD is still required to pay for the fair market value of insurance, utilities, and maintenance of facilities related to free public education from the operating fund; and

WHEREAS, the intent of this appropriation is to help offset the JSD’s FY25 non-instructional expenses involving maintenance of facilities, insurance, utilities, and custodial services that would be absorbed by the JSD’s operating fund and which should be provided by special revenue funds; and

WHEREAS, the amount appropriated by the CBJ Assembly in this ordinance, if any, should not be construed or interpreted as being determinative of the maximum amount the JSD could request or expend for non-instructional purposes consistent with 4 AAC 09.990(b).

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

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

**Section 2. Appropriation.** There is appropriated to the Juneau School District the sum of \$1,650,405 for non-instructional operations costs for FY25.

**Section 3. Source of Funds.** Unrestricted general fund.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Attest:

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

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



City and Borough of Juneau  
 City & Borough Manager's Office  
 155 Heritage Way  
 Juneau, Alaska 99801  
 Telephone: 586-5240 | Facsimile: 586-5385

TO: Deputy Mayor Hale and CBJ Borough Assembly  
 FROM: Katie Koester, City Manager  
 DATE: February 21, 2024  
 RE: Changes to Title 3 (Administration) and Title 85 (Docks and Harbors)

The purpose of the draft legislation presented to you today is to clarify the roles and responsibilities of the Tourism Manager and the Docks and Harbors Board. It is a follow-up to the 12.18.23 Joint Docks and Harbors and Assembly meeting where this topic was discussed.

### **History**

The growth of Tourism in Juneau created the need to manage the impacts of tourism across the community. In 2021 the Assembly approved a Tourism Manager position in the Manager's office to do just that through improvements in infrastructure, negotiation with industry and understanding the landscape of the visitor industry and how Juneau citizens interact with it.

The new role has created confusion in duties and responsibilities where tourism interacts with port infrastructure, recreational land, and housing. This has been experienced most acutely within Docks and Harbors where there is conflict in the mission of the enterprise to maximize revenue and be self-sustaining and the desire of the community to control, and sometimes limit, growth. The work Eaglecrest is doing with the gondola also has a clear tourism nexus. In the future other enterprise boards could have projects that have a disproportionate impact on the visitor industry and need to be managed with that lens in mind.

### **Changes to Title 3**

The attached Ordinance 2024-04 amending Title 3, Administration, to establish the Tourism Office and their corresponding duties allows the manager to assign the Tourism Manager as the client department or co-project manager for projects with a substantial relationship to cruise-ship related tourism.

### **Changes to Title 85**

City Manager Watt spent the last year of his tenure working on aligning roles and responsibilities of the Tourism Manager, who is under the City Manager, and the Docks Enterprise, currently under the Port Director. The changes presented to you in Ordinance 2024-10 were drafted by Manager Watt and were presented to the Docks and Harbors board in draft form in August and September of 2023. The proposed ordinance makes the following changes:

- It is explicit that Docks and Harbors is not responsible for rate setting, scheduling or policy issues, and issues related to the interface between industry and citizens of Juneau, including the impact of tours.
- It adds a Manager's Office review to the Docks and Harbors budget process.
- Repeals 85.02.065 that states the Docks and Harbors Board can only commit to long range port planning or CIP projects by ordinance or resolution by the Assembly. Current practice is to authorize projects through the appropriating ordinances, however there is not, to my knowledge,

a companion authorizing project management ordinance that explicitly names Docks and Harbors as manager. Practice has been that the Engineering and Docks and Harbors both work on waterfront projects depending on who has the capacity or expertise.

- States that the Port Director will take direction from the City Manager as it relates to cruise ship tourism. This, in conjunction with proposed changes to Title 3, make it very clear that the Manager's office, through the Tourism Manager, has direct control and influence over all things related to cruise tourism. This change will help advance the goals of the Visitor Industry Task Force (VITF) and provide a more direct route for Assembly influence on tourism related projects.

The Docks and Harbor Board discussed a response to the City Manager's proposal at their October 26, and November 15, 2023 board meetings. The most recent version of their draft comments are included in the packet. They are addressed to the City Manager and were not formally adopted by the board. Many of the proposed changes are explicit about what the Docks and Harbor board is not responsible for. The draft Board comments take issue with the proposed language as unnecessary and drafted in the negative. While the Board bring up good points, the purpose of this legislation is to clarify roles and responsibilities in which case the more direct and explicit the language is, the easier it will be for current and future bodies to correctly interpret the Assembly's intent.

At the 12.18.2023 Joint Docks and Harbors and Assembly meeting, the Assembly discussed limiting Docks & Harbors to Harbor issues, operations, staffing and facilities; the Assembly wanted to have control of broad range community planning and managing the impacts of tourism as it relates to Docks and Harbors. In summary, the policy of Docks and how they are used is the purview of the Assembly.

**Recommendation:**

Title 3, Administration

Direct Assembly Liaisons to bring the proposed changes to their respective empowered boards for feedback. Move to introduce ordinance making changes to Title 3 at April 1<sup>st</sup> Regular Assembly meeting to give Liaisons time to collect relevant feedback.

Title 85, Docks and Harbors

Give staff feedback on Manager Watt's proposed changes. Direct staff to introduce an Ordinance concurrent with changes to Title 3.

Enc:

Ordinance 2024-04

Ordinance 2024-10

Title 85 Clarification from Docks and Harbors Board

Presented by: The Manager  
Presented:  
Drafted by: E. Wright

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

**Serial No. 2024-04 vCOW1**

**An Ordinance Establishing Duties for the Tourism Office.**

WHEREAS, the Assembly initially funded a tourism manager position with Ordinance 2021-08(b)(am)(C) (adopted Aug. 23, 2021); and

WHEREAS, the City Manager has broad authority over departments like the Parks and Recreation Department and the Library Department, which provide many facilities and services to tourists; and

WHEREAS, the Eaglecrest Ski Area enterprise department is developing summer operation plans that include a gondola dependent on cruise ship tourism, for which the City Manager has limited authority over without this ordinance; and

WHEREAS, the Docks and Harbors enterprise department has admirably managed the cruise ship docks and the cruise ship industry while the recent increases in cruise ship tourism necessitates the Assembly to authorize the City Manager with more control of tourism management; and

WHEREAS, this ordinance would help clarify the tourism manager’s duties especially related to enterprise departments, for which the City Manager would otherwise have limited authority.

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 03.15 is amended by creating a new section to read:

**03.15.060 Tourism Office.**

(a) City Manager Authority. The manager may create and maintain the tourism office by appointing a tourism manager. The tourism manager shall report to the manager.

(b) Duties. The tourism office is responsible for tourism management borough-wide, including but not limited to the following: centralized tourism policy and management; coordination of community planning and projects related to tourism; public relations related to the cruise ship industry, including contract management and schedule coordination; and other duties as assigned by the manager.

(c) Department consultation. Department directors, or designees, including enterprise departments, are expected to take direction from the tourism office when a project, change in operation, change in policy, or similar action would likely alter or impact tourism management. The tourism manager, or designee, is expected to consult with department directors when a tourism management issue would likely alter or impact a department's project, operation, policy, or similar action. The tourism manager is expected to provide reports and be available to advise department directors, boards, and committees related to tourism management.

1  
2 (d) Project Management. The manager may assign the tourism manager as the client  
3 department or as a co-project manager for any project with a substantial relationship to  
4 cruise-ship originating tourism even if an enterprise department would otherwise manage  
5 the project. If the manager invokes this project management authority for an enterprise  
6 department project, the manager shall provide written notice to the enterprise department  
7 governing body and to the Assembly or Assembly committee; the Assembly may repeal  
8 such project management authority assigned to the tourism manager on a case-by-case  
9 basis via motion.  
10  
11

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

13 Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

14  
15  
16 \_\_\_\_\_  
Beth A. Weldon, Mayor

17 Attest:

18 \_\_\_\_\_  
19 Elizabeth J. McEwen, Municipal Clerk  
20  
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25

Presented by: The Manager  
Presented:  
Drafted by: R. Palmer III

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

**Serial No. 2024-10 vCOW1**

**An Ordinance Amending Chapter 85.02 Related to the Docks and Harbors Board Roles Related to Tourism.**

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 Section.** CBJ 85.02.060 General powers, is amended to read:

**85.02.060 General powers.**

(a) Subject to state laws and City and Borough ordinances, the City and Borough Docks and Harbors Board shall generally exercise all powers necessary and incidental to operation of all port and harbor facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board shall:

- (1) Be responsible for the operation, development and marketing of municipally owned and operated port and harbors, including such facilities as boat harbors, ~~docks,~~  
~~ferry terminals,~~ boat launching ramps, and related facilities except as designated by the manager assembly by resolution. The board shall additionally be responsible for the day-to-day operation and maintenance of the municipal cruise ship docks; but not for rate setting, scheduling or policy issues affecting the cruise ship

industry, or for issues related to the interface between industry and citizens of Juneau, including the impacts of tours.

(2) Prior to February 1 of each year, the Board shall direct the port director to submit a budget necessary for the duties outlined in this section to the manager for inclusion in the municipal budget submission to the Assembly. If the manager proposes a reduced budget to the assembly or if the assembly reduces the board's proposed budget, then the board shall inform the assembly within 30 days of the operational impact of such reductions.

(3) ~~(2)~~ Adopt pursuant to CBJ 01.60 and enforce regulations necessary for the administration of the facilities under its management.

(4) ~~(3)~~ Prescribe the terms under which persons and vessels may use the facilities and shall establish and enforce standards of operation.

(5) ~~(4)~~

(A) Within the docks and harbors appropriation and in conformity with the rates of pay established for municipal positions of similar responsibility, establish, and may amend, the pay plan for harbor employees.

(B) The Docks and Harbors Department shall conform to the City and Borough Personnel Management Code, the City and Borough Personnel Rules, Personnel Classification Plan, and the manager's policies relating to personnel. The Docks and Harbors Department shall utilize the services of the Human Resources and Risk Management Department when hiring or terminating any employee, when responding to grievances, in labor agreement negotiation, and in substantial disciplinary matters. The City



and Borough Human Resources and Risk Management Director shall annually certify that the Harbor Department Classification Plan conforms to that utilized for employees of the manager.

(6) ~~(5)~~ Administer and dispose of City and Borough tideland, submerged land, and other land as provided by the assembly, subject to the following limitations:

- (A) No sale, purchase, or trade of land shall be made without prior review by the assembly lands, housing, and economic development committee and approval by the assembly.
- (B) Unless otherwise designated in advance by the assembly, any lease of land shall be limited to marine-related uses, and those uses accessory to tenancy on the boat harbor or use of the port.
- (C) All land transactions by the board in accordance with this section shall be consistent with the land management plan.
  - (i) Land shall be leased as provided in title 53, provided that the provisions of section 53.20.020 relating to a declaration of availability and identification in the land management plan shall not apply.
  - (ii) For purposes of applying title 53 pursuant to this subsection (C), any action required by title 53 of the manager may be performed by the port director.

(7) ~~(6)~~ Shall administer the design and construction of all capital improvements on lands managed by the docks and harbors board unless otherwise specified by the assembly by resolution. The board may propose capital improvement projects to and apply for funding from state and federal agencies; provided, that such requests

shall be subject to prioritization by the assembly with other municipal capital improvement funding requests prior to application for funds. The board shall, no later than November 30 each year advise the assembly of its recommendations for capital improvements to be included in the six-year capital improvement plan prepared by the manager.

