ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA

January 10, 2022 7:00 PM

Zoom Webinar/Telephonic/FB Livestream
Meeting No. 2022-02 https://juneau.zoom.us/j/91515424903 or 1-253-215-8782 Webinar ID: 915 1542 4903 - this will be a virtual meeting only.

Submitted By:

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Duncan Rorie Watt, City and Borough Manager

I. FLAG SALUTE

II. LAND ACKNOWLEDGMENT

III. ROLL CALL

IV. SPECIAL ORDER OF BUSINESS

A. Snow Plow Drivers Appreciation

B. Instruction for Public Participation

This meeting will be conducted via Zoom only. Anyone wishing to provide public comment during the meeting is asked to call the Municipal Clerk's phone line at 586-5278 by 3 p.m. on Monday, January 10, 2022 or send an email to City.Clerk@juneau.org and provide their name, email address, and phone number they will be calling from. Testimony time will be limited by the Mayor based on the number of participants. The public is encouraged to send comments in advance of the meeting to BoroughAssembly@juneau.org. When attending the zoom webinar [login info listed at top of agenda] please hit the 'raise hand' button if participating via a computer/tablet; if participating by phone press *9 on your phone; this will place a 'raised hand' icon next to your phone number and will add you to the queue and then press *6 to unmute your phone when you are called upon to speak.

For up to the minute meeting calendar/details with links to the Zoom webinars, check our online CBJ Meeting Calendar athttps://juneau.org/calendar.

V. APPROVAL OF MINUTES

A. 2021-09-29 Special Assembly Meeting Minutes - Draft

B. 2021-12-15 Special Assembly Meeting Minutes-Draft

VI. MANAGER'S REQUEST FOR AGENDA CHANGES

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VIII.CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

1. Ordinances for Introduction

a. **Ordinance 2021-43 An Ordinance Providing for the Issuance and Sale of Hospital Revenue Bonds in One or More Series in the Aggregate Principal Amount of Not to Exceed $20,000,000 to Provide Financing for Capital Improvements to Bartlett Regional Hospital; Providing for the Form and Terms of the Bonds; Providing a Method of Payment Therefor; and Reserving the Right to Issue Revenue Bonds on a Parity with the Bonds upon Compliance with Certain Conditions.**

This ordinance would allow Bartlett Regional Hospital to issue up to $20 million of revenue bonds to partially fund the construction of the Crisis Stabilization Center and renovations to the Emergency Department. These bonds would be repaid entirely from Hospital revenues, and do not commit any CBJ general funds for future repayment. These bonds are expected to be repaid over 20 years.

The Hospital Board reviewed this request at its September meeting. The Assembly Finance Committee reviewed this request at the November 3, 2021 meeting.

The Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

b. **Ordinance 2021-08(b)(am)(V) An Ordinance Appropriating $265,000 to the Manager for the Trail Improvement Capital Improvement Project; Grant Funding Provided by the U.S. Department of Transportation, Federal Highway Administration, Federal Lands Access Program.**

This ordinance would appropriate $265,000 as funding to partially relocate and reconstruct the Mount Jumbo Trail from Savikko Park to the Treadwell Ditch. The Federal Lands Access Program is administered through the Federal Highway Administration to improve access from non-federal lands to federal lands with an emphasis on high-use recreation sites. A local match requirement of $28,787 will be provided by previously appropriated funds from the Trail Improvement CIP (P46-112) and in-kind labor. Trail Mix will reconstruct the trail in 2022 and 2023.

The Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

c. **Ordinance 2022-02 An Ordinance Authorizing Docks and Harbors to Execute a Reservation Agreement with Private Dock Owners.**

Docks & Harbors does not currently have the authority under to manage private dock reservations. In 2021, Ordinance 2020-38 authorized a one-year pilot program so Docks & Harbors could accommodate Goldbelt Inc.'s request for managing the reservations at the Seadrome Dock and Merchant's Wharf Float. The pilot program was successful. This ordinance would amend Title 85 by making the pilot program permanent.

The Docks & Harbors Board believes a moorage reservation system operated by Docks and Harbors provides both efficiencies and cost savings for the private owner and D&H. The Board considered this action at its December 8 Operations-Planning Meeting and its December 16 regular board meeting. The Docks & Harbors Board will hold a public hearing on for this ordinance on January 19.

The Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

2. Resolutions

a. **Resolution 2973 A Resolution Adopting an Alternative Allocation Method for the FY2022 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity within the Northern Southeast Fisheries Management Area.**

This resolution would facilitate the CBJ's participation in the State's FY2022 Shared Fisheries Business Tax Program by certifying to the State that the CBJ suffered significant effects during calendar year 2020 from fisheries business activities within the CBJ's qualifying area.

Pursuant to this program, the State distributes a share of State fishery revenues to each participating community in the Northern Southeast area.

It is anticipated that the CBJ's share will be approximately $2,250.

The City Manager recommends the Assembly adopt this resolution.

3. Bid Award

a. **Riverbend Elementary School Roofing Replacement**

This project consists of demolition of the existing roof assembly down to plywood decking and replacement with asphalt shingle roofing assembly including insulation, plywood sheathing, new ridge and roof-to-wall vents, gutters, downspouts, roof anchors and other work indicated in the contract documents. This project also includes limited removal and reinstallation of mechanical hoods and vents and electrical items.

Bids were opened on this project on December 14, 2021. The bid protest period expired at 4:30 p.m. on December 15, 2021. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	**TOTAL BID**
Dawson Construction, LLC	$2,394,700.00
Earhart Roofing Co., Inc.	$2,470,775.00
Coogan Construction Co.	$2,498,000.00
Carver Construction, LLC	$2,556,411.61
Architect's Estimate	*$2,500,000 to $2,900,000*

The City Manager recommends that this project be awarded to Dawson Construction, LLC for the total amount bid of $2,394,700.00.

b. **Calhoun Avenue Reconstruction**

This project consists of the reconstruction of Calhoun Avenue from the Gold Creek Bridge to the intersection of West 7th Street. Work generally includes concrete slab removal, excavation, shot rock borrow, 2" minus shot rock with D-1 base course, asphalt pavement, curb and gutter, concrete sidewalk, ADA ramps, replacement of storm drain pipe, catch basins, manholes, sewer pipes, insulated HDPE water main and apparatuses, traffic control markings, signs and other miscellaneous work.

Bids were opened on this project on December 14, 2021. The bid protest period expired at 4:30 p.m. on December 16, 2021. Results of the bid opening are as follows:

Responsive Bidders	Total Bid
North40 Construction Corporation	$1,885,217.00
Coogan Construction Co.	$2,032,599.00
Glacier State Contractors	$2,330,943.00
Admiralty Construction Inc.	$2,670,555.00
Engineer's Estimate	*$1,559,777.00*

The City Manager recommends award of this project to North40 Construction Corporation for the total amount bid of $1,885,217.00

4. Liquor License

a. **16 Liquor License Renewals for 2022-2023**

These liquor license actions are before the Assembly to either protest or waive its right to protest the license actions.

Liquor License Renewals
License Type: Beverage Dispensary-Tourism, License #2541
Licensee: MGO Inc., d/b/a Juneau Airport Travel Lodge
Location: 9200 Glacier Hwy, Juneau

License Type: Beverage Dispensary-Tourism, License #3824
Licensee: Hospitality Group LLC, d/b/a Frontier Suites Hotel
Location: 9400 Glacier Hwy, Juneau

License Type: Package Store, License #661
Licensee: Thibodeau's Market Inc., d/b/a Kenny's Liquor Market
Location: 621 Willoughby Ave, Juneau

License Type: Package Store, License #4422
Licensee: Thibodeau's Market Inc., d/b/a Thibodeau's Valley Liquor
Location: 9106 Mendenhall Mall Rd, Juneau

License Type: Package Store, License #1129
Licensee: Thibodeau's Market Inc., d/b/a Liquor Barrel

Location: 5235 Glacier Hwy, Juneau

License Type: Package Store, License #521
Licensee: Thibodeau's Market Inc., d/b/a Thibodeau's Home Liquor
Location: 465 W. Willoughby Ave, Juneau

License Type: Package Store, License #4742
Licensee: Thibodeau's Market Inc., d/b/a Thibodeau's Liquor
Location: No Premises, Juneau

License Type: Package Store, License #2976
Licensee: No Creek Jack Inc., d/b/a Duck Creek Market
Location: 9951 Stephen Richards Dr., Juneau

License Type: Restaurant Eating Place, License #2812
Licensee: Genuine Ventures, LLC d/b/a Tracy's King Crab Shack
Location: 432 S. Franklin St., Juneau

License Type: Beverage Dispensary, License #728
Licensee: JD Entertainment, Inc. d/b/a The Island Pub
Location: 1102 2nd St., Douglas