(8) ~~(7)~~

(A) Shall enter into memoranda of understanding and similar agreements with public agencies for port or harbor purposes. Notwithstanding chapter 53.50, the City and Borough Docks and Harbors Board may negotiate and enter into contracts for goods and services; provided, that all legal services shall be provided by, or under the supervision of, the City and Borough Attorney, and further provided that all purchases shall be consistent with the requirements set forth in CBJ 53.50. All services provided by a City and Borough agency other than the City and Borough Attorney shall be pursuant to a memorandum of understanding or other instrument providing for payment or such other settlement as the manager and the board may approve.

(B) Contracts for public improvements and, whenever practicable, other purchase of supplies, materials, equipment, and services, except professional services and services of officers and employees of the municipality, shall be subject to the competitive bidding and property standards and procedures established in chapter 53.50, provided that the board may, for all contracts, a class of contracts, or a particular contract, specify prior to issuance of a

public solicitation that for purposes of applying chapter 53.50, all actions required thereby of the manager or the purchasing officer shall be performed by the port director, and provided further that any appeal of any protest of a contract so administered shall be from the bidding review board to the docks and harbors board and thereafter to the superior court.

(C) All contracts and purchases exceeding \$100,000.00 shall require prior assembly approval.

...

**Section 3. Amendment of Section.** CBJ 85.02.065 Limitation on authority, is repealed and reserved:

**85.02.065 Reserved. ~~Limitation on authority.~~**

~~The Board of Directors of the City and Borough Docks and Harbors Board may commit the City and Borough to long range port development or capital improvement plans or projects only as authorized in advance by the assembly by ordinance or resolution.~~

**Section 4. Amendment of Section.** CBJ 85.02.090 Duties and responsibilities of port director, is amended to read:

**85.02.090 Duties and responsibilities of port director.**

(a) The port director is responsible for the overall supervision and direction of the operation of the municipal port and harbors. The authority and duties of the port director shall include the following:

- (1) To be responsible for carrying out all applicable laws, ordinances, rules, and regulations.
- (2) To be responsible for carrying out policies established by the board of directors.
- (3) In consultation with the City and Borough Personnel Director and consistent with that utilized by other City and Borough departments, to prepare and submit a plan of organization and a job classification plan for the personnel employed in the docks and harbors department to the docks and harbors board for approval.
- (4) To prepare an annual budget as required by City and Borough ordinance.
- (5) To select, employ, control, and discharge all port and harbor employees and such other employees as the assembly by ordinance hereafter places under the supervision of the port director subject to the provisions of the City and Borough personnel ordinance.
- (6) To prepare such reports as may be required on any phase of harbor activity.
- (7) To attend all meetings of the board of directors and of standing committees except where otherwise authorized by the board.
- (8) To perform any other duty that may be necessary in the interest of the port and harbor area.
- (9) Consistent with the limitations of authority on cruise ship tourism in 85.02.060(a)(1), the port director shall take direction from the city manager, or designee.

**Section 5. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

## TITLE 85 WATERS AND HARBORS<sup>1</sup>

### *Chapter 85.02 DOCKS AND HARBORS BOARD<sup>2</sup>*

#### **85.02.060 General powers.**

- (a) Subject to state laws and City and Borough ordinances, the City and Borough Docks and Harbors Board shall generally exercise all powers necessary and incidental to operation of all port and harbor facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board shall:
- (1) Be responsible for the operation, development and marketing of municipally owned and operated ~~port and~~ harbors, including such facilities as boat harbors, ~~docks, ferry terminals,~~ boat launching ramps, and related facilities except as designated by the assembly by resolution. The Board shall additionally be responsible for the day to day operation and maintenance of the municipal cruise ship docks, but not for rate setting, scheduling or policy issues affecting the cruise ship industry or for issues related to the interface between industry and citizens of Juneau, including the impacts of tours.
  - (2) Adopt pursuant to CBJ 01.60 and enforce regulations necessary for the administration of the facilities under its management.
  - (3) Prescribe the terms under which persons and vessels may use the facilities and shall establish and enforce standards of operation.
  - (4) (A) Within the docks and harbors appropriation and in conformity with the rates of pay established for municipal positions of similar responsibility, establish, and may amend, the pay plan for harbor employees.  
(B) The Docks and Harbors Department shall conform to the City and Borough Personnel Management Code, the City and Borough Personnel Rules, Personnel Classification Plan, and the manager's policies relating to personnel. The Docks and Harbors Department shall utilize the services of the Human Resources and Risk Management Department when hiring or terminating any employee, when responding to grievances, in labor agreement negotiation, and in substantial disciplinary matters. The City and Borough Human Resources and Risk Management

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<sup>1</sup>**Administrative Code of Regulations cross reference**—Docks and harbors, Part IV, Title 5.

Cross reference(s)—Boat harbor, CBJ Code § 03.30.052; building regulations, CBJ Code tit. 19; litter in lakes and fountains, CBJ Code § 36.30.060; land use, CBJ Code tit. 49; waterfront districts, CBJ Code § 49.25.250; wetlands management, CBJ Code § 49.70.1000 et seq.; recreation, parks and community centers, CBJ Code tit. 67; marine passenger fee, CBJ Code ch. 69.20.

<sup>2</sup>Charter reference(s)—Docks and harbors board, § 3.21.

State law reference(s)—Port facilities grants, § 30.15.010 et seq.; boat harbor, dike, jetty, and breakwater facilities, AS 35.10.090 et seq.

Director shall annually certify that the Harbor Department Classification Plan conforms to that utilized for employees of the manager.

- (5) Administer and dispose of City and Borough tideland, submerged land, and other land as provided by the assembly, subject to the following limitations:
  - (A) No sale, purchase, or trade of land shall be made without prior review by the assembly lands, housing, and economic development committee and approval by the assembly.
  - (B) Unless otherwise designated in advance by the assembly, any lease of land shall be limited to marine-related uses, and those uses accessory to tenancy on the boat harbor or use of the port.
  - (C) All land transactions by the board in accordance with this section shall be consistent with the land management plan.
    - (i) Land shall be leased as provided in title 53, provided that the provisions of section 53.20.020 relating to a declaration of availability and identification in the land management plan shall not apply.
    - (ii) For purposes of applying title 53 pursuant to this subsection (C), any action required by title 53 of the manager may be performed by the port director.
- (6) Shall administer the design and construction of all capital improvements on lands managed by the docks and harbors board unless otherwise specified by the assembly by resolution. The board may propose capital improvement projects to and apply for funding from state and federal agencies; provided, that such requests shall be subject to prioritization by the assembly with other municipal capital improvement funding requests prior to application for funds. The board shall, no later than November 30 each year advise the assembly of its recommendations for capital improvements to be included in the six-year capital improvement plan prepared by the manager.
- (7) (A) Shall enter into memoranda of understanding and similar agreements with public agencies for port or harbor purposes. Notwithstanding chapter 53.50, the City and Borough Docks and Harbors Board may negotiate and enter into contracts for goods and services; provided, that all legal services shall be provided by, or under the supervision of, the City and Borough Attorney, and further provided that all purchases shall be consistent with the requirements set forth in CBJ 53.50. All services provided by a City and Borough agency other than the City and Borough Attorney shall be pursuant to a memorandum of understanding or other instrument providing for payment or such other settlement as the manager and the board may approve.
- (B) Contracts for public improvements and, whenever practicable, other purchase of supplies, materials, equipment, and services, except professional services and services of officers and employees of the municipality, shall be subject to the competitive bidding and property standards and procedures established in chapter 53.50, provided that the board may, for all contracts, a class of contracts, or a particular contract, specify prior to issuance of a public solicitation that for purposes of applying chapter 53.50, all actions required thereby of the manager or the purchasing officer shall be performed by the port director, and provided further that any appeal of any protest of a contract so administered shall be from the bidding review board to the docks and harbors board and thereafter to the superior court.
- (C) All contracts and purchases exceeding \$100,000.00 shall require prior assembly approval.
- (b) *Private dock reservations.* The docks and harbors board is authorized to execute a reservation agreement for private docks with the following essential terms:
  - (1) *Scope.* The docks and harbors department may manage reservations, including moorage services, for any privately owned docks within the City and Borough of Juneau.

- (2) *Priority.* Docks and harbors shall prioritize reservations at municipally owned facilities.
- (3) *Compensation.* Docks and harbors shall receive fair market value for its services, which shall be determined by the docks and harbors port director.
- (4) *Liability.* The City and Borough of Juneau is not assuming control, maintenance, or responsibility of any of private property, including, but not limited to, vessels using a private dock or private docks and associated facilities. The City and Borough of Juneau is not responsible for the inability to make a reservation, reservation disruptions, reservation changes, market fluctuations, or vessel relocations.
- (5) *Public records.* All records received by the docks and harbors department related to public-private agreements are public records and subject to the Alaska Public Records Act and CBJC 01.70.

(Serial No. 2004-03b, § 2, 3-9-2004; Serial No. 2006-06, § 4, 4-3-2006; Serial No. 2013-29, § 5, 1-6-2014, eff. 2-5-2014 ; Serial No. 2019-19, § 5, 7-22-2019, eff. 8-22-2019 ; Serial No. 2022-02, § 2, 2-7-2022, eff. 3-10-2022; Serial No. 2022-48(b) , § 3, 1-30-2023, eff. 3-2-2023)

#### **~~85.02.065 Limitation on authority.~~**

~~The Board of Directors of the City and Borough Docks and Harbors Board may commit the City and Borough to long-range port development or capital improvement plans or projects only as authorized in advance by the assembly by ordinance or resolution.~~

~~(Serial No. 2004-03b, § 2, 3-9-2004)~~

#### **85.02.080 Port director designated; appointment.**

The chief executive officer of the municipal port and harbors shall be the port director appointed by the City and Borough Docks and Harbors Board only upon the affirmative vote of a majority of the entire board. The port director serves at the pleasure of the board. For purposes of Chapter 44.05, the port director shall have the status of a department director. The board shall establish the compensation and benefits to be provided to the port director. Personnel actions regarding the port director, including hiring, evaluation, discipline, and termination, shall be after consultation with the city manager.

(Serial No. 2004-03b, § 2, 3-9-2004; Serial No. 2005-32(b), § 5, 10-10-2005)

#### **85.02.090 Duties and responsibilities of port director.**

- (a) The port director is responsible for the overall supervision and direction of the operation of the municipal port and harbors. The authority and duties of the port director shall include the following:
  - (1) To be responsible for carrying out all applicable laws, ordinances, rules and regulations.
  - (2) To be responsible for carrying out policies established by the board of directors.
  - (3) In consultation with the City and Borough Personnel Director and consistent with that utilized by other City and Borough departments, to prepare and submit a plan of organization and a job classification plan for the personnel employed in the docks and harbors department to the docks and harbors board for approval.
  - (4) To prepare an annual budget as required by City and Borough ordinance.



- (5) To select, employ, control and discharge all port and harbor employees and such other employees as the assembly by ordinance hereafter places under the supervision of the port director subject to the provisions of the City and Borough personnel ordinance.
- (6) To prepare such reports as may be required on any phase of harbor activity.
- (7) To attend all meetings of the board of directors and of standing committees except where otherwise authorized by the board.
- (8) To perform any other duty that may be necessary in the interest of the port and harbor area.
- (9) Consistent with the limitations of authority on cruise ship tourism in 85.02.060 A (1), the Port Director shall take direction from the City Manager.

(Serial No. 2004-03b, § 2, 3-9-2004)

### **85.02.100 Schedule of fees and charges.**

- (a) The board shall, by regulations adopted pursuant to CBJ 01.60, impose a schedule of fees and charges for use of ports and harbors, and facilities designated by the assembly by resolution.