License Type: Package Store, License #271
Licensee: Alaska Cache Liquor Inc., d/b/a Alaska Cache Liquor
Location: 156 S. Franklin St., Juneau

License Type: Restaurant Eating Place, License #5231
Licensee: Alaska Sustainable Seafood's LLC, d/b/a Deckhand Dave's
Location: 127-139 S. Franklin St., Juneau

License Type: Restaurant Eating Place, License #5482
Licensee: Alaska Sustainable Seafood's LLC, d/b/a Deckhand Dave's
Location: 356 S. Franklin St., Juneau

License Type: Beverage Dispensary-Tourism, License #5430
Licensee: Mac Ventures LLC, d/b/a McGivney's Sports Bar & Grill
Location: 51 Egan Dr., Juneau

License Type: Beverage Dispensary-Tourism, License #175
Licensee: CNH Holding LLC, d/b/a Breakwater Inn Restaurant & Lounge
Location: 1711 Glacier Ave., Juneau

License Type: Beverage Dispensary-Tourism, License #1378
Licensee: Alaskan Hotel & Bar Inc., d/b/a Alaskan Hotel
Location: 167 S. Franklin St., Juneau

Staff from Police, Finance, Fire, Public Works (Utilities) and Community Development Departments have reviewed the above licenses and recommended the Assembly waive its right to protest the renewal applications. Copies of the documents associated with these licenses are available in hardcopy upon request to the Clerk's office.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewals.

IX. PUBLIC HEARING

A. Ordinance 2021-46 An Ordinance Reestablishing the City and Borough of Juneau COVID-19 Mitigation Strategies and Providing for a Penalty.

This ordinance would amend the existing CBJ COVID-19 mitigation strategies (currently Ord. 2021-42). Staff proposed changes to the text of the ordinance and to Exhibit A reflecting the changing COVID-19 disease situation, CDC guidance, and availability of vaccines for children as young as five. The attached memo from Deputy City Manager Barr describes the changes from Ordinance 2021-42. The changes are also depicted in the ordinance and in Exhibit A with strikethroughs and underlining.
The Systemic Racism Review Committee reviewed this ordinance at its November 23, 2021, meeting and forwarded it to the full Assembly for public hearing. This ordinance was last discussed by the Assembly Committee of the Whole on December 20, 2021, who forwarded it to the January 10, 2022, regular Assemblymeeting for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

B. Ordinance 2021-08(b)(am)(S) An Ordinance Appropriating $2,000,000 to the Manager for the Capital Civic Center Capital Improvement Project; Funding Provided by General Funds.

This ordinance would appropriate $2,000,000 of general funds for the Capital Civic Center CIP. This project is an expansion of Centennial Hall that will include upgrades to satisfy the goals of the business community, the travel industry, and the arts economy. This appropriation would provide funds for a 30% complete plan set to develop a more detailed cost estimate of the entire project.

The Committee of the Whole reviewed this request at its November 29, 2021 meeting. The Assembly Finance Committee reviewed this request at the January 5, 2022 meeting. The Systemic Racism Review Committee reviewed this request at its December 14, 2021 meeting and forwarded it to the full Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

C. Ordinance 2022-01 An Ordinance Repealing the Temporary Sales Tax Exemption for Sales of Cost of Power Adjustments on Electrical Power.

In 2008, a massive avalanche damaged the hydroelectric lines serving the community. Electrical power costs for CBJ residents and businesses increased dramatically. The Assembly responded and temporarily exempted the cost of power adjustments on electrical power from sales tax. (Emerg. Ord. 2008-17; Ord. 2008-31). However, the exemption has inadvertently remained in the sales tax code. Because the Assembly in 2008 only intended the exemption for cost of power adjustments to be temporary, this ordinance would repeal that sales tax exemption.
The Assembly Finance Committee reviewed this ordinance at the January 5, 2022, meeting. The Systemic Racism Review Committee reviewed this request at its December 14, 2021, meeting and forwarded it to the full Assembly for public hearing.

The Manager recommends the Assembly adopt this ordinance.

D. Ordinance 2022-03 An Ordinance Authorizing the Municipal Attorney to Update Monetary Values Pursuant to Adjustment Provisions in Previously Adopted Legislation.

Various CBJ ordinances, resolutions, and regulations have automatic monetary adjustment

provisions tied to the Consumer Price Index or other inflation metrics. This ordinance would clarify that the Municipal Attorney is authorized to update those monetary values in the published CBJ Code pursuant to the previously adopted legislation.
The Systemic Racism Review Committee reviewed this request at its December 14, 2021, meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

X. UNFINISHED BUSINESS

A. Ordinance 2021-26(am) An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial.

The ordinance involves a rezone request for a 15-acre parcel on North Douglas approximately 1 mile north of the Juneau-Douglas Bridge.
The applicant requested a rezone from D-15 to General Commercial. The Community Development Department recommended a transition rezone from D15 to Light Commercial with conditions and a Comprehensive Plan map amendment. On May 11, 2021, the Planning Commission, instead, recommended a rezone from D15 to Light Commercial because it concluded Light Commercial conforms to the Comprehensive Plan, yet the Planning Commission also recommended the Assembly amend the Comprehensive Plan to allow the requested higher residential densities allowed in commercial districts.
On August 2, 2021, the Assembly tabled Ordinance 2021-27, which would have amended the Comprehensive Plan for this property from Medium Density Residential to High Density Residential.
The Assembly Committee of the Whole discussed this ordinance on July 19, 2021. On August 2, 2021, the Assembly held a public hearing, amended the ordinance with a public infrastructure condition, and an Assemblymember gave notice of reconsideration. On August 23, 2021, the Assembly reconsidered the rezone ordinance and referred it back to Assembly Committee of the Whole. On December 20, 2021, the Assembly Committee of the Whole forwarded the ordinance to the Assembly for public hearing.

On January 3, 2022, the Systemic Racism Review Committee concluded the ordinance would likely perpetuate systemic racism if adopted. The Committee identified the Light Commercial rezone would benefit the developer; the boat storage intended by the developer would benefit people that have enough income to pay for boat storage; and the Light Commercial zoning district as compared to the D-15 zoning district would likely harm people in need of housing, which are disproportionally racial minorities. The Committee questioned whether the 500 feet of public notice was meaningful, identified the lack of public support in the record, questioned the legal compliance with the Comprehensive Plan, and recommended the Assembly seek additional public input.

The City Manager recommends the Assembly refer this ordinance back to the Committee of the Whole for further consideration.

XI. NEW BUSINESS

A. Housing Fund Awards

The Juneau Affordable Housing Fund was established by the Assembly to provide funding for the creation of affordable and workforce housing. Fiscal year 2021 projects were considered by the Assembly Committee of the Whole on December 20, 2021, who recommended the Assembly award the following three projects:

• AWARE Cordova Street project ($150,000)

• St. Vincent DePaul Channelview project ($50,000)

• St. Vincent DePaul Teal Street project ($100,000).

The City Manager recommends the Assembly award Juneau Affordable Housing Funds for fiscal year 2021 as recommended by the Committee of the Whole.

B. Hardship and Senior Citizen/Disabled Veteran Late-Filed Real Property Tax Exemption Applications

There is one property owner that has requested the Assembly authorize the Assessor to consider a late-filed exemption for their property assessment.

The Assembly should consider this request and determine whether the property owner was unable to comply with the April 30 filing requirement. A.S. 29.45.030(f); CBJC 69.10.021(d). The burden of proof is upon the property owner to show the inability to file a timely exemption request. If the Assembly decides to accept this late-filed exemption request, the application will be referred to the Assessor for review and action.

The City Manager recommends the Assembly act on each of these applications individually.

XII. STAFF REPORTS

XIII. ASSEMBLY REPORTS

A. Mayor's Report

B. Committee Reports, Liaison Reports, Assembly Comments and Questions

C. Presiding Officer Reports

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

XVI. SUPPLEMENTAL MATERIALS

A. RED FOLDER-Ordinance 2022-01(b) An Ordinance Repealing the Temporary Sales Tax Exemption for Sales of Cost of Power Adjustments on Electrical Power

XVIIADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

THE CITY AND BOROUGH OF JUNEAU, ALASKA
SPECIAL ASSEMBLY MEETING
DRAFT Meeting Minutes – September 29, 2021

I. CALL TO ORDER

The Special Meeting #2021-24 of the City and Borough of Juneau Assembly held in person in the Assembly Chambers and virtually via Zoom webinar, was called into order by Mayor Beth Weldon at 6:00 p.m.

II. ROLL CALL

Assemblymembers Present: Mayor Beth Weldon, Loren Jones, Wade Bryson, Carole Triem, Michelle Hale, Christine Woll (via Zoom), Greg Smith, Maria Gladziszewski, and Alicia Hughes-Skandijs

Assemblymembers Absent: None.

Staff Present in person: City Manager Rorie Watt, Incident Commander Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy City Clerk Diane Cathcart, Officer Stage-Harvey

Staff present via Zoom: Finance Director Jeff Rogers, Budget Analyst Adrien Speegle

III. APPROVAL OF AGENDA

The agenda was approved as presented.

IV. SPECIAL ORDER OF BUSINESS

A. Proclamation: National Drive Electric Week

Mayor Weldon issued a proclamation declaring September 25 through October 3, 2021 as National Drive Electric Week in the City and Borough of Juneau.

B. Proclamation: Energy Efficiency Day

Mayor Weldon issued a proclamation declaring October 6, 2021 as Energy Efficiency Day in the City and Borough of Juneau.

V. Instructions for Public Participation

Municipal Clerk Beth McEwen provided instructions to the listening public on how to participate in tonight's meeting. The Assembly will follow COVID protocols in accordance with CDC guidelines, CBJ ordinances & resolutions, and COVID mitigation strategies at the time of the meeting. Testimony was limited to two minutes each and available via Zoom and also in-person testimony in the Assembly Chambers.

VI. AGENDA TOPICS

A. PUBLIC HEARING: Ordinance 2021-42 An Ordinance Reestablishing the City and Borough of Juneau COVID-19 Mitigation Strategies and Providing for a Penalty.

The existing COVID-19 Community Mitigation Strategies (Ordinance 2021-33(am)) are set to expire on October 31, 2021. Due to a surge of COVID-19 case activity, increased community spread, and significantly restricted medevac capacity, the Emergency Operations Center believes it is in the best interest of the community to extend the current COVID mitigation measures until June 1, 2022.

The Community Mitigation Measures are the same as adopted in Ordinance 2021-33 except the penalty section has been reinserted. The lack of a penalty provision has decreased the effectiveness of the mitigation measures and confused community messaging.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

Testimony from in-person attendees:

Christian Jacobsen, Juneau resident. Mr. Jacobsen said that a mask mandate no longer served its purpose. He said that if vaccines were effective, then wearing a mask should be optional. Mr. Jacobsen said that the mask mandate did not work, and has turned community members against one another. He noted that he would rather pay a $25 fine instead of following the mask mandates. Mr. Jacobsen asked the Assembly to choose wisely when deciding whether to extend the current mask mandates. He said that they might be surprised at how angry and violent Juneau's citizens could become when forced to comply with mask mandates.

Amy Miller, Valley resident. Ms. Miller spoke to her personal experience as a mother of three children, saying that they have suffered as a result of CBJ's mitigation measures. She said that mask-wearing was detrimental for children who experience intellectual or emotional disabilities. She spoke to the increasing statistics of children and adults suffering with mental illness and/or suicidal thoughts over the past year.

Kristi Seater Buerger, Juneau resident. Ms. Buerger said she hoped that the Assembly would listen to the testimony being shared tonight. She said that masks do not work, and described mask-wearing as the biggest collusion against society that has ever occurred. Ms. Buerger said that she had read 68 articles that spoke to the ineffectiveness of masks and vaccines.

Erin Howell, Auke Bay resident. Ms. Howell spoke in opposition of the ordinance, stating that if this was adopted as an emergency ordinance, it would not be permitted to last past April per the CBJ Charter. She said it was unclear whether Ordinance 2021-42 was an Emergency Ordinance or a regular Ordinance. Ms. Howell also said that the ordinance was unconstitutionally infringing upon citizen's rights.

Tom Williams, Auke Bay resident. Mr. Williams asked the Assembly to apply critical thinking when deciding upon this ordinance, adding that failing to do so would ultimately fail the citizens of Juneau. He recalled the "flatten the curve" messaging from the beginning of the pandemic, and said that Juneau was beyond the point of flattening the curve. Mr. Williams understood the

Assembly's intent to keep the community safe, and said that there are other ways to do so besides mask mandates.

Shannan Greene, Juneau resident. Ms. Greene thanked the Assembly for allowing her the opportunity to testify, and spoke to her experience as a veteran. She asked the Assembly to follow the U.S. Constitution and the Alaska Constitution. She said that she would not consent to infringement on her constitutional rights. Ms. Greene described CBJ's messaging as a propaganda campaign that pushed a fear-based agenda surrounding masks.

Daniel James, Juneau resident. Mr. James spoke to feeling locked down by mitigation measures. He said that there was no science or reason that justified mask wearing, and questioned the Assemblymembers' decision to wear masks within the Chambers. Mr. James also questioned the purpose of mandating the community to wear masks, and said that the decision to do so did not derive from healthcare concerns.

Scarlett Miller, Juneau resident, 7-year old daughter of Amy Miller. Scarlett asked the Assembly what was the point of getting vaccinated if we are still expected to wear masks. She said that we should be against masks, describing masks as a piece of junk that did not work. Scarlett shared her thoughts on vaccines: saying that vaccines cost millions of dollars, vaccines did not work, and vaccines can make you even sicker. She said that we should not get the vaccine, as it is also a piece of junk. Scarlett said that the point of the vaccine was to get people under control, and referred to the Assemblymembers' cellphones as tracking devices.

Thea Willet, Juneau resident. Ms. Spoke against the ordinance, and spoke to her experience recently moving from a state that allowed businesses and individuals to make their own decisions. She described Alaska's mandates as bizarre fear-pandering that lacked logic and critical thinking. Ms. Willet said that masks did not work, and everyone who wanted be get vaccinated has already received the vaccine. She shared that she had already had COVID-19, and questioned why she is still expected to wear a mask in public.

Jessica Warmbrodt, Valley resident. Ms. Warmbrodt expressed concern that the Assembly was not listening to the testimony being shared tonight. She said that masks do not work, and if they did work then we would not still be dealing with the pandemic. She added that the mitigation strategies targeted the most vulnerable businesses in the community. Ms. Warmbrodt said that Bartlett Regional Hospital has had almost two years to expand their capacity in response to the pandemic, but instead are firing staff due to vaccine status.

Kaila Buerger, Juneau resident. Ms. Buerger described an incident in which her friend provided assistance to someone experiencing a drug overdose, during which he was accosted by a member of the community for not wearing a mask. She said that the division caused by the mandates has resulted in the community' inability to work together. Ms. Buerger spoke to her experience as an employee of Bartlett Regional Hospital, saying that she has witnessed absurd situations that have compromised the health of patients due to ever-changing rules and regulations. She said that mask mandates have turned people into fools, and are against the Constitution, the Bill of Rights, and the Nuremburg Codes. She asked the Assembly to stand up for our freedoms.

Bonnie Webster, Auke Bay resident. Ms. Webster said that the people of Juneau were not in agreement with mask mandates. She asked the Assembly to throw away their pre-conceived decision on this matter, and to listen to the testimony being provided tonight. Ms. Webster said that the fear felt in the community stems from the propaganda being spread by the media and the government. She asked the Assembly to turn off their televisions and to stop listening to the news, and to stop allowing the government to infringe upon her constitutional rights.

Dennis Wink, Valley resident. Mr. Wink said that masks do not work, and said that it should be an optional decision. He questioned if the incentive behind the mask mandates could have been related to money, and referred to a woman outside City Hall who held a sign that said CBJ received $126M from the federal government to enforce a mask mandate. He expressed concern that the Assembly had already decided upon this ordinance.

Robert Shoemake, Auke Bay resident. Mr. Shoemake said that the mitigation strategies were unconstitutional and unfairly targeted small businesses. He also said that this ordinance violated the City Charter by extending past its 90 day restriction, and noted that violating the City Charter would be grounds for a recall.

Gladys Andersen, Valley resident. Ms. Andersen said that her rights were being taken away, and also referred to the claim that CBJ received $126M to enforce a mask mandate. She said that she would like to see where that money is going. She said that she hoped that the federal funding claim was not true. She read an excerpt of Anchorage Mayor Bronson's comments on masking and its effect on citizen's freedoms.

Testimony from attendees via Zoom:
Robert Henricksen, Auke Bay resident. Mr. Henricksen spoke against the ordinance, saying that the ordinance was contradictory against the "Slow the Spread" messaging from the beginning of the pandemic. He described the concept of public health as a collectivist tenant based on Marxist ideals that diverges from the civil liberties established in the Constitution. Mr. Henricksen added that cooperative efforts between business and government is indicative of fascism, and compared such efforts to Nazi Germany. He said that the Assembly did not have the authority to enforce a mask mandates, vaccines, or penalties for non-compliance. If the Assembly were to pass tonight's ordinance, Mr. Henricksen said he will not comply and he will not be bullied.