(Serial No. 2004-03b, § 2, 3-9-2004)

## ***Chapter 85.05 DEFINITIONS***

### **85.05.010 Definitions.**

Whenever the following words and terms are used in this title they shall have the meaning ascribed to them in this chapter, unless the context clearly indicates otherwise:

*Aircraft* means aircraft of every kind or description which is able to alight upon or take off from water.

*Assembly* means the assembly of the City and Borough.

*Aurora Harbor* means that area of tide and submerged lands south of Norway Point which was dredged and constructed as a boat basin by the United States Corps of Engineers in 1963 and 1964 together with its breakwater, jetty, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches, and appurtenances.

*Board and board of directors* mean the docks and harbors board.

*Boat harbor* means all facilities and appurtenances of Harris Harbor, Aurora Harbor, the Douglas Harbor, and the Don D. Statter Harbor Facilities at Auke Bay, all additions and improvements thereto, and the waters of Harris Harbor, Aurora Harbor, the Douglas Harbor, the Don D. Statter Harbor Facilities at Auke Bay float and dock, the entrances and exits of Harris Harbor, Aurora Harbor, and the Douglas Harbor and municipal wharves.

*Boats* means all vessels, ships, boats, skiffs and watercraft of every kind and description, and aircraft using or present in the boat harbor. The essential element of a boat is that its purpose and use is navigation as a means of transportation.

*City and Borough* means the City and Borough of Juneau, Alaska.

*Derelict* means any boat moored or otherwise located in the boundaries of the Juneau boat harbor facilities which is forsaken, abandoned, deserted or cast away, or which by appearance gives evidence of being forsaken, abandoned, deserted or cast away, or which in the opinion of any recognized marine surveyor is unsound,

unseaworthy and unfit for its trade or occupation and which by any substantial evidence of neglect may be considered abandoned.

*Douglas Harbor* means that area of tide and submerged lands located north of the Bureau of Mines jetty which was dredged and constructed as a boat basin by the United States Corps of Engineers in 1962 together with its breakwater, jetty, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches, and appurtenances.

*Finger floats* means numbered or lettered floats attached and connected to the master floats. All floats, now or hereafter installed, whether or not so connected with master floats, shall be suitably identified.

*Float* means a nonfixed pier.

*Harris Harbor* means that area of tide and submerged lands located between the Juneau-Douglas bridge and the University of Alaska Southeast Marine Technology Center which was dredged and constructed as a boat harbor by the United States Corps of Engineers in 1940, together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

*Houseboat* means a dwelling built upon a barge, log raft or similar floating structure, constructed for habitation, and for which no other reasonable use appears or can be demonstrated.

*Imminent danger of sinking* means any condition where the lack of, or the failure of a pump or of power to the pump would materially contribute to the sinking of the vessel within 24 hours of such failure.

*Master floats* means the main or master floats reached by ramps from the dock or wharf approaches. All master floats shall be suitably identified.

*Municipal wharves* means Douglas Wharf, Juneau Fishermen's Terminal, Ferry Dock Wharf, Juneau Cold Storage Wharf, and the Alaska Steamship Wharf.

*Port* means those facilities located on the downtown waterfront, including the ferry terminal and lightering docks, which are not included under the term "boat harbor" and which are used for commercial purposes related to marine shipping, transportation, and tourism.

*Port director* means the duly appointed port director of the City and Borough.

*The Don D. Statter Harbor Facilities at Auke Bay float and dock* means those certain float and all facilities and appurtenances thereto, leased from the state, which are located in Auke Bay.

*Transient vessel* means any boat or vessel with a home port outside the City and Borough which has not occupied rented mooring space for more than 150 days.

(CBJ Code 1970, § 85.05.010; Serial No. 71-44, § 4, 1971; Serial No. 95-05am, § 5, 1995)

Cross reference(s)—Definitions generally, CBJ Code § 01.15.010.



# Port of Juneau

155 S. Seward Street • Juneau, AK 99801  
(907) 586-0292 Phone • (907) 586-0295 Fax

**From:** Port Director  
**To:** City & Borough of Juneau Assembly  
**Via:** (1) Docks & Harbors Board  
 (2) City Manager  
**Date:** ~~October~~ November xx<sup>th</sup>, 2023  
**Re:** Title 85 - Clarification

1. Docks & Harbors respectfully requests clarification to proposed Title 85 changes pertaining to roles and responsibilities of the Board of Directors. Above all, it is Docks & Harbors desire to meet the expectations and goals set by the Assembly. After two presentations by the outgoing CBJ Manager at Board meetings, the proposed language in the enclosure was provided on September 29<sup>th</sup>. Specifically, this memo offers bulletized commentary to his recommended changes.

(1) Be responsible for the operation, development and marketing of municipally owned and operated port and harbors, including such facilities as boat harbors, ~~docks, ferry terminals,~~ boat launching ramps, and related facilities except as designated by the assembly by resolution. The Board shall additionally be responsible for the day to day operation and maintenance of the municipal cruise ship docks, but not for rate setting, scheduling or policy issues affecting the cruise ship industry or for issues related to the interface between industry and citizens of Juneau, including the impacts of tours.

- Codifying the Docks Enterprise responsibilities for day-to-day operations and maintenance CBJ owned docks may be appropriate; however, this is already accomplished without such language.
- Removing reference to "rate setting" is incongruent to managing operations & maintenance facilities. All rates must go through the Assembly for ratification; therefore, rate setting is only a recommendation from the Board. It would seem Board input to the Assembly regarding maintaining facilities would be appropriate, even if it is in an advisory role.
- Docks & Harbors has never scheduled cruise ships; therefore, prohibiting an activity in which there are no plans to execute seems extraneous.
- Language which removes Docks & Harbors scheduling/policy/issues responsibilities in mitigation of impact of tours may have unintended consequences. Docks & Harbors expends significant resources managing downtown and Statter Harbor parking lots, as well as deconflicting tour excursions from local users at Statter Harbor, North Douglas Boat Launch and Wayside Park float.

(2) Prior to February 1 of each year, the Board shall direct the Port Director to submit a budget necessary for the duties outlined in 85.02.060 to the Manager for inclusion in the municipal budget submission to the Assembly. If the Manager proposes a reduced budget to the Assembly or if the Assembly reduces the Board's proposed budget, then the Board shall inform the Assembly within 30 days of the operational impact of such reductions.

- Docks & Harbors Board already provides the proposed and amended budget by the last Thursday in January via the established Finance Department processes.
- If the intent of this change is to remove all Docks Enterprise budget responsibilities from the Board and into the general fund (municipal budget), this would imply that the Docks is no longer an empowered enterprise. Would this be the intent of this change?

#### 85.02.065 Limitation on authority.

~~The Board of Directors of the City and Borough Docks and Harbors Board may commit the City and Borough to long range port development or capital improvement plans or projects only as authorized in advance by the assembly by ordinance or resolution.~~

- By removing a paragraph entitled “Limitations on authority”, one could interpret this as providing more authority than what the Assembly wishes the Board to exercise.
- This paragraph places boundary conditions on what the Board may commit to and only with written authority from the Assembly. This appears to be a sound policy.
- It is unclear whether the intent of this extraction signals that the Board should not be involved in the Harbor Enterprise capital improvement plans.
- It is unclear to whether the removal of long range port development [sic] is suggesting the Board should not be engaged in the Long Range Waterfront Plan and/or including planning efforts along the Borough managed tide lands.

#### 85.02.090 Duties and responsibilities of port director.

~~(9) Consistent with the limitations of authority on cruise ship tourism in 85.02.060 A (1), the Port Director shall take direction from the City Manager.~~

- Reviewing the proposed language and bulletized comments from 85.02.060(a)(1) above, this change only adds confusion. This paragraph only speaks to the responsibilities of the Docks & Harbor Board, not the Port Director’s role.
- The current Port Director, although not agreeing 100% with the three previous City Managers, has always taken direction from that position. Broadly speaking, if CBJ has a Port Director unwilling to take direction from the City Manager, then the wrong individual is the Port Director.
- The Port Director already works for 18 individuals, adding a 19<sup>th</sup> is not a lift.

2. It appears that the draft language encourages distancing the Docks & Harbors Board from issues related to the large downtown cruise ship docks. As a practical matter, Docks & Harbor recognizes its role to provide infrastructure and to improve operational efficiencies whether at the cruise ship docks, harbors or boat launches. Policy questions regarding the impact of the cruise industry has never been asked of Docks & Harbors. For instance, the Port Director was not included in the deliberations of the CLIA lawsuit, in the participation in the VIFT nor in the negotiations with the industry on port agreements, such as the five ship limit. Docks & Harbors Board and Staff are capable and willing to assist in any capacity directed. The tone of the recommended changes, in many ways, implies “don’t do something that you’re not already doing”. A better approach may be to maximize the efforts of the volunteer Board of nine individuals by leveraging their talents, knowledge and abilities, even if it is in the role of advisory. As an example, the Board has been consistent for many years that CBJ is exposed to unnecessary legal risk without a contiguous safety railing along the downtown Seawalk. The Board articulating this position adds a creditable voice to the maritime needs of the Juneau community. The decision to fund a project still remains with the elected Assembly.
3. Should the Assembly wish to entertain changes to ordinance on tourism policy, the following may want to be considered:

#### 85.02.060 General powers.

(a) Subject to state laws and City and Borough ordinances, the City and Borough Docks and Harbors Board shall generally exercise all powers necessary and incidental to operation of all port and harbor facilities in the public interest and in a sound business manner. The board shall carry out its charge for matters pertaining to the harbors enterprise with vigor and resolve; and to the docks enterprise, as an advisory body to the assembly. In particular, and ~~without~~ limitation on the foregoing, the board shall:

4. Docks & Harbors Board recommends ~~scheduling discussion~~ at the joint meeting with the Assembly to better delineate ~~the potential~~ solutions to the identified problem statement. It is Docks & Harbors vision to work with all patrons, customers, stakeholders and elected officials to enact our mission statement: *Develop and provide opportunities, services and facilities to support marine related commerce, industry, fisheries, recreation and visitors.* Docks & Harbors wishes to expand the dialogue to mitigate potential unintended damage in the management, planning and operations of CBJ facilities covered under the proposed ordinance change.

#

## SPECIAL ASSEMBLY JOINT MTG. 2023-28 WITH DOCKS & HARBORS BOARD **DRAFT** MINUTES

December 18, 2023 at 6:00 PM

Assembly Chambers/Zoom Webinar



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

Immediately followed by Committee of the Whole Worksession

### A. CALL TO ORDER

Mayor Weldon called the joint meeting to order at 6:00p.m. in the Assembly Chambers located at 155 Heritage Way.

### B. LAND ACKNOWLEDGEMENT

Assemblymember Ella Adkison gave the following Land Acknowledgement:

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

### C. ROLL CALL

**Assemblymembers present:** Mayor Beth Weldon, Deputy Mayor Michelle Hale, Wade Bryson, Alicia Hughes-Skandijis, 'Wáahlaal Gidaag, Christine Woll, Greg Smith, Paul Kelly, Ella Adkison

**Docks & Harbors Boardmembers Present:** Chair Don Etheridge, Shem Sooter, Mark Ridgway, Deborah Hart, Matt Leither, and Jim Becker (arrived at 7:08p.m.)