Tommy Vrabec, Douglas resident. Mr. Vrabec shared that he was the General Manager for the Alaska Club, and spoke to the impact that the pandemic has had on health clubs and facilities. He said that the continuation of the mask mandate would prolong the pandemic's effect on their facilities, and that the ordinance unfairly targets gyms and health clubs. He described the additional policies and measures put in place as a response to the pandemic. Mr. Vrabec said that this ordinance will risk the closure of the Alaska Club, resulting in nearly 100 people losing their jobs. He asked the Assembly to grant some leniency towards health clubs and exercise facilities in any future mandates.

Assemblymember Smith asked Mr. Vrabec if he was aware that the ordinance allowed for health clubs and facilities to create a mitigation strategy with the City. Mr. Vrabec said that he was aware of this, and added that they were met with resistance from the City from certain situations, such as being denied a request to allow tennis players to play without masks.

Yvette Soutiere, Downtown resident. Ms. Soutiere spoke in favor of the mask mandates. She said that liberty comes with responsibility, and we all have the responsibility to protect each other, especially unvaccinated children. Ms. Soutiere added that this was not an issue that concerned the Constitution, as it has undergone strict scrutiny to ensure the health of the community. She shared that she had a degree in Microbiology, and has specifically studied virology, and said that masks are proven to work.

Rachelle Grossardt, Valley resident. Ms. Grossardt said she was concerned that the Assembly had already made up their minds about this ordinance. She expressed frustration towards the Assembly and said that her opinion did not count in their decision. Ms. Grossardt spoke against the mask mandates, and asked the Assembly when the mandates would end. She asked the Assembly to vote against establishing any further mask mandates at all, much less through June.

Aaron Spratt, Valley resident. Mr. Spratt spoke against the ordinance, and shared his thoughts on masks and vaccines. He said that masks were ineffective, and that the vaccine did not work.

Gerald Nance, Juneau resident. Mr. Nance said that the vaccine was ineffective and dangerous. He shared that he was a local veterinarian, and noted the lack of veterinarians in town. Mr. Nance said that these policies are the reason as to why, saying that no one wants to stay under this tyrannical behavior. He said that the community needs to work together, and collectively stop listening to globalists.

Kelly Fishler, Valley resident. Ms. Fishler spoke in opposition of this ordinance, and enforcing penalties will not reduce the spread of Covid. She mentioned other countries that had recently pulled back their Covid restrictions. Ms. Fishler said that this ordinance infringed upon the bodily autonomy of citizens, and described herself as anti-mandates.

Dan DeBartolo, Juneau resident. Mr. DeBartolo questioned the need to establish a fine in the ordinance. He shared a KTOO article which quoted Mr. Watt saying that positive community behavior had made been out of care for others, and not driven by fear of being fined. He described Juneau's high vaccination status and the BRH as proof that Juneau's community cares. He asked the Assembly to remove the penalty in the ordinance, and to question the need for a penalty to be put in place.

Thom Buzard, Valley resident. Mr. Buzard said that he wished to remind the Assembly that they were elected officials, and not tyrants. He added that this ordinance violated the First, Fourth, and Fourteenth Amendments, the Alaska State Constitution, and the Nuremburg Codes. Mr. Buzard said that the people who lived in Nazi Germany had no idea that they were being manipulated. He added that he was not suggesting that Juneau would have an outcome similar to World War II, but that he was letting the Assembly know that they cannot make decisions based on fear.

The Assembly took a break at 7:11p.m. The meeting resumed at 7:20p.m.

Sandra Williams, Douglas resident. Ms. Williams spoke in opposition of the ordinance. She said that extending the mandates for another eight months was ridiculous, as there is no way of knowing what things would be like at that time. She said that she was concerned that the Assembly had already made up their minds.

Katie Henry, Downtown Juneau resident. Ms. Henry spoke in favor of continuing the current mitigation strategies. She shared that she had a degree focused in molecular biology and biochemistry, and that she worked at the Immunology Research Lab at the University of Chicago. She spoke to the effectiveness of masking, and describing doing so as critical in the current pandemic environment.

Katie Jensen, Downtown Juneau resident. Ms. Jensen said that she supported mandate as it is, but objected to extending it for another eight months. She also said that the penalty seems that it would be hard to enforce, and would only cause more anger and division.

Rick Turner, Downtown Juneau resident. Mr. Turner spoke in support of the mitigation strategies and penalty. He said that the point of masks was to reduce transmission, reduce the severity of the disease in case of infection, and to avoid creating new variants of the virus.

Robert Bennett, Lemon Creek resident. Mr. Bennett spoke in opposition of extending the mandate.

Mindy Shoemake, Auke Bay resident. Ms. Shoemake said that masks were mandated despite being detrimental to one's health. She also said that the Covid vaccine was being pushed despite causing thousands of deaths and hospitalizations. Ms. Shoemake asked the Assembly to consider implementing other preventative measures against Covid, such as supplements and medications, before continuing the mandates.

Michael Pierson, Valley resident. Mr. Pierson said that he opposed the mask mandate in its entirety, as well as the length of the extension of the mandate. He noted that the community was in the middle of an election. He asked the Assembly to extend the mandate for no more than 30 days, while we wait for the outcome of the Municipal Election.

Jo Boehme, Auke Bay resident. Ms. Boehme spoke in support of the mask mandate, but against extending it for eight months. She said that eight months seemed like a very long time, considering that science is constantly changing. Ms. Boehme spoke to the sense of security she felt once the mask mandate was enforced. She added that we all have a responsibility to ensure public health.

Beverly Shaw, North Douglas resident. Ms. Shaw said that she was concerned that the Assembly was not listening to those who were testifying. She spoke against the mandates, and she said it further divides the community.

Sharon Wildes, Juneau resident. Ms. Wildes shared that she had worked in genetics since 1986. She said that the Assembly had been making public policy based on Covid cases detected by PCR tests. She said that PCR tests are not able to detect illness, and spoke to the amount of false positives detected by PCR tests. Ms. Wildes asked the Assembly to refrain from using case numbers as a metric to base their public policy decisions on.

Jackie Tingey, Valley resident. Ms. Tingey said that the emotional and mental wellbeing of children was at stake. She said that her children have suffered as a result of the mask mandates. She added that increased testing has contributed to the increased caseload. Ms. Tingey said that the Assembly should get rid of the mandates altogether.

Bruce Simonson, Juneau resident. Mr. Simonson spoke in support of the mask mandates. He disagreed with parents who do not take the risk of Covid seriously, and said that they were endangering the lives of other children. Mr. Simonson added that he approved of providing a penalty for those who do not comply with the mandate.

Zack, Downtown resident. Zack spoke in support of the mask mandate, and sympathized with businesses that have lost business as a result. He said that mask mandates had allowed him to work in the tourism industry this summer.

Heather Bennett, Valley resident. Ms. Bennett said that humans are meant to see others' faces. She said that non-verbal communication cues such as facial expression and tone are lost due to mask wearing. Ms. Bennett said that she cannot wear a mask for medical reasons.

Pat Race, Downtown Juneau resident and business owner. Mr. Race asked the Assembly to extend the COVID mitigation measures, as they are in the best interest of the community. He said that he appreciated the mask mandate, as it protects their business and those who visit. He also said that the Assembly could repeal the mandates regardless of the time limit, and felt that the eight months' timeframe was a bit of a distraction in tonight's testimony. He thanked the Assembly for their efforts throughout the pandemic.

Ryan Stanley, Juneau resident. Mr. Stanley said that wearing a mask is a hassle. He also noted that we are in the middle of global pandemic, and 700,000 Americans have died from Covid-19.

He thanked the Assembly for taking up this matter time and again. Mr. Stanley appreciated those in the community who recognized that wearing a mask is a small thing, adding that it was not an infringement on our civil liberties. Mr. Stanley addressed those who testified against wearing a mask, asking them why their personal comfort was more important than the lives of others. He thanked the Assembly, and said that he supported the ordinance as written.

Jared Gebel, Valley resident. Mr. Gebel asked the Assembly if they took public opinion into consideration. He noted Juneau's high vaccination rate, and said that he believed that the vaccine works. Mr. Gebel added that he was not vaccinated as he already had Covid-19, and that he did not trust the vaccine to allow his children to get vaccinated. He said that it was not a big deal if children got Covid-19, and mentioned that his six-year old daughter recently had it. Mr. Gebel asked the Assembly to keep liberty and freedom in mind as they make their decision.

Paul DeSloover, North Douglas resident. Mr. DeSloover thanked the Assembly for everything they have done to keep the community safe throughout the pandemic. He encouraged the Assembly to stay the course, and to avoid ending up like Anchorage or Fairbanks. Mr. DeSloover said that his four granddaughters enjoyed attending school, and have no problem with wearing a mask in class. He also mentioned that he feels more comfortable going into a business where everyone is wearing a mask.