**Staff Present:** City Manager Katie Koester, Port Director Carl Uchtyl, City Attorney Robert Palmer, Deputy Manager Robert Barr, Municipal Clerk Beth McEwen, Deputy Clerk Andi Hirsh, Assistant Attorney Sherri Layne, Assistant Attorney Emily Wright, Tourism Manager Alix Pierce, Port Administrative Officer Teena Larson, Harbor Director Matt Creswell, (Staff on Zoom: Parks & Recreation Director George Schaaf, Finance Director Angie Flick, Lands Manager Dan Bleidorn, Assistant Attorney Nicole Lynch, Engineer II Alan Steffert)

### D. AGENDA TOPICS

#### 1. Joint Meeting with the Docks & Harbors (D&H) Board Introductions

Mayor Weldon thanked the members of the Docks and Harbors Board for their service and making themselves available to meet with the Assembly. She invited each of the members to introduced themselves.

#### 2. Roles and responsibilities of the Tourism Manager and the Docks & Harbors Board

After introductions, they discussed the topics of the roles and responsibilities of the Assembly, the D&H Board, Manager and Port staff and how those all intersect especially with respect to the role of the Tourism Manager.

City Manager Katie Koester provided a memo in the packet following up on discussions and presentations by former City Manager Rorie Watt on this topic. Manager Koester explained that one outcome of the work of the Visitor Industry Task Force (VITF) in 2019-2020, was that the Assembly directed the manager to create the Tourism Manager who is hired to work on managing the impacts of tourism on the community. The policy decisions come from the Assembly. The memo in the packet gives the 30,000 foot level to keep it out of the weeds. She noted that the Assembly has a key policy decision to make and that is "Does the Assembly want Docks & Harbors to be involved in Dock policy as it relates to the visitor industry?"

Mayor Weldon asked members of both bodies to provide their input on that question. Each member present provided their opinions and all agreed that communication between the Assembly, City Manager, Tourism Manager, Port Director and D&H Board was an important component in all the discussions related to the Docks & Harbors facilities. They also suggested that some of these communication channels could be assisted through the use of the liaisons to/from the Assembly and Board.

With respect to the tourism issues, the Assembly expressed a desire for the Docks and Harbors Board's role to continue to run the daily operations, staffing, and facilities of the Docks (and harbors) but that the Assembly wanted to be the ones making policy decisions related to broad range, community planning efforts taking into account the impacts on the community by tourism, specifically as it ties into to the Docks (and harbors). While the Assembly's discussion focused primarily upon tourism-related dock issues, they briefly discussed the impacts of tourism on the harbors, especially as it related to the whale watching industry. The Assembly expressed their desire that the work of the Tourism Manager would be following the policy direction given by the Assembly to help mitigate the impacts of tourism on the community. The ability of the Tourism Manager to use dock scheduling is an example of one lever that could be used to accomplish some of the Assembly directed policy decisions.

Mayor Weldon explained that in her conversations with Chair Etheridge and Port Director Uchytel, they discussed the fact that while the Assembly is wanting to make policy decisions about the docks and tourism impacts, they are not intending on weighing in on any of the revenue/fee structures already set in place under the D&H Board.

D&H Boardmembers shared that they were concerned that the Assembly wanted to make changes to Title 85 and they expressed their appreciation for the Assembly having this discussion with them to get a better understanding of the roles of each of the groups involved. Ms. Hart shared her experiences of her current service on the D&H Board and her past service on the Eaglecrest Board and stressed the importance of the role of the empowered boards in being an entity that hears directly from and works with the public on the issues that fall under the board's purview and she shared that is a key role she would like to see continue. She suggested the Assembly might want to form a subcommittee that is tasked with hearing from the public.

Mayor Weldon noted that as far of a subcommittee, the whole Assembly wants to be involved in any dock related conversations.

Ms. Woll said that she was interested in hearing D&H board members' opinions as to what they might be losing by having things go through the tourism manager, managed by direction of the Assembly.

Mr. Ridgeway stated that they have 3 buckets of things that the D&H Board deals with: project management, managing staff, and prioritization/rate setting. He suggested they might come up with a method that triggers a process by which something is moved on to the Assembly rather than D&H Board dealing with that particular issue.

D&H Chair Etheridge shared that the biggest concern they had was with the way the proposal was initially rolled out by former City Manager Watt. He noted that the D&H Board has been asking to meet with the Assembly and have open communication with them. They are looking for direction from the Assembly on where the Assembly wants the board to go.

Mr. Leither said that he was hoping to have more clarity about the fact that Docks & Harbors were being asked to maintain and staff the docks and make sure they are functional for the tourists in the summer but in the initial read he had of the proposed changes, they were being stripped of the fees that would generate the revenues that pay for those services. He said that he thinks it is reasonable to assess whatever the Assembly feels is appropriate from the Marine Passenger Fees to accomplish that. He said that his concern was that D&H Board was being taken out of the dockage rate fee decisions and that doesn't allow them to maintain and manage their services.

Mayor Weldon noted that those are some of the things that the bodies will need to communicate about. She noted that one of the things the Assembly wants Tourism Manager Pierce to consider when she works on the

scheduling is to get the right ship at the right dock and one of the mechanisms for doing that is by increasing the dock rates to match closer to what the private docks are charging. She said that will be something that the D&H Board will also be weighing in on. She said that she foresees the hardest part about the communication piece is that a large amount of that burden will fall on Port Director Uchtyl. She said that the Assembly doesn't want to take his position away from the D&H Board but as things come up related to docks, he will need to identify whether something is policy related or not and if it is, he will work with Manager Koester to decide which body should be taking it up. She said there is likely to be some confusion as they work out that process and she apologized for any miscommunication that may have happened in the past. This naturally lead into the discussion of the next agenda item.

### **3. Assembly/Board Communications**

Chair Etheridge said that he felt this was one of the greatest dialogues they have had across the two bodies. He spoke to numerous communications he has had with the Mayor and he wants to be sure that extends to the rest of the Assemblymembers and D&H Board members. He and the Mayor spoke to the process of the recent rate study and rate increase that the D&H Board worked on over a three year period. Mr. Etheridge shared his frustration that members of the public and others may not realize that the state built the docks and harbors and then turned them over to the municipality in need of a lot of maintenance and the board was trying to meet those needs but needed to be able to fund those as well and couldn't do so on rates established in the 1970s. He was concerned by the split vote on the rates when they came to the Assembly.

Ms. Woll said that while no one on the Assembly voted against the rate increases, they did want to have one more meeting to consider it. She said that maybe it would be helpful for the Assembly to have a conversation about the role of the liaisons. She said that it isn't real clear if the role of the liaison is just to share communications between bodies or if there is a greater obligation for the liaison to be spotting issues of concern and helping to prepare for those in advance. She said that she feels that is a bigger conversation for the Assembly to have with respect to all the liaison roles across the different boards and what those expectations on the liaisons are.

Mayor Weldon agreed and said that if the D&H/Assembly liaisons see issues of possible concern to please bring those to her and Manager Koester's attention.

Mr. Ridgeway said that in going back to the three buckets he mentioned that have traditionally been under D&H control: facilities, rates, personnel, that is 85% of what they deal with. Using the metaphor of working on a vehicle, he said that as the Assembly lifts up the hood and starts to work on this engine that encompasses all of Docks & Harbors, it is very complex and he provided a cautionary note not to twist the wrench too hard.

Mr. Smith said he needs more information about what they are trying to set policy on. He said that with respect to the dock rates and CIP projects, he is not an expert and didn't feel comfortable weighing in on that without more information. He said that he does have personal perspectives and principals as it relates to the harbor rates and the impacts those have on commercial fishermen and liveaboards and he may want to weigh in on those.

Mayor Weldon shared that if Mr. Smith has issues about the harbor rates, those concerns/questions would be directed to the D&H Board and staff. She said that what they are proposing is that for any of the port/dockage rates to be managed through Ms. Pierce.

Ms. Hughes-Skandijs, spoke to liaison role vs. that of an individual Assembly member. She shared how much time and commitment each board member makes in serving on the board and that it is difficult for the board to work on something at length without knowing the policy directions that the Assembly has on those issues. When the Assembly is clear and provides a clear picture in policy direction, things work well and she stressed the importance of the Assembly to come up with and provide clear direction to the empowered boards.

Mayor Weldon thanked Ms. Hughes-Skandijs for her comments and said that she understands what Mr. Smith was also saying a little clearer. She said that as the D&H Board does want policy direction on anything from the



Assembly, such as the harbor rates, they should come to the Assembly with that before the board spends a lot of time on it.

Mr. Sooter asked if they are rewriting Title 85, would it be appropriate to include language stating that the Assembly and D&H Board would meet annually or bi-annually. Mayor Weldon noted that they try to meet with the board at least once a year but if they want to include that language in Title 85, it could be incorporated in those changes.

Ms. Hale said that what Mr. Smith was getting to is that there may be some polar opposites in terms of Assembly opinions on setting rates for different types of harbor users so that is not an easy thing for the Assembly to come to agreement on. She said that this Assembly has tended to go a lot into the weeds on so many issues and there is only so much bandwidth and that is why they have empowered boards. She said that it is up to D&H Board to set the harbor rates and then up to the Assembly to say yes or no to those rates. She said that when the D&H Board initially came to the Assembly with the first round of rates, the Assembly said no, because they wanted to hear more justification on why the rates needed to be changed. The D&H Board took that direction from the Assembly and went back and provided that information and new rates were approved. She said that in the big picture scope of things, she would also like to have a joint Assembly D&H Board meeting to discuss liveboards sometime.

Ms. Woll, a former liaison to the D&H Board, said that this discussion about the rate raising is a perfect example of how hindsight is 20/20 and would be a situation that as they move forward they are looking for those issues that are or could be controversial and have those joint conversations earlier in the process.

‘Wáahlaal Gidaag said that in thinking through the questions Mayor Weldon posed, she sits on another board and if the strategy at top level hasn’t been formulated in a way that is clear to everyone involved, everything becomes piecemealed. She said in thinking through the communications pieces, the liaisons who sit on each body that may be one avenue for those lines of communications to stay open. She said the Assembly needs to look at its intentions, its goals and how do these fit with D&H board.

Chair Etheridge said that they have heard a lot of information during this meeting and he hopes they can keep up this communication. He said that one of the underlying mandates the D&H Board has when setting rates is that the policy is that they have to be fair to all user groups. He said they can’t please everybody all the time and usually somebody is going to be mad at them about something all the time. He said that is something they will need to keep in mind with their communications with the Assembly.

#### 4. Project Updates from Port Director

Port Director Carl Uchtyl provided updates on a number of projects the Mayor specifically asked him to provide information about. Starting with the **Aurora Harbor Phase III** project, that is the next phase to be built out. He said that project has been awarded to Trucano Construction for \$4.2 million and they are mobilizing this week and hoping to start driving piles by the end of the week. That particular project is three times the costs that they paid in 2018 for the first phase of the project. He said that the good news with Aurora Phase IV, which will be the next to last phase, \$5 million was allocated by the 1% Sales Tax which he thanked the Assembly for. He said they have applied for a Harbor grant and while they haven’t had the best outcome on their grant applications, they pursue projects that have most likelihood of being funded. He said that if they assume they will get the \$5 million from State DOT through the harbor grant program and the governor signs it in July 2024, they could bid it and go out for bid in the summer of 2025 for the last phase on the Aurora Harbor project.