Kelly Fishler, Juneau resident. Ms. Fishler testified earlier in tonight's meeting. She said that she was asked to testify on behalf of **Kristy Montero.** Mayor Weldon explained that individuals are not permitted to speak on behalf of another individual, and the person she was representing would need to call in themselves.

Aaron Brakel, Juneau resident. Mr. Brakel thanked the Assembly, CBJ staff, and BRH for their efforts. He said that he had a great deal of confidence in Rorie Watt, Robert Barr, Mila Cosgrove, and the EOC. He encouraged the Assembly to extend the mandate, and spoke in support of the mandate. Mr. Brakel added that he appreciated Pat Race's testimony, saying that the Assembly can repeal the mandates at any time.

Kristy Montero, Juneau resident. Ms. Montero explained that she had asked Kelly Fishler to speak on her behalf, but was now speaking for herself. She said that masks were difficult. She shared that her family of six had experienced COVID-19 twice since the pandemic started.

Phillip Moser, Valley resident. Mr. Moser spoke in support of the mask mandate. He shared that he works in the service industry and is regularly exposed to others due to the nature of his work environment. He mentioned that the Spanish Flu fine was equivalent to $330, and that a $25 fine was doable. Mr. Moser said frontline workers and service industry providers have been the ones primarily enforcing the mandates, and encouraged the Assembly to look into better enforcement.

Assemblymember Woll left the meeting at 8:04p.m to board her flight.

Luanne MacVey, Douglas resident. Ms. MacVey asked the Assembly to extend the mitigation measures. She said that she was proud of Juneau's high vaccination rate, and that BRH was not in crisis mode. She attributed this to Juneau's mask mandate. She said that she appreciated the fine attached to the ordinance, and thanked the Assembly for listening to tonight's testimony.

Kimberly Metcalfe, Downtown Juneau resident. Ms. Metcalfe spoke in support of extending the mask mandate. She noted that her nieces and nephews have adapted to wearing masks. She encouraged the Assembly to "stay the course", echoing Paul DeSloover's testimony. She thanked the Assembly for their work, and for following science when making their decisions.

Morgan Johnson, Downtown resident and business owner. Ms. Johnson said that she did not agree with extending the mask mandate. She said that businesses will adapt to their customers' needs, and mentioned that she would put on a mask if she noticed a customer wearing a mask. Ms. Johnson added that she understood why schools would want to enforce masks, but that the public should have their own choice.

Martin Stepetin, Douglas resident. Mr. Stepetin clarified that he was speaking for himself and not in his role as a School Board member. He said that the main goal for the Juneau School District is to continue in-person education. He noted that JSD has reported 70 cases in the school district so far, which resulted in over 500 other students being quarantined, sent home, or otherwise disrupted. Mr. Stepetin spoke in support of extending the mask mandates.

David Noon, Downtown Juneau resident. Mr. Noon said that the genuine leadership of the Assembly has contributed in making Juneau a safe place to ride out the pandemic. He noted that people throughout the community have generally behaved responsibly, mentioning the high vaccination rate. Mr. Noon said that we need to continue doing what we have been doing since the beginning of the pandemic, which includes masking. He shared that while he does not like wearing a mask, he hates the idea of unintentionally infecting someone with Covid-19. Mr. Noon said that continuing with the current policies is the best way for Juneau to be as safe as possible.

Laura Steele, Auke Bay resident. Ms. Steele said that she supported the ordinance as written. She thanked the Assembly for their time and the actions they have taken to protect the community. She shared that she was a new parent of a 9 month old daughter, and mentioned that her daughter is unable to be vaccinated as an infant. Ms. Steele added that she does not believe that other people's unwillingness to wear a mask is more important than the safety of her child, or the many other children who cannot get vaccinated. She also noted that Juneau's healthcare system is extremely strained.

Emily Gebel, Valley resident. Ms. Gebel asked the Assembly what their goal was, and what does mitigation mean in this context. She said that Juneau has already slowed the spread, and given vaccines to all who wanted to receive one. Ms. Gebel said that there are tools available for those who do not want to contract the virus, and it is their responsibility to use them. She noted that she knows a handful of people who have moved away from Juneau due to the City's repressive policies. She asked the Assembly not to extend the mandate, and to err on the side of freedom.

Cordova Pleasants, Valley resident. Ms. Pleasants thanked the Assembly for their efforts in helping Juneau reach up to an 80% vaccination rate. She spoke against the mandate and the extension, saying that we need to draw a line in the sand. She shared that she was a business owner, and said it was very difficult to communicate with her customers, particularly those who are deaf or have hearing difficulties.

Mayor Weldon closed public testimony at 8:19p.m.
The Assembly to a break at 8:19p.m. and Mayor Weldon called the meeting back into order at 8:25p.m.

Assembly Action:
Mr. Watt reported that the Systemic Racism Review Committee reviewed this ordinance at its September 28 meeting. The SRRC unanimously voted that this ordinance did not negatively impact or unduly advantage any particular racial ethnic group, or otherwise perpetuate systemic racism.

Ms. Gladziszewski mentioned that the language under the "High" category about masks was not as clear as it could be. She mentioned that Mr. Barr included a new category sheet in their packets with language that clarified the "High" category. She noted that the inclusion of the new language would be an amendment to the ordinance. Ms. Gladziszewski said that she would also like to hear from the City Manager as to why a penalty fine may be necessary, referring to certain testimony.

Mr. Watt addressed the testimony that featured a quote from him, in which he clarified that article was produced during a time in which the Covid-19 case counts were not as high as they are today. He stated that Alaska is currently leading the nation in case rates, and Juneau recently reached its highest case rate within a 30-day period since the beginning of the pandemic. He added that the test positivity rate is high, and children under 12 still cannot get vaccinated. Mr. Watt explained that Juneau's current situation is vastly different to how it was when he was interviewed for that article. He noted that while the quotes that the testifier provided were likely accurate, they were provided out of context and are not consistent with what he believes today. Mr. Watt shared that he believes that CBJ's approach of voluntary compliance has slowly eroded over time, to the point of being unsuccessful. He mentioned that businesses who are not complying with the mask mandate are aware that there is no fine for doing so, and thus are not supportive when CBJ personnel arrive to encourage compliance.

Ms. Gladziszewski asked Mr. Watt to explain why he believes that a penalty will be effective, and to clarify who would be enforcing the penalty.

Mr. Watt explained that a Community Service Officer would visit a business or non-profit to enforce the mask mandate. If the business owner asks them what the consequences are for not enforcing the mandate, the CSO would explain that there are currently no consequences. He said that a penalty would provide CSOs the ability to send a different message and help with enforcement.

Ms. Hale asked Mr. Watt if there have been cases in which a CSO speaks to a business owner about masking, and they have not received compliance. Mr. Barr confirmed that there have been instances in which a CSO had sought compliance from a business owner through conversation, and no compliance has occurred.

Ms. Hughes-Skandijs asked Mr. Palmer to speak to the emergency nature and the length of the ordinance, and if extending it would be considered a violation of the City Charter.
Mr. Palmer clarified that Ordinance 2021-42 was not an emergency ordinance, this is a regular ordinance. This ordinance was introduced two weeks ago, and followed Charter required public notice protocols by allowing the public an opportunity to testify and submit comments.
He added that since this is a regular ordinance, it requires at least five votes to pass. Contrary to some of the comments provided in public testimony, the emergency ordinance duration does not apply to this ordinance.

Mayor Weldon asked Mr. Barr to provide an estimate of the number of businesses which are not complying with mitigation measures. Mr. Barr said that is a difficult number to define. His estimate determined that a relatively low percentage of businesses are not complying with mitigation measures.

Mayor Weldon asked Mr. Barr if the funding received from the CARES Act and ARPA contained a contingency which required the City to mandate mask-wearing, referring to comments made during public testimony. Mr. Barr confirmed that no such contingency existed.

Mr. Bryson asked Mr. Barr to clarify how many businesses have closed as a result of Covid mitigation measures. Mr. Barr explained that local businesses have closed for a number of reasons, but no business has been closed by CBJ due to lack of compliance with COVID mitigation strategies.

Mr. Watt shared that he received a letter today from the Juneau Chamber of Commerce in support of extending the mitigation measures.

Ms. Triem asked Mr. Barr to explain the “Fully Open” level on the mitigation strategy metric. Mr. Barr explained the green level was an attempt at identifying what a “Fully Open” level would look like in effect. He added that this level was added prior to the surge resulting from the Delta variant.