Director Uchtyl said that the next project the Mayor specifically asked him to provide information on was the **N. Douglas Boat Launch ramp expansion**. Mr. Uchtyl said he has had conversations with Kensington Mine who has excess waste rock and he said there could be an opportunity to build something out there in the range of \$20 million. He said that the area is heavily used and the water is very deep there. He said they only have a concept plan and a rough order of magnitude estimate at this time. He said the challenges they would have with any development is that they would need to resolve the issues is that all that parking is in the State right of way. He said the State gave CBJ the property in 2001 but it is still encumbered with State right of ways. They would also

have to petition DNR for the submerged lands to build out and there would also be permitting requirements. He said that this would also be a hot topic for those who live in N. Douglas, some will love it and others will hate it. He said that the D&H Board and staff like that project but they don't really have the funds to pursue it at this time. However if the Assembly gave the board direction that they would like to see this done, they would move as quickly as they can.

Mr. Uchytel said those were the two main projects Mayor Weldon asked him to speak on but that he was open to talking about anything else they may have questions about.

Mr. Smith asked Mr. Uchytel if the current plan was to offer more commercial use or what their concept was. Mr. Uchytel said that what they would hope to do would be to install a year-round launch ramp. He said that they would need funding to make this happen. He noted that there may be more commercial use of the D&H such as the potential of moving some of the whale watching vessels over to N. Douglas. He said that might allow them to use MPF funds to help build that out. That is one potential. He said the primary need would be for local, non-commercial use, but they may need to think strategically for use of MPF.

Mr. Uchytel also spoke to the increase earlier in the year for the limit of the DOT/Municipal Harbor Grant to be raised from \$5 million to \$7.5 million and the Assembly passed a resolution supporting that increase earlier this year.

Mr. Uchytel then spoke to the need for the Statter Harbor Breakwater project. He said that breakwater is currently getting long in the tooth and it currently confines the area and the ability to develop more use of that area. They would like to support other government vessels in that area. The breakwater is a federal asset that is run by the Army Corps of Engineers and D&H has petitioned the Army Corps for several years to get a study going for it. Currently in the Senate budget, Senator Murkowski has put forward money in the amount of \$500,000 as a congressional directed spending (CDS) and that is moving forward. He said they have had conversations with the Army Corps in Anchorage and they say that it is a great project. He said the money is there and they need \$3.6 million with half of that local match share at \$1.8 million for that study. Once that study is done, they will need to come up with a 20% match for the replacement of the breakwater.

D & H Vice Chair Jim Becker joined the meeting at 7:08p.m.

Ms. Hart said that the projects that were shared by Mr. Uchytel, in looking at the two main projects related to N. Douglas and Statter Harbor, she anticipates those will be hot topics for commercial fishermen and whale watching boards and on all their board agendas for quite some time. She asked how the Assembly wants to be involved with those especially in light of the earlier conversation about communications.

Ms. Woll said that she thinks the N. Douglas issue would be a perfect example of where tourism impacts as relates to traffic and other development overlap with D&H. She said she felt it would be beneficial, early in the process, to have those conversations about traffic impacts in that area.

Ms. Hale agreed with Ms. Woll and said that it worries her somewhat about the whale watching and that her concern isn't just about the traffic at the harbors but also as it relates to how much traffic is occurring around the whales themselves, especially at certain times. She said the Assembly has had presentations about those issues already and it is something that even the whale watching operators have been looking at. She said she felt it would be important for the D&H Board to also be involved in those discussions.

Mayor Weldon said that this is a perfect example of communications that would be sent through Ms. Pierce. She also said that while the Assembly isn't often looking at the D&H agendas, if the board feels there is something the Assembly should be aware of, they can send an email to the City Clerk and that information will be forwarded to the Assembly and while not all Assemblymembers may show up to the meeting, there may be more than one who attends.

Mr. Ridgeway said that while the Title 85 language is specific to docks, this brings up other areas that are specific to harbors and there are other areas of overlap than just docks. He said that this would be one of those issues that they will be having communications with the Assembly about per their earlier discussion. Ms. Hale agreed

with Mr. Ridgway that this is a tourism policy issue and exactly the kind of issues they were talking about. They are talking about using head tax and the North Douglas and whale watching issues which have come to the Assembly.

Mr. Etheridge said that this is still a long way off and they don't have any money to put to this project. He said they are currently looking at long term projects. He noted that the main push for N. Douglas is the launch ramp portion of this project for use by the locals. He said they don't have the money to do it at this point.

#### **5. Docks & Harbors Annual Report to Assembly 2023**

Chair Etheridge said that they did better than expected this year. They put a little money into the reserve funds and could be used towards projects coming up in the future. He said they did their fee increases and the Assembly has seen all the numbers in the Assembly Finance Committee meetings. The new rates for the coming years are at the back of the packet.

Mayor Weldon thanked the board for its annual report.

Ms. Hughes-Skandijs said that when she was the liaison, she watched them work through the process for the safety issues and she congratulated them for the installation of the rescue ladders and other safety features.

Mayor Weldon noted that at some point they need to ask Mr. Ridgway to come and do a presentation on the submarine. She said that if people aren't aware of it, they should reach out to Mr. Ridgway for more information.

#### **D. PUBLIC PARTICIPATION**

*None.*

#### **F. SUPPLEMENTAL MATERIALS**

Mr. Etheridge thanked the Assembly for making this happen and hoped for continued joint meetings in their future.

#### **G. ADJOURNMENT**

*There being no further business to come before the body, the meeting adjourned at 7:19p.m.*



City and Borough of Juneau  
City & Borough Manager's Office  
155 Heritage Way  
Juneau, Alaska 99801  
Telephone: 586-5240 | Facsimile: 586-5385

TO: Deputy Mayor Hale and Borough Assembly  
FROM: Katie Koester, City Manager  
DATE: February 22, 2024  
RE: Resolution 2986 Amending the Assembly Rules of Procedure

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Resolution 2986 amends the Assembly Rules of Procedure. Assembly Rules of Procedure are periodically amended; as the body proceeds with regular business, staff notes items in your Rules of Procedure that could use clarification or updating. They were last amended in February of 2022 to clarify first amendment rights of the public when testifying before the Assembly.

A number of changes are housekeeping in nature to bring the Rules of Procedure in accord with current Assembly practice. For example, limiting public participation to three minutes instead of five minutes, assigning a place for "potential issues for reconsideration" under Unfinished Business in the agenda, and clarifying that the Assembly has the flexibility to transition to a fully remote meeting in emergency circumstances.

More substantive changes include establishing three members as a quorum for smaller assembly standing committees (LHED, PWFC and HRC) to allow two members to meet privately without open meetings act concerns. Resolution 2996 also clarifies that decisions that are made in committees, especially the COW and AFC, are not binding on the body when it is sitting as the full Assembly.

**Recommendation:** Discuss proposed changes to the Assembly Rules of Procedure and forward to the Assembly for introduction.

Presented by: The Manager  
Presented:  
Drafted by: R. Palmer III

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

**Serial No. 2986 vCOW**

**A Resolution Repealing and Reestablishing the Assembly Rules of Procedure.**

WHEREAS, the Assembly relies on its committees to generate, review, and mature policies for later consideration by the Assembly, including committees that include all nine Assemblymembers; and

WHEREAS, the scope of Assembly committee power and the binding effect of votes taken by committees with all nine Assemblymembers is complicated because of Robert's Rules of Order; and

WHEREAS, the following general rule of parliamentary law is expressed in various Robert's Rules: "During the session in which the Assembly has decided a question, another main motion raising the same or substantially same question cannot be introduced." (136:26-28); and

WHEREAS, Robert's Rule 52, as applied to a body with less than 50 members like the Assembly, considers a vote taken at a Committee of the Whole a formal decision of the Assembly that is not voted on again (531:2-4); and

WHEREAS, while Robert's Rule 52 clearly applies to the Committee of the Whole, it does not explicitly apply to the other nine-member committees like the Finance Committee; and

WHEREAS, application of Robert's Rule 52 creates unnecessary complexities because the City and Borough of Juneau Charter 5.3(a) requires public comment opportunities when an ordinance is up for public hearing, which can be late in the development of a policy and public comment can enlighten a policy issue that necessitates amendments or renewal of previously decided motions without going through the cumbersome process to suspend the Assembly Rules or other procedural escape valves; and

WHEREAS, upon balancing the timing of public comment and the Assembly's scarce meeting time, the Assembly amends the Assembly Rules of Order to reconcile the

unnecessary complexities created by Robert's Rule 52 on the Committee of the Whole and any other nine-member Assembly committee with the public comment requirement of Charter 5.3(a) while recognizing occasionally a motion previously decided by a committee may be renewed at the Assembly without being treated as dilatory; and

WHEREAS, the following additional amendments would clarify the rules and make necessary changes to maximize public engagement, public body deliberations, and meeting efficiency.

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

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

**RULE 1. AGENDA.**

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

- I. Call to Order
- II. Flag Salute
- III. Land Acknowledgment
- IV. Roll Call
- V. Special Order of Business
- VI. Approval of Minutes
- VII. Manager's Requests for Agenda Changes
- VIII. Public Participation on Non-agenda Items (Not to Exceed a Total of 20 Minutes, Nor More than ~~Five~~ Three Minutes for Any Individual)
- IX. Consent Agenda
  - A. Public Requests for Consent Agenda Changes, Other than Ordinances for Introduction
  - B. Assembly Requests for Consent Agenda Changes
  - C. Assembly Action
- X. Ordinances for Public Hearing
  - A. Administrative or Committee Reports
  - B. Public Hearing
  - C. Assembly Action
- XI. Unfinished Business
  - A. Administrative or Committee Reports
  - B. Public Hearing
  - C. Assembly Action
  - D. Potential Issues for Reconsideration
- XII. New Business
  - A. Administrative or Committee Reports
  - B. Public Hearing
  - C. Assembly Action
- XIII. Staff Reports

XIV. Assembly Reports

A. Mayor's Report

B. Committee, Liaison Reports, Assemblymember Comments and Questions

C. Presiding Officer Reports

~~XV. Assembly Comments and Questions~~

XV. Continuation of Public Participation on Public Participation on Non-agenda Items

XVI. Executive Session

XVII. Supplemental Materials

XVIII. Adjournment

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

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

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

The Manager shall include with the agenda such supplemental material or reports as may be necessary to explain each item on the consent agenda and shall include a specific recommendation for Assembly action on each item. Material, reports, and recommendations submitted in writing to each member present and which are available for public inspection prior to the Assembly meeting need not be read aloud, but the minutes shall reflect the Manager's recommendation on each consent agenda item adopted. Upon adoption of a motion to adopt the consent agenda, all consent agenda items subject to the motion are adopted as recommended by the Manager. The motion to adopt may not be amended; provided, upon the request of any member, an item on the consent agenda shall be removed from the consent agenda and placed under the appropriate regular agenda item for Assembly action. A notice or motion for reconsideration or a motion to rescind a consent agenda motion shall contain reference to the specific consent agenda item which is the subject of the notice or motion and only that item shall be affected by the notice or motion.

**RULE 2. MEETINGS.**

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

B. Place of Regular Meetings. Regular Assembly meetings shall be held in the Assembly Chambers at the Municipal Building at 155 Heritage Way ~~South Seward Street~~,

Juneau, Alaska. However, the location of a regular meeting may be changed (a) up to 24 hours in advance of the meeting ~~(a)~~ by the Assembly, at a preceding regular or special meeting, by motion or otherwise, upon designating a different place for a particular meeting; or (b) if the meeting was previously noticed with remote participation, by the Mayor, the committee chair, or any three Assemblymembers due to extenuating circumstances (i.e. public health requirement, equipment or facility problem in Assembly Chambers, inability to get a quorum in-person, weather) to hold the meeting virtually with only remote participation (i.e. video conferencing technology).

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

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

E. Public seating area. People in a meeting room must comply with all laws, including occupancy and public health requirements.

### **RULE 3. ASSEMBLYMEMBER ATTENDANCE POLICY FOR REGULAR MEETINGS.**

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

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

### **RULE 4. LEGISLATION.**

A. Drafting. The Attorney shall draft ordinances and resolutions:

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



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

#### **RULE 5. COMMITTEES.**

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

1. Committee of the Whole
2. Finance Committee
3. Human Resources Committee
4. Lands, 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. Standing committee meetings are work sessions without public testimony unless otherwise noticed at the time of packet publication, or earlier, by the committee chair. ~~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

203 nominated for appointment to each committee who has expertise in the  
204 areas assigned to the committee.

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

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

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

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

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

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

236 (c) Reviewing and proposing amendments to these Rules;

237 (d) Reserved.

238 (e) Reserved. ~~Overseeing Juneau's relations with its sister cities;~~

239 (f) Membership for Certain Appointments. The full Human Resources  
240 Committee shall meet as needed to recommend appointments to the  
241 Planning Commission, the Hospital Board, the Ski Area Board, the Docks  
242 and Harbors Board, and the Airport Board, ~~and the Systemic Racism~~  
243 ~~Review Committee.~~ The Mayor and all Assemblymembers shall serve as

members of the full 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;
  - (c) Implementation of the Long Range Waterfront Development Plan, and issues relating to use and development of the CBJ waterfront;
  - (d) Promotion of improved housing availability in the City and Borough; and
  - (e) Promotion of a vibrant and diverse local economy.
6. Public Works and Facilities Committee. The PWFC may take up issues relevant to the infrastructure of CBJ, including transportation and utilities. The duties of the PWFC shall include:

- (a) Making recommendations to the Assembly regarding the capital improvement program required by Charter section 9.2 and other capital improvement plans and lists;
- (b) Advising each newly elected Assembly of unfinished capital projects to be continued;
- (c) Making recommendations to the Assembly regarding the preparation and revision of an areawide transportation plan;
- (d) Making recommendations related to energy efficiency, renewable resources, waste reduction and recycling, global warming, and green building.

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

D. Scope of Committees. Committees, including the Committee of the Whole and the Finance Committee, are empowered to only make recommendations. No vote taken at an Assembly committee, including at the Committee of the Whole or at the Finance Committee, is binding on the Assembly. At the Assembly, an Assemblymember is free to move the Assembly to amend a prior adopted motion and renew a failed motion from a committee, and such motions can pass by five votes in favor. *Reserved.*

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

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

G. Role of Board Liaison. Board liaisons shall be recommended by the board to the Assembly for approval. Any board liaison to an Assembly committee should sit with the committee at all times. A board liaison may have the right to participate in committee discussions at the pleasure of the chair of the Assembly committee except that Assembly members of the committee shall have priority in obtaining the floor. Only Assembly members on the committee may vote.

**RULE 6. ASSEMBLY LIAISONS TO BOARDS AND COMMISSIONS.**

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

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

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

B. Role of Assembly Liaison. Assembly liaisons serve as a link between the Assembly and the board or commission to establish and maintain communication between the bodies on issues, projects, and other matters of mutual concern and interest. Assembly liaisons should regularly attend appointed board or commission meetings. 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, unless specifically identified as voting members in the governing legislation of a particular board. An Assembly liaison may participate in board or commission discussions when invited by the board chair.

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

**RULE 7. DEBATE.**

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

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

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

**RULE 8. RULES OF PUBLIC PARTICIPATION.**

When permitted by Rule 14, public participation during hearings on ordinances and matters other than appeals will be conducted according to the following rules, which will be posted in the Assembly Chambers and at [www.juneau.gov](http://www.juneau.gov):

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

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

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

D. People are encouraged to submit written presentations and exhibits to the Municipal Clerk and the Assembly via email ([boroughassembly@juneau.gov](mailto:boroughassembly@juneau.gov)).

E. The Mayor will set forth the item or subject to be discussed and will rule non-germane speech out of order. A member of the public may not be stopped for speaking because of the viewpoint being expressed. However, a person may be stopped for disrupting, disturbing, or impeding the meeting when speaking longer than the time limit, when being unduly repetitious, or when discussing or presenting irrelevant matters. Such non-germane speech disrupts, disturbs, or impedes public meetings when the Assembly is prevented from accomplishing its business in a reasonably efficient manner or when the speech interferes with the rights of other speakers. A person stopped for non-germane speech during a meeting is welcome to submit a writing, presentation, recording, and exhibit to the Municipal Clerk and to the Assembly via email ([boroughassembly@juneau.gov](mailto:boroughassembly@juneau.gov)).

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

G. Members of the public will precede their remarks by stating their names and, unless otherwise allowed by the Mayor, the area of town in which they reside.

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

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

J. The public may direct questions to the Assembly or the administration.

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

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

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

N. Members of the public that want to provide oral public comment via remote participation must notify the Municipal Clerk prior to the meeting (i.e. call the Municipal Clerk Office or register online, when available). A person is not required to notify the Municipal Clerk prior to the meeting when providing in-person oral public comments.

O. Reasonable accommodations are available upon request. To the extent allowed by law (i.e. A.S. 15.13.040 and A.S.15.13.145), a spokesperson designated by a person with a disability wishing to provide oral public testimony should advise the Municipal Clerk. Please contact the Clerk's office prior to any meeting, preferably 36 hours ahead, so arrangements can be made if other accommodation requests like closed captioning or sign language interpreter services are desired. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: [city.clerk@juneau.gov](mailto:city.clerk@juneau.gov) -[city.clerk@juneau.org](mailto:city.clerk@juneau.org).

#### **RULE 9. MOTIONS.**

A. Seconds. Seconds to motions are not required.

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

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

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

#### **RULE 10. CLERICAL ERRORS.**

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

**RULE 11. VOTE REQUIRED.**

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

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

**RULE 12. PARLIAMENTARIAN.**

The Attorney shall act as the parliamentarian with the Municipal Clerk to act as parliamentarian in the absence of the Attorney.

**RULE 13. SESSIONS.**

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

**RULE 14. PUBLIC PARTICIPATION ~~CONFINED TO THAT AGENDA ITEM.~~**

- A. Public participation shall be permitted on all items on the agenda, except public participation is not allowed on the following:
  - i. for committee meetings advertised as work sessions only;
  - ii. items before the body for information purposes only;
  - iii. quasi-judicial items (i.e. appeals) after the body decided to accept the quasi-judicial item for further consideration (CBJC 01.50.030(e)(1)). Public participation—including by named parties—is authorized to aid the body in deciding whether to accept an appeal, but public participation—including by parties—is prohibited after the body makes the acceptance decision. This limited public participation rule is necessary to protect the due process rights of the parties.
- B. Despite the prohibitions in Rule 14.A, the committee chair or majority of the body may authorize public participation on a specific agenda item when in the best interest of the community.
- C. Public participation shall be permitted on a motion to recess into executive session prior to the vote on such a motion.



476 D. When public participation is provided, public participation is confined to that agenda  
 477 item. No person except a member or the Manager may participate in Assembly proceedings  
 478 except as provided in the agenda item for public participation. However, the Attorney or  
 479 Municipal Clerk may comment on professional or procedural aspects.  
 480

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

#### 489 490 **RULE 15. RECONSIDERATION.**

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

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

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

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

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

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

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

#### 511 512 **RULE 16. REMOTE PARTICIPATION.**

513 When a meeting is conducted entirely remotely (i.e. video conferencing technology), then  
 514 all members are expected to attend remotely. The following apply to meetings that are held  
 515 completely in-person or as a hybrid (partially in-person and partially remotely):  
 516

517 A. A member may participate remotely in an Assembly meeting, or an Assembly  
 518 Committee meeting, if the member declares that circumstances prevent physical attendance  
 519 at the meeting. If the Mayor chooses to participate remotely, the Deputy Mayor shall  
 520 preside. If a committee chair chooses to participate remotely, they should designate an  
 521 alternative committee member to chair the meeting unless the entire meeting is held  
 522 remotely.

523 B. ~~Reserved. No more than the first three members to contact the Clerk regarding~~  
 524 ~~remote participation in a particular meeting may participate remotely at any one meeting.~~

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

529 D. At the meeting, the Clerk shall establish the remote connection technology when  
 530 the call to order is imminent.

531 E. A member participating remotely shall be counted as present for purposes of  
 532 quorum, discussion, and voting.

533 F. The member participating remotely shall make every effort to participate in the  
 534 entire meeting and must have video turned on except during breaks. From time to time  
 535 during the meeting the presiding officer shall confirm the connection.

536 G. The member participating remotely may ask to be recognized by the presiding  
 537 officer to the same extent as any other member.

538 H. To the extent reasonably practicable, the Clerk shall provide backup materials to  
 539 members participating remotely.

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

545 J. Meeting times shall be expressed in Alaska time regardless of the time at the  
 546 location of any member participating remotely.

547 K. Participation remotely shall be allowed for regular, special, and committee  
 548 meetings of the Assembly.

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

553 M. Any member of the public present with the member participating remotely shall be  
 554 allowed to speak to the same extent the person was physically present at the meeting.  
 555

N. As used in these rules, “remote” means any system for synchronous two-way voice communication (i.e. telephone) or video conferencing technology. If a member needs to participate remotely, video conferencing technology is preferred. “Mayor” includes the Acting Mayor or any other member serving as chair of the meeting.

O. Regular and special meetings of the following entities must be recorded and live broadcast in a manner that is reasonably calculated to provide meaningful remote public observance and participation, when allowed, of the public meeting:

- i. Assembly
- ii. Assembly Standing Committees
- iii. Planning Commission
- iv. Hospital Board
- v. Docks and Harbors Board
- vi. Airport Board
- vii. Ski Area Board
- viii. Systemic Racism Review Committee

Any other board, commission, or committee meeting with anticipated substantial public interest should be recorded and live broadcast in a manner that is reasonably calculated to provide meaningful remote public observance and participation, when allowed, of the public meeting.

#### **RULE 17. ADOPTION OF ROBERT’S RULES OF ORDER.**

The conduct of the meetings of Assembly shall be governed by the Mayor according to the current edition of Robert’s Rules of Order, 11<sup>th</sup> Edition, except as otherwise provided by Charter, law, or these rules.

**Section 2. Repeal of Resolution.** Resolution No. 2976 is repealed.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

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

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



City and Borough of Juneau  
City & Borough Manager's Office  
155 Heritage Way  
Juneau, Alaska 99801  
Telephone: 586-5240 | Facsimile: 586-5385

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TO: Mayor Weldon and Assembly  
FROM: Katie Koester, City Manager  
DATE: February 23, 2024  
RE: Resolution 3022 Adopting Juneau Affordable Housing Fund Guidelines

Resolution 3022 adopts essential terms and conditions of the Juneau Affordable Housing Fund (JAHF) as directed by the body at the [January 29, 2024 COW](#). Traditionally, these guidelines have been spelled out in detail in the Juneau Affordable Housing Fund Program Description and Guidelines, a document that has not been adopted by the Assembly. Formalizing the essential terms and conditions gives greater predictability to applicants, staff and the JAHF review committee. The attached Program Description and Application Guidelines will continue to be maintained by staff based on the guidance given in this resolution. The intent is that the resolution will be reviewed periodically by the Assembly in the spring to make changes to terms and conditions for the following application year. This review would be where the Assembly addresses changing community priorities and market conditions such as the type of housing and income level the fund is targeting.