Ms. Hale asked Mr. Palmer to explain the difference between the ordinance and the mitigation strategies. Mr. Palmer clarified that Ordinance 2021-42 was not a "mask mandate" ordinance, it is a Covid-19 ordinance that contains layers of mitigation strategies, one of which includes a mask mandate.

Mayor Weldon asked Mr. Barr to speak to how the hospital is doing. Mr. Barr explained that BRH's capacity is strained. BRH staff are making decisions on a day-by-day basis to be open for elective surgeries. There have been days within the past few weeks in which BRH have made the decision to cease elective surgeries for the day. Mr. Barr added that BRH was filled to capacity last Friday, the first time during the pandemic. As a result, they are looking at expanding their licensure.

MOTION by Ms. Gladziszewski for the Assembly to adopt Ordinance 2021-42 for purposes of an amendment.

AMENDMENT #1 by Ms. Gladziszewski to change "June 1, 2022" to "**March 31, 2022**".

Mr. Bryson supported a shortened timeframe, and added that he would have proposed changing the date to January 31, 2022. Mr. Palmer advised that it would be best to vote on the Amendment from Ms. Gladziszewski up or down and then take up Mr. Bryson's amendment after that.

Objection by Ms. Hale. She mentioned that Travel Juneau recommended changing the date to March 1, 2022 for tourism planning purposes.

Ms. Triem asked Mr. Palmer to clarify if the Assembly would have the ability to repeal this ordinance at any time. Mr. Palmer confirmed that was correct, the ordinance allows the Assembly the authority to repeal it by motion at any time.

Mayor Weldon agreed with Mr. Bryson's comments that the timeframe should be shortened to January 31, 2022.

Mr. Jones reminded the Assembly that regular ordinances are effective 30 days after adoption. Mr. Jones advised the Assembly to avoid arbitrarily choosing a date, and to instead consider their meeting schedule when setting effective dates for adopted ordinances.

Ms. Hale echoed Mr. Jones' comments, saying that the Assembly tends to forget how long it takes to do things.

Ms. Gladziszewski explained that her reason for choosing March 31 was consistent with Mr. Jones' comments, as the Assembly would need to meet in February to discuss any changes to the ordinance. She felt that this date allowed enough time to plan for the summer tourism season, and any earlier date would essentially be too immediate.

Mr. Bryson thanked Mr. Jones for his clarification, and agreed with Ms. Hale on the March 1, 2022 date.

Mr. Jones clarified that the March 1, 2022 date would require the Assembly to introduce the ordinance during the first week of January, then hold the subsequent meeting towards the end of January. He does not object to the June 1, 2022 date.

Ms. Gladziszewski left the date March 31, 2022 on the table.

Roll Call Vote on Amendment #1:
Ayes: Gladziszewski, Triem, Hughes-Skandijs,
Nays: Hale, Smith, Bryson, Jones, Mayor Weldon.
Motion failed. Three (3) Ayes, Five (5) Nays.

AMENDMENT #2 by Ms. Hale to change the date from "June 1, 2022" to "March 1, 2022".

Ms. Hale noted that some of the public testimony received tonight included members of the public who asked for the date to be shortened.

Objection by Ms. Gladziszewski.

Roll Call Vote on Amendment #2:
Ayes: Hale, Smith, Triem, Hughes-Skandijs, Bryson, Mayor Weldon.
Nays: Jones, Gladziszewski.
Motion passed. Six (6) Ayes, Two (2) Nays.

MOTION by Ms. Gladziszewski to replace Exhibit A with the updated language provided by Mr. Barr.

The new language for the "High" category in the "Masks/Social Distancing" section will state, "*Masks/face coverings must be worn indoors and in public areas. Masks/face coverings must be worn outdoors in public areas where six feet of social distancing cannot be maintained. Keep social bubbles confined to family members*."

Mr. Jones asked Mr. Palmer to clarify if an amendment to an Exhibit required an additional amendment to the ordinance itself. Mr. Palmer explained that would not be necessary, as Exhibit A was referenced multiple times within the ordinance.
Hearing no objections, Exhibit A was amended by unanimous consent.

AMENDMENT #3 by Ms. Hale to strike Section (e): Providing a Penalty.

Ms. Hale said that she listened to the public testimony they received, and believed that the penalty needs to be removed. She noted that the majority of community transmission cases had derived from private events and small family gatherings. Ms. Hale explained that her amendment would strike the penalty provision, and would instead rely on public support by asking them to continue wearing a mask.

Mr. Bryson shared that he did not object to this amendment.

Objection by Ms. Hughes-Skandijs. She appreciated Ms. Hale's perspective, but explained that Juneau's current scenario is vastly different to what it was over the summer. Ms. Hughes-Skandijs said that it was important for the Assembly to be clear in their messaging, and would like to support the EOC if they believed this would improve their messaging.

Mr. Smith asked Mr. Palmer to explain what would happen if the penalty violation section was not removed, particularly how it would effect a noncompliant business. Mr. Palmer explained that the response to a noncompliant business would vary depending on the determined risk level at the time. If a noncompliant business allowed for patrons to be unmasked while Juneau was at a "High" level, then the City could take action through education and additional opportunities. If the business still refused to comply, then fines would be issued; or the business would be closed if it was posing a risk for hosting super-spreader events.

Mr. Smith asked Mr. Palmer if the City would be able to close down a business if the penalty violation section was removed. Mr. Palmer explained that if the Assembly were to remove this section, the ordinance would become a series of recommendations that cannot be enforced.
Mr. Smith shared that he will object to the amendment.

Mayor Weldon asked Mr. Barr if he had any additions or recommendations. Mr. Barr reminded the Assembly that there are provisions for exemptions in the mitigation measures, and the EOC regularly works with those seeking such an exemption.

Mr. Bryson spoke in favor of Ms. Hale's amendment. He felt that the community has been following safety measures and mitigation strategies, particularly when hosting events. He felt that the $25 fine would target Juneau's most vulnerable businesses and populations, saying that Juneau's most articulated and well-financed people would not be the ones receiving this fine. He spoke to the difficulties business owners may face when tasked to turn away customers who are not wearing a mask.

Objection by Mayor Weldon for purposes of a question. She asked if they could remove the $25 fine, but kept the second sentence in Section (e).
Mr. Palmer said that keeping that sentence would retain the enforceability of this ordinance.

AMENDMENT A of Amendment #3 by Mayor Weldon to keep in the second sentence on page 3 line 116 starting with, "*The City and Borough of Juneau may use all available civil enforcement options (i.e. injunction, revocation of certificate of occupancy, civil lawsuit, etc.) to assure compliance with this ordinance*."

Mayor Weldon spoke to her amendment, saying that it would ensure that the Assembly has listened to the public about the $25 fine, and also maintain its enforceability.

Mayor Weldon handed the gavel to Mr. Jones.

Mr. Smith asked if this amendment would remove the monetary fine, but it would allow for the closure of a noncompliant business. Mr. Palmer clarified that would enable the City to have the ability to educate a noncompliant business, then revoke the certificate of occupancy after continued noncompliance.

Mr. Watt said that the Assembly seemed to want a light-handed enforcement, which was the reason behind charging the nominal amount of $25.

Ms. Gladziszewski asked Mr. Palmer to clarify who would receive the $25 fine as a result of a large event or a business being noncompliant. Mr. Palmer mentioned that this was discussed at the SRRC meeting. Practically, this ordinance would issue a fine towards a business in the same way that it would towards an individual that was not wearing a mask. Mr. Palmer identified the main issue as trying to help businesses have a COVID conscious safety plan in place for employees and customers.

Mr. Bryson believed the Manager's approach weakened the strategy of the ordinance when considering fining entities. He added that issuing a fine to a large business such as Fred Meyer or fining large private gatherings would not be effective at deterring noncompliance. Mr. Bryson said that true deterrence could come from a fear of the City shutting down an event or business.

Objection by Ms. Hughes-Skandijs. She spoke to the effectiveness of providing the City with more tools, rather than less tools when dealing with enforcement.

Roll Call Vote on Amendment A of Amendment #3
Ayes: Mayor Weldon, Hale, Bryson.
Nays: Gladziszewski, Smith, Triem, Hughes-Skandijs, Jones.
Motion failed. Three (3) Ayes, Five (5) Nays.

Mr. Jones handed the gavel back to Mayor Weldon.
Amendment #3 to strike Section (e): Providing for a Penalty was brought back before the Assembly.

Mr. Jones spoke to his experience of receiving criticism from the public towards the Assembly for not enforcing their own mandates. He spoke in favor of keeping the penalty language in the ordinance in order to better support the individuals who are being tasked to enforce it.

<u>Roll Call Vote on Amendment #3</u>
Ayes: Hale, Bryson.
Nays: Smith, Triem, Hughes-Skandijs, Gladziszewski, Jones, Mayor Weldon.
Motion failed. Two (2) Ayes, Six (6) Nays.

Ms. Gladziszewski addressed those who testified and sent emails to the Assembly. She explained that the goal of this ordinance is to keep kids in school, to keep the economy open, and to ensure hospital capacity. Ms. Gladziszewski also clarified that this ordinance is not a mask mandate, it is a series of mitigation measures. She added that this mitigation is not based in fear, it is to ensure that businesses, schools, and the hospital are all operational.

Mayor Weldon added that Ms. Gladziszewski's comments were shared by the entire Assembly. She assured the listening public that the Assembly takes all public testimony into consideration. Mayor Weldon understood that there will be those who are unhappy with this decision, but noted that the overwhelming majority of testimony they received (including written, oral, and conversational) was in favor of extending this ordinance.
Hearing no objections, Ordinance 2021-42 was adopted, as amended, by unanimous consent.

Comments:
Ms. Triem said that in light of the late hour, the Assembly Finance Committee meeting that was scheduled for tonight had been cancelled. The AFC meeting that was scheduled for tonight was meant to be Mr. Jones' last AFC meeting as a member of the Assembly. Ms. Triem and Finance Director Jeff Rogers presented Mr. Jones a novelty framed check from the CBJ Finance Department in recognition of his service as Finance Committee Chair during his tenure on the Assembly.

Mr. Jones asked if his wife could use the comically large check to pay their utility bills. He thanked the CBJ Finance staff for all their hard work.

B. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
None.

VII. ADJOURNMENT
There being no further business to come before the Assembly, the meeting was adjourned at 9:43 p.m.

Signed: ______________________	Signed: ______________________
Elizabeth J. McEwen	Beth A. Weldon
Municipal Clerk	Mayor

SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - December 15, 2021

I. CALL TO ORDER

MEETING NO. 2021-29: The Special Meeting of the City and Borough of Juneau Assembly held virtually via Zoom webinar, was called to order at 7:52 p.m. by Mayor Beth Weldon.

II. ROLL CALL

Assemblymembers Present: Mayor Beth Weldon, Deputy Mayor Maria Gladziszewski, Alicia Hughes-Skandijs, Michelle Hale, Greg Smith, Christine Woll, Wade Bryson and 'Wáahlaal Gíidaak

Assemblymembers Absent: Carole Triem

Staff Present: Deputy Municipal Clerk, Diane Cathcart

III. APPROVAL OF AGENDA

Agenda approved as presented.

IV. PUBLIC PARTICIPATION

None

V. AGENDA TOPICS

A. Bartlett Regional Hospital Board Appointments

Human Resources Committee Chair (HRC) Alicia Hughes-Skandijs reported the full Assembly met as the HRC prior to the Special Assembly meeting and interviewed applicants for the Bartlett Regional Hospital Board upcoming seats.

MOTION: by Ms. Hughes-Skandijs recommended the Assembly reappoint Dr. Lindy Jones, Deborah Johnston and Hal Geiger to the Bartlett Regional Hospital Board for terms beginning January 1, 2022 and ending December 31, 2024. ***Hearing no objection, motion passed.***

B. Planning Commission Appointments

Human Resources Committee Chair (HRC) Alicia Hughes-Skandijs reported the full Assembly met as the HRC prior to the Special Assembly meeting and interviewed applicants for the Planning Commission upcoming seats.

MOTION: by Ms. Hughes-Skandijs recommended the Assembly reappoint Travis Arndt, Nathanial Dye and Hans Erik Pederson to the Planning Commission for terms beginning January 1, 2022 and ending December 31, 2024. ***Hearing no objection, motion passed.***

C. Systemic Racism Review Committee Appointment

Human Resources Committee Chair (HRC) Alicia Hughes-Skandijs reported the full Assembly met as the HRC prior to the Special Assembly meeting and interviewed one applicant for the vacant Systemic Racism Review Committee (SRRC) seat. The HRC requested the SRRC application period be extended for a month to see if additional applicants apply with the recommendation that the applicant interviewed would be considered along with the additional applicants.

MOTION: by Ms. Hughes-Skandijs that the full Assembly extend the Systemic Racism Review Committee application period to January 31, 2022 and that the current applicant be considered during that second round of interviews and asked for unanimous consent. ***Hearing no objection, motion passed.***

VI. ADJOURNMENT

There being no further business to come before the Assembly, meeting adjourned at 7:54 p.m.

Signed: ________________	Signed: ______________________
Diane Cathcart	Beth A. Weldon
Deputy Municipal Clerk	Mayor

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

HOSPITAL REVENUE BONDS
(BARTLETT REGIONAL HOSPITAL PROJECT)

Serial No. 2021-43

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF HOSPITAL REVENUE BONDS IN ONE OR MORE SERIES IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $20,000,000 TO PROVIDE FINANCING FOR CAPITAL IMPROVEMENTS TO BARTLETT REGIONAL HOSPITAL; PROVIDING FOR THE FORM AND TERMS OF THE BONDS; PROVIDING A METHOD OF PAYMENT THEREFOR; AND RESERVING THE RIGHT TO ISSUE REVENUE BONDS ON A PARITY WITH THE BONDS UPON COMPLIANCE WITH CERTAIN CONDITIONS.

Approved: February 7, 2022

Prepared by:

K&L GATES LLP
Seattle, Washington

City and Borough of Juneau, Alaska
Ordinance Serial No. 2021-43
Table of Contents*

* This Table of Contents and the cover page are provided for convenience only and are not a part of this ordinance.

Presented by: The Manager
Introduced: 01/10/22
Drafted by: Bond Counsel

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-43

An Ordinance Providing for the Issuance and Sale of Hospital Revenue Bonds in One or More Series in the Aggregate Principal Amount of Not to Exceed $20,000,000 to Provide Financing for Capital Improvements to Bartlett Regional Hospital; Providing for the Form and Terms of the Bonds; Providing a Method of Payment Therefor; and Reserving the Right to Issue Revenue Bonds on a Parity with the Bonds upon Compliance with Certain Conditions.

WHEREAS, the City and Borough of Juneau, Alaska (the "City and Borough") owns and operates Bartlett Regional Hospital (the "Hospital"); and

WHEREAS, the Hospital is in need of expansion and renovation (hereinafter defined as the "Projects"); and

WHEREAS, the City and Borough is authorized by its Home Rule Charter to issue revenue bonds for capital project purposes without a vote of the electors; and

WHEREAS, it appears to be in the best interests of the City and Borough and its residents to finance all or a portion of the costs of the Projects by means of the revenue bonds authorized herein, in the amount of not to exceed $20,000,000, payable solely from the Net Revenues (as defined herein) of the Hospital; and

WHEREAS, the City and Borough has outstanding its Hospital Revenue Refunding Bond, 2021 (Taxable) (Bartlett Regional Hospital Project) (Amending 2013 Hospital Revenue Refunding Bond) in the principal amount of $18,260,000 (the "Outstanding Parity Bonds"); and

WHEREAS, Ordinance Serial No. 2012-23 and Ordinance Serial No. 2020-21, as amended (together, the "Outstanding Parity Bond Ordinance") authorize the City and Borough to issue hospital revenue bonds in the future upon compliance with the terms and conditions set forth in the Outstanding Parity Bond Ordinance; and

WHEREAS, it appears to the Assembly of the City and Borough (the "Assembly") that such conditions can be met and that it is in the best interests of the City and Borough and its residents that the Bonds be issued on a parity with the Outstanding Parity Bonds; and

WHEREAS, the Outstanding Parity Bonds were sold to the Alaska Municipal Bond Bank (the "Bond Bank"); and

WHEREAS, the Assembly finds that it is in the best interest of the City and Borough to sell the bonds herein authorized to the Bond Bank on the terms and conditions set forth herein and in a loan agreement between the City and Borough and the Bond Bank, as authorized by this ordinance;

NOW, THEREFORE, 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. Definitions. As used in this ordinance, unless a different meaning clearly appears from the context:

Accreted Value means with respect to any Capital Appreciation Bonds, as of any date of calculation, the sum of the amount set forth in the ordinance authorizing their issuance as the amount representing the initial principal amount of such Capital Appreciation Bonds plus the interest accumulated, compounded and unpaid thereon as of the most recent compounding date. The Accreted Value shall be determined in accordance with the provisions of the ordinance authorizing the issuance of such Balloon Maturity Bonds.

Accountant means any independent public accountant or firm of independent public accountants selected by the Hospital and not objected to by the Bond Bank.

Accounts means the Hospital Revenue Account and the Bond Account and shall include all subaccounts therein.

Annual Debt Service means the total amount of Debt Service for any Parity Bond or series of Parity Bonds or other evidences of indebtedness payable from Hospital Revenues in any fiscal year or Base Period.