**Recommendation:** Forward Resolution 3022 to the Assembly for adoption.

Enc:  
Resolution 3022  
JAHF Program Description and Application Guidelines

Presented by: The Manager

Presented:

Drafted by: S. Layne

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

### Serial No. 3022 vCOW

#### **A Resolution Adopting Guidelines for the Juneau Affordable Housing Fund.**

WHEREAS, the City and Borough of Juneau urgently needs more affordable and middle-income housing for its current residents, to support and maintain the economy, to allow for population growth, and to enable positive developments; and

WHEREAS, the City and Borough worked for years to create affordable housing to alleviate the problems caused by the scarcity of housing infrastructure and the rise of short-term rental units in Alaska's Capital City; and

WHEREAS, beginning in 2008 the City and Borough Assembly, the Affordable Housing Commission, and other local stakeholders have worked collaboratively to advance the community towards realizing the goal of creating more affordable housing; and

WHEREAS, in 2010 Ordinance 2010-11(G)(b) was adopted, which appropriated \$400,000 for the Juneau Affordable Housing Fund (JAHF); and

WHEREAS, in the 2012 Capital Improvement Program grant from the Alaska Legislature, it invested an additional \$90,000 for the JAHF; and

WHEREAS, the 2016 Housing Action Plan calls for a new framework for Juneau housing policy, including increasing resources and uses for the Juneau Affordable Housing Fund, at a rate of \$3.6 million dollars annually to have a meaningful impact in the housing market; and

WHEREAS, in 2017 the voters of Juneau approved Proposition 1 (Ord. 2017-22(am)), a temporary 1% sales tax, which allocated \$400,000 a year to the JAHF over the five-year period; and

WHEREAS, in 2022, the voters extended the temporary 1% sales tax to fund Affordable Housing Initiatives during the next five years, which would inject a total of \$6 million dollars into the JAHF; and

WHEREAS, the City and Borough has worked with national experts, statewide partners, and administrators of other local housing funds to ascertain best practices and design a high-functioning, sustainable, affordable, and middle-income housing program that will make a meaningful difference in the creation of more affordable and middle-income housing in Alaska's Capital City; and

WHEREAS, since the inception of the fund, it has awarded \$4.4 million dollars in funds for a total of 198 projected units, in addition to pending awards of \$3.1 million dollars; and

WHEREAS, the adoption of the guidelines in this resolution would help potential applicants understand expectations, help the review committee evaluate applications, and help fund qualified projects faster while still preserving the Assembly's discretion to adjust the JAHF guidelines by ordinance on a case-by-case basis; and

WHEREAS, a complete application guide based on the criteria in this resolution will be developed by staff to provide additional clarity to applicants; and

WHEREAS, this resolution and the accompanying application guide should be reviewed periodically by the Assembly to ensure the intent is consistent with current community values.

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

**Section 1. JAHF Guidelines.** The City and Borough of Juneau Assembly establishes the following guidelines for the Juneau Affordable Housing Fund (JAHF).

**A. Intent.** The primary purpose for establishing the JAHF is to direct financial resources for creation of affordable (0% to 80% area median income (AMI)) and middle-income housing units (80% to 120% AMI) in the City and Borough of Juneau through the following activities:

1. Funding capital costs of rental and ownership housing;
2. Funding for capacity-building activities of non-profit housing developers;
3. Leveraging CBJ investments with other fund sources to maximize the number of quality affordable and middle-income housing units that are created or preserved.

**B. Availability of Funds.** The CBJ Assembly will determine the amount of funding available each year. JAHF funds will be made available for qualifying affordable and middle-income housing projects that meet goals of the CBJ Housing Action Plan or other identified community housing needs.

1. Funds will be made available in the following forms:
  - a. Grants for non-profit organizations and public housing authorities targeting households in the affordable or middle-income housing range;
  - b. Low-interest loans for private developers building affordable or middle-income housing units;
  - c. Long term rental units, with restrictions on short-term rentals; and
  - d. Qualifying projects are eligible for grants and loans up to \$50,000 per housing unit created and for other eligible uses on a similar per unit basis.

**C. Eligible Uses of Fund.** Funding is available for the following uses:

1. For acquisition, construction, rehabilitation, or preservation of affordable and middle-income housing located within the City and Borough of Juneau, including activities such as:
  - a. Purchase of developable real estate;
  - b. Fees for architects and other professionals;
  - c. Demolition to make way for affordable or middle-income housing; and
  - d. Building materials and labor costs.
2. Costs incurred by nonprofit organizations to develop or implement a specific affordable or middle-income housing project. Examples include:
  - a. Capacity building such as training, legal and accounting costs; and
  - b. Technical assistance such as development consultants.
3. Projects will be given preference based on their proximity to public transportation.

**D. Funding Priorities.** The following are priorities of the JAHF:

1. **Use of Capital to Develop Housing Units:** Funding for capital costs for acquisition, construction, rehabilitation, or preservation of affordable or middle-income housing, senior housing, and possibly homeowner opportunities.
2. **Long-Term Affordability:** Units created using JAHF funds that include affordability covenants or that are permanently affordable are preferred.

**E. Application and Review Process.** The Department will develop an application process that is clear, easy to follow, and posted online as part of the Juneau Affordable Housing Fund Guidelines. Completed applications will be reviewed by a committee to include CBJ staff, a public member with direct experience in housing development, and a public member with financing/banking experience.

**F. Selection Criteria.** Projects considered to be ready or feasible will be evaluated by the review committee based on the following criteria.

1. **Team Experience.**
  - a. Demonstrated experience on projects of similar size and scope;
  - b. Established development and/or operating partnerships, including support services;
  - c. Qualified staff – Developer, Director, Property Manager, Supportive Services; and
  - d. Capacity to maintain and/or manage project.
2. **Population Targeting and JAHF Priority Targeting.**
  - a. Use of capital to develop housing units;
  - b. Long-term or permanent affordability;
  - c. Proximity to public transportation.

**3. Project Design and Characteristics.**

**a. For Capital Projects:**

- i. Plans stamped by an engineer or architect accredited to work in Alaska, or professionally qualified staff on the development team; and
- ii. *Energy Efficiency*: JAHF projects should be energy-efficient and adhere to either the Alaska Building Energy Efficiency Standard (BEES) or HUD's Energy Star Home Standard.

**b. For All Projects:**

- i. *Accessibility Standards*: Proposals must comply with the federal Fair Housing Act (42U.S.C. 3601-3619) and the Americans with Disabilities Act of 1990.

**4. Readiness to Proceed.**

- a. Ability to secure other financing needed to carry out project;
- b. Operational feasibility/long-term financial viability;
- c. Reasonable and balanced budget with cost controls;
- d. Leveraging/percentage of total cost with commitments;
- e. Site ownership;
- f. Plans, environmental permitting, estimate complete;
- g. Construction/operation within following fiscal year; and
- h. Land use and building permits received.

**G. Compliance and Monitoring.**

- 1. **Inspection and Monitoring.** The CBJ, at any time, could inspect and monitor the records and work of the proposed project as to performance and compliance with JAHF program rules and loan requirements.
- 2. **Termination.** The CBJ City Manager may terminate any agreement if awardees:
  - a. Lose the ability to proceed with the project;
  - b. Make material alterations; or
  - c. Fail to comply with the project schedule.
- 3. **Annual Reporting.** All projects that receive funding from the JAHF are required to submit an annual report to Community Development by March 31<sup>st</sup> the year following award and for the duration of the loan.

**H. Repayment Terms for JAHF Awards.**

- 1. **Not for profit developer:**
  - a. In general, non-profit developers would receive a grant.
- 2. **For profit developer:**
  - a. Low-interest loan;
  - b. Term begins at disbursement of funds; and
  - c. Payments start 6 months after receipt of a final Certificate of Occupancy.



184                   3. The Manager may add additional terms consistent with the intent of this  
185                   resolution.

186           **Section 2. Effective Date.** This resolution shall be effective immediately after its  
187 adoption.  
188

189           Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2024.  
190

191  
192 \_\_\_\_\_  
193 Beth A. Weldon, Mayor

194 Attest:  
195

196  
197 \_\_\_\_\_  
198 Elizabeth J. McEwen, Municipal Clerk  
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205

## **PROGRAM DESCRIPTION & APPLICATION GUIDELINES**



**For more information, contact:**

Joseph Meyers, Housing & Land Use Specialist

City and Borough of Juneau

155 S. Seward St.

Juneau, Alaska 99801

Phone: 907-586-0753 ext. 4209

Email: [joseph.meyers@juneau.org](mailto:joseph.meyers@juneau.org)

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## About the Fund

The City and Borough of Juneau (CBJ) created the Juneau Affordable Housing Fund (JAHF) to promote the creation of affordable housing in the Capital City. On July 19, 2010, the CBJ Assembly passed an ordinance that steered \$400,000 into the JAHF to begin funding local projects that promote and provide affordable housing in Juneau.

In 2017, the CBJ Assembly recommended and CBJ voters approved \$2 million of the 1% Special Sales Tax renewal funds to go into the JAHF over five years (FY19-FY23).

On July 6, 2022, the CBJ Assembly made available \$2,000,000 for use by for-profit and non-profit organizations, public and regional housing authorities, and tribal governments interested in the creation of affordable and middle-income housing in the City & Borough of Juneau.

## Program Goals and Objectives

The primary purpose for establishing the JAHF is to direct resources toward the creation of affordable (0% to 80% area median income (AMI)) and middle-income housing units (80% to 120% AMI) in the City and Borough of Juneau through the following activities:

- Funding capital costs of rental and ownership housing;
- Funding for capacity-building activities of non-profit housing developers;
- Funding supportive services for occupants of affordable housing; and
- Funding operating expenses of housing developments.

An additional objective is to leverage CBJ investments with other fund sources to maximize the number of quality affordable housing units that are created or preserved each round.

Projects must be located in the City and Borough of Juneau.

## Availability of Funds & Funding Terms

The CBJ Assembly will determine the amount of funding available each year. JAHF funds will be made available for qualifying affordable and middle-income housing projects that meet goals of the CBJ Housing Action Plan or other identified community housing needs.

Funds will typically be made available in the form of grants for non-profit organizations and public housing authorities targeting households in the affordable housing range (0% to 80% AMI) and zero-interest loans for private developers that meet middle-income housing (80% to 120%) affordability requirements.

- **Qualifying projects are eligible for grants and loans up to \$50,000 per affordable or middle-income housing unit created, or for other eligible uses on a similar per unit basis.**
- **For profit-developer projects utilizing JAHF funds for middle-income housing must reserve at least 20% of units for tenants with gross incomes at 80% or less AMI for at least ten years or the life of the loan.**

The scope and nature of the project may require deviation from these program guidelines that CBJ Housing staff will review with the City Manager on a case by case basis.

## Eligibility

### Eligible Applicants

- For-profit developers
- Non-profit organizations
- Public and regional housing authorities
- Tribal governments

### Eligible Uses

- For acquisition, construction, rehabilitation or preservation of affordable housing located within the City and Borough of Juneau, including activities such as:
  - Pre-development project expenses, such as land surveys, site engineering, and permitting;
  - Purchase of developed real estate or land;
  - Fees for architects and other professionals;
  - Demolition to make way for affordable housing; and
  - Building materials and labor costs.

- Costs incurred by nonprofit organizations to develop or implement a specific affordable housing project. Examples include:
  - Capacity building such as training, legal and accounting costs;
  - Technical assistance such as development consultants; and
  - Project operating assistance following completion of construction or rehabilitation, such as utilities, support services staff, debt service, and rent subsidies.
- Operating Expenses for up to three years for existing and new housing developments in the promotion of affordable housing. Examples include project-specific assistance for:
  - Security deposit escrows; and
  - Operating costs, such as utilities, debt service, and rental subsidies.
- Self-sufficiency assistance such as job skills training, job search assistance, financial/housing counseling, substance abuse aid, mental health care, and childcare.

## Priorities for the Juneau Affordable Housing Fund

The priorities of the JAHF match with the CBJ Housing Action Plan.

1. ***Use of capital to develop housing units:*** Funding for capital costs for acquisition, construction, rehabilitation, or preservation of affordable housing especially middle-income housing, senior housing, and homeowner opportunities for young adults and families are preferred.
2. ***Long-Term Affordability:*** Units created using JAHF funds that include affordability covenants or that are permanently affordable are preferred.
3. ***Downtown Housing Development:*** Units developed within the boundaries established by the Downtown Juneau Residential Tax Abatement Map. (Appendix D)

## Application Process

Applications will be posted online upon Assembly determination of funding availability for each round. Potential applicants are encouraged to contact the CBJ Housing and Land Use Specialist with questions about the program and how individual housing projects may utilize the funds.

Total application submission length should not exceed 75 pages, including application form and supporting information.

Completed applications will be reviewed by a committee to include CBJ staff, a public member with direct experience in housing development, and a public member with financing/banking experience.

The review committee will score projects based on the selection criteria and score sheet.

The 2022 schedule is as follows:

- July 6, 2022: Assembly approves \$2,000,000 for 2022 Funding Round
- August 29, 2022 – September 12, 2022: JAHF Program Guidelines and Expression of Interest Survey posted
- September 12, 2022: Applications Posted; application period begins
- September 23, 2022: Public Information Meeting
- **October 30, 2022: Housing Project Proposals Due 4pm AKST**
- November 7, 2022 – November 25, 2022: Committee Review and Project Ranking Period
- November 28, 2022: Committee Report to Lands, Housing, and Economic Development Committee
- To be determined: Referral to Assembly for final approval
- December 2022/January 2023: Staff to put in place grant/loan agreements with awardees
- January – March 2023: Staff report on Juneau Affordable Housing Fund to Lands, Housing, and Economic Development Committee

Proposals are to be emailed to Joseph Meyers, Housing & Land Use Specialist at [joseph.meyers@juneau.org](mailto:joseph.meyers@juneau.org) by 4pm AKST on October 30, 2022.

All applications are ultimately approved by the CBJ Assembly in an open public process.

Applicants should expect that their submitted project plans, costs and other supporting documentation will be available to the public. The Assembly may impose or modify terms, conditions, and other provisions that clearly protect the public interest.

## Selection Criteria

Projects considered to be ready or feasible will be evaluated with the following criteria:

1. **Team Experience:** (1) Demonstrated experience on projects of similar size and scope; (2) Established
- Juneau Affordable Housing Fund – Program Description and Application Guidelines

development and/or operating partnerships, including support services; (3) Qualified staff – Developer, Director, Property Manager, Supportive Services; and (4) Capacity to maintain/manage project.

2. **Population Targeting & JAHF Priority Targeting:** (1) Use of capital to develop housing units; (2) Long-term or permanent affordability; and (3) Downtown Housing Development.
3. **Project Design and Characteristics:** **For Capital projects:** (1) Plans stamped by appropriate engineer or architect, or professionally qualified staff on the development team; (2) Energy Efficiency: JAHF projects should be energy-efficient and adhere to either the Alaska Building Energy Efficiency Standard (BEES) or HUD’s Energy Star Home Standard. **For programs/operational projects:** (1) Comply with national guidance/best practice for target population. **For all projects:** (1) Accessibility Standards: Proposals must be comply with the federal Fair Housing Act (42U.S.C. 3601-3619) and the Americans with Disabilities Act of 1990.
4. **Feasibility:** (1) Ability to secure other financing needed to carry out project; (2) Operational feasibility/long-term financial viability; and (3) Reasonable and balanced budget with cost controls. The intention for JAHF funds is to assist projects that need gap financing and have a 100% chance of being successful. Site ownership, the percentage of total costs supported by other funding sources, and work schedule for the project will factor.
5. **Readiness to Proceed:** (1) Leveraging/percentage of total cost with commitments; (2) Site ownership; (3) Plans, environmental permitting, estimate complete; (4) Construction/Operation within following fiscal year

**Score Sheet:** A sample of the score sheet used by the review committee is included as Appendix C.

## Compliance and Monitoring

The CBJ, at any time, could inspect and monitor the records and work of the proposed project as to performance and compliance with JAHF program rules and loan requirements. Project information, including rents and tenant income will be collected annually through the affordability period.

The CBJ City Manager may terminate any agreement in the event that awardees: 1) lose the ability to proceed with the project, 2) make material alterations, or 3) fail to comply with the project schedule.

## Annual Report

An annual JAHF report will be presented to the CBJ Committee of the Whole in preparation for future funding rounds. The report will include:



- Project progress reports;
- Details on funds disbursed, JAHF expenses, amount of leveraged funds acquired; and
- Guidance on funding availability for the following year

## Appendix A: Glossary of Terms

- **Affordable Housing** - The U.S. Department of Housing and Urban Development defines “Affordable” as housing costs no more than 30 percent of a household’s monthly income. This means rent and utilities in an apartment or the monthly mortgage payment and other housing expenses (utilities, home maintenance and repairs) for a homeowner should be less than 30 percent of monthly household income. Housing programs targeting households with income between 0% and 80% AMI are also considered “affordable” programs.
- **Area Median Income** HUD uses the median income for families to calculate income limits for eligibility in a variety of housing programs. HUD Income Limits by size of household are used by JAHF to determine level of affordability. See Appendix B.
- **Assumable soft debt** – Mortgages or loans that can be taken over by another individual to maintain favorable interest rates or affordability.
- **Capacity-building** - Activities that increase the operating efficiencies of agencies or organizations that create more affordable housing, including organizational assistance, training, legal, and accounting costs – but specifically to support the housing project proposed.
- **Capital Funds** - Funding contributed for the development, acquisition, rehabilitation, or new construction of the physical structure.
- **Extremely Low-income households** - Households with incomes at the HUD 30% Limit. See Appendix B.
- **Gap Financing** - Loans or grants used for housing development projects that bridge the gap between available funding sources, usually a combination of raised capital and state or federal housing subsidies.
- **Local dedicated revenue source** - Affordable housing funds are most successful when securing a local dedicated revenue source; a source of public revenue directed at affordable housing activities.
- **Low-income households** - Households with incomes at the HUD 80% Limit. See Appendix B.
- **Middle-income housing**: Middle-income housing is not a HUD recognized term. Middle-income housing is generally used here to mean affordable housing for households between 80% and 120% of area median income – typically without attachment to other subsidy or rental assistance.
- **Non-profit Organization** - A corporation of foundation granted exemption from income taxation by the IRS.
- **Ownership housing** - Housing for which the sales price minus the sum of grants and deferred loans provided to the borrower results in a monthly payment which qualifies a low-income household for a mortgage loan under standard lender underwriting standards.
- **Recoverable Loans** - Loans provided for activities such as predevelopment costs. Loans are required to be paid back once long-term funding has been secured for the project.
- **Self-sufficiency Assistance** - Services that help residents become more productive and capable of independent living, such as job training, budget counseling, substance-abuse treatment, and childcare.
- **Unit** - A self-contained apartment with sanitation and kitchen facilities within the apartment or partial facilities in the unit and other shared facilities located on the same floor as the unit.
- **Very Low-income households** - Households with incomes at the HUD 50% Limit. See Appendix B.
- **Zero-interest loans** - Zero interest loans are loans with full repayment of the principle is expected.

## Appendix B: 2021 Income Limits and Rental Limits

### City and Borough of Juneau Income Limits for 2022 (effective 4/18/22)

4-person AMI \$120,900

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
30% AMI	25,380	29,010	32,640	36,270	39,180	42,060	44,970	47,880
60% AMI	50,760	58,020	65,280	72,540	78,360	84,120	89,940	95,760
80% AMI	67,680	77,360	87,040	96,720	104,480	112,160	119,920	127,680
100% AMI	84,600	96,700	108,800	120,900	130,600	140,200	149,900	159,600
120% AMI	101,520	116,040	130,560	145,080	156,720	168,240	179,880	191,520

Source: HUD User Datasets:

[https://www.huduser.gov/portal/pdrdatas\\_landing.html](https://www.huduser.gov/portal/pdrdatas_landing.html)

### City and Borough of Juneau Rental Limits for 2022 (effective 4/18/22)

Bedrooms (People)	Fair Market Rent	30% AMI	60% AMI	80%AMI	100% AMI	120% AMI
Efficiency (1.0)	958	634	1,269	1,692	2,115	2,538
1 Bedroom (2.0)	1,154	725	1,450	1,934	2,417	2,901
2 Bedrooms (3.0)	1,442	816	1,632	2,176	2,720	3,264
3 Bedrooms (4.0)	2,048	906	1,813	2,418	3,022	3,627
4 Bedrooms (5.0)	2,432	979	1,959	2,612	3,265	3,918
5 Bedrooms (6.0)	N/A	1,051	2,103	2,804	3,505	4,206

Source: HUD User Datasets: [https://www.huduser.gov/portal/pdrdatas\\_landing.html](https://www.huduser.gov/portal/pdrdatas_landing.html)

## Appendix C: Score Sheet

Evaluation Criteria	Total Points	Outstanding (16 to 20 points)	Good (12 to 16 points)	Marginal (6 to 12 points)	Unacceptable (0 points)	Subtotal
<b>1. Team Experience</b> <ul style="list-style-type: none"> <li>• Demonstrated experience on projects of similar scope &amp; nature</li> <li>• Established development and/or operating partnerships, including support services</li> <li>• Qualified staff – Developer, Director, Property Manager, Supportive Services</li> <li>• Capacity to maintain/manage project</li> </ul>	20					
<b>2. JAHF Priority and Population Targeting</b> <ul style="list-style-type: none"> <li>• Capital projects to develop housing</li> <li>• Long-term or permanent affordability</li> <li>• Downtown Housing Development</li> </ul>	20					
<b>3. Project Design and Characteristics</b> For Capital projects: <ul style="list-style-type: none"> <li>• Plans stamped by appropriate engineer or architect, or professionally qualified staff on the development team</li> <li>• Energy Efficiency (Alaska Building Energy Efficiency Standard or HUD's Energy Star Home Standard)</li> <li>• Accessibility (Comply with Fair Housing Act and the Americans with Disabilities Act)</li> </ul> Operational Projects: comply with national guidance/best practice	20					
<b>4. Feasibility</b> <ul style="list-style-type: none"> <li>• Ability to secure other financing needed to carry out project</li> <li>• Operational feasibility/long-term financial viability</li> <li>• Reasonable and balanced budget with cost controls</li> </ul>	20					
<b>5. Readiness to Proceed</b> <ul style="list-style-type: none"> <li>• Leveraging/percentage of total cost with commitments</li> <li>• Site ownership</li> <li>• Plans, environmental permitting, estimate complete</li> <li>• Construction/Operation within following fiscal year</li> </ul>	20					
<b>Total</b>	<b>100</b>					

Applicant: \_\_\_\_\_ Evaluator: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix D: Downtown Juneau Residential Tax Abatement Map

Section G, Item 8.