Assembly means the Assembly of the City and Borough of Juneau as the same shall be duly and regularly constituted from time to time.

Balloon Maturity Bonds means any evidences of indebtedness of the City and Borough payable from Hospital Revenues which are so designated in the ordinance pursuant to which such indebtedness is incurred.

Base Period means each of the two most recently completed fiscal years of the City and Borough for which audited financial statements are available within the 36-month period immediately preceding the date of issuance of an additional series of Future Parity Bonds.

Bond Account means the "City and Borough of Juneau Hospital Revenue Bond Account" authorized to be created in the office of the Finance Director pursuant to this ordinance.

Bond Bank means the Alaska Municipal Bond Bank, a public corporation and instrumentality of the State of Alaska, created pursuant to the provisions of Chapter 85, Title 44, Alaska Statutes, as amended.

Bond Bank Bonds means bonds to be issued by the Bond Bank to provide funds to be loaned to the City and Borough pursuant to the Loan Agreement.

Bond Register means the registration books for the Bonds, maintained by the Bond Registrar, for the purpose of complying with the requirements of Section 149 of the Code and listing, inter alia, the names and addresses of all registered owners of the Bonds.

Bond Registrar means the Finance Director, for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, and paying the principal of and interest on the Bonds.

Bonds mean the not to exceed $20,000,000 aggregate par value of City and Borough of Juneau, Alaska, Hospital Revenue Bond, 2022[Series Designation] (Bartlett Regional Hospital Project) authorized to be issued in one or more series pursuant to this ordinance.

Bond Bank Reserve Agreement means the Reserve Depositary Agreement, among the Bond Bank Trustee and the City and Borough.

Bond Bank Trustee means The Bank of New York Mellon Trust Company, N.A., as the trustee for the Bond Bank under the terms of the 2005 General Obligation Bond Resolution adopted by the Board of Directors of the Bond Bank on July 13, 2005 and shall include any successor thereto as provided in said Resolution.

Capital Appreciation Bonds means any Future Parity Bonds all or a portion of the interest on which is compounded, accumulated and payable only upon redemption or on the maturity date of such Capital Appreciation Bonds. If so provided in the ordinance authorizing their issuance, Future Parity Bonds may be deemed to be Capital Appreciation Bonds for only a portion of their term. On the date on which Future Parity Bonds no longer are Capital Appreciation Bonds, they shall be deemed outstanding in a principal amount equal to their Accreted Value.

City and Borough means the City and Borough of Juneau, a municipal corporation organized and existing under the laws of the State of Alaska.

City and Borough Representative means the City Manager or such other official or employee of the City and Borough designated in writing by the City Manager.

City Manager means the city manager or interim city manager of the City and Borough.

Code means the United States Internal Revenue Code of 1986, as amended, together with all applicable rulings and regulations heretofore or hereafter promulgated thereunder.

Consultant means a professional investment banking firm, certified public accounting firm, commercial banking institution or financial advisory firm having the skill and experience necessary to render the certificate required by Section 16 of this ordinance or to perform the services required in Section 15(a) of this ordinance, as the case may be. Any Consultant appointed by the City and Borough shall be nationally recognized and approved by the Bond Bank. The Consultant shall be appointed by the City and Borough to perform the duties of the Consultant as required by this ordinance who at the time shall be employed for no other purpose by the Hospital or the City and Borough. For the purposes of delivering any certificate required by Section 16 of this ordinance and making the calculation required by Section 16 of this ordinance, the term

Consultant shall also include any independent public accounting firm appointed by the City and Borough to make such calculation or to provide such certificate.

Contributions means the aggregate amount of all contributions, grants, gifts, bequests and devises actually received in cash or marketable securities by the Hospital in the applicable Fiscal Year of the Hospital and any such contributions, grants, gifts, bequests and devises received in a form other than cash or marketable securities by the Hospital which are converted in the applicable Fiscal Year of the Hospital to cash or marketable securities and which, in either case, are not restricted in any way which would prevent their application to the payment of debt service on Parity Bonds or to the payment of Costs of Maintenance and Operation.

Costs of Maintenance and Operation means the aggregate of all expenses incurred in the maintenance and operation of the Hospital, as calculated in accordance with GAAP, but shall not include any payments for debt service or into reserve funds, depreciation or taxes levied or imposed by the City and Borough or payments to the City and Borough in lieu of taxes, or capital additions or capital replacements to the Hospital.

Credit Facility means any Qualified Letter of Credit or Qualified Insurance.

Debt Service means, for any period of time,

(a) with respect to any outstanding Capital Appreciation Bonds which are not designated as Balloon Maturity Bonds in the ordinance authorizing their issuance, the principal amount thereof shall be equal to the Accreted Value thereof maturing or scheduled for redemption in such period, and the interest payable during such period;

(b) with respect to any outstanding Fixed Rate Bonds, an amount equal to (1) the principal amount of such Fixed Rate Bonds due or subject to mandatory redemption during such period and for which no sinking fund installments have been established, (2) the amount of any payments required to be made during such period into any sinking fund established for the payment of any such Fixed Rate Bonds, plus (3) all interest payable during such period on any such outstanding Fixed Rate Bonds and with respect to Fixed Rate Bonds with mandatory sinking fund requirements, calculated on the assumption that mandatory sinking fund installments will be applied to the redemption or retirement of such Fixed Rate Bonds on the date specified in the ordinance authorizing such Fixed Rate Bonds; and

(c) with respect to all other series of Parity Bonds, other than Fixed Rate Bonds, Capital Appreciation Bonds, specifically including but not limited to Balloon Maturity Bonds and Parity Bonds bearing variable rates of interest, an amount for any period equal to the amount which would have been payable for principal and interest on such Parity Bonds during such period computed on the assumption that the amount of Parity Bonds as of the date of such computation would be amortized (1) in accordance with the mandatory redemption provisions, if any, set forth in the ordinance authorizing the issuance of such Parity Bonds, or if mandatory redemption provisions are not provided, during a period commencing on the date of computation and ending on the date 30 years after the date of issuance (2) at an interest rate equal to the yield to maturity set forth in the 30-Bond Index published in the edition of *The Bond Buyer* (or comparable publication or such other similar index selected by the City and Borough) and published within ten days prior to the date of calculation or, if such calculation is being made in connection with the certificate required by Section 16 of this ordinance, then within ten days of such certificate, (3) to provide for essentially level annual debt service of principal and interest over such period. Debt Service shall be net of any interest funded out of Bond proceeds. Debt Service shall include reimbursement obligations to providers of Credit Facilities to the extent authorized by ordinance.

Environmental Laws shall mean any federal, state or local law, statute, ordinance, or regulation pertaining to health, industrial hygiene, or the environmental conditions on, under or about the Real Property, including without limitation the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. Section 9601, et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986 (PL 99-499), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Toxic Substance Control Act, 15 U.S.C. Section 2601, et seq., and the Resource Conservation and Recovery Act of 1976, as amended ("RCRA"), 42 U.S.C. Section 6901, et seq.

Federal Tax Certificate means the certificate executed on behalf of the City and Borough upon the issuance of the Bonds and including certain representations regarding the use and application of the Bond proceeds and the payment of rebatable arbitrage, if any, with respect to the Bonds.

Finance Director means the director of the finance department or interim director of the finance department of the City and Borough.

Fiscal Year means the fiscal year of the City and Borough, currently July 1 through June 30.

Fitch means Fitch Ratings, Inc., organized and existing under the laws of the State of Delaware, its successors and their assigns, and, if such organization shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, "Fitch" shall be deemed to refer to any other nationally recognized securities rating agency designated by the City Manager or his/her designee.

Fixed Rate Bonds means those Parity Bonds other than Capital Appreciation Bonds or Balloon Maturity Bonds issued under an ordinance in which the rate of interest on such Parity Bonds is fixed and determinable through their final maturity or for a specified period of time. If so provided in the ordinance authorizing their issuance, Parity Bonds may be deemed to be Fixed Rate Bonds for only a portion of their term.

Future Parity Bonds means any revenue bonds which the City and Borough may hereafter issue having a lien upon the Hospital Revenues for the payment of the principal thereof and interest thereon equal to the lien of the Outstanding Parity Bonds and the Bonds upon the Hospital Revenues.

GAAP means generally accepted accounting principles as from time to time in effect.

Government Obligations means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America and bank certificates of deposit secured by such obligations.

Hazardous Substances include without limitation:

(a) Those substances included within the definitions of "hazardous substances," "hazardous materials," "toxic substances," or "solid waste" in CERCLA, RCRA, the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., and the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., and in the regulations promulgated pursuant to said laws;

(b) Those substances defined as "dangerous wastes," "hazardous wastes" or as "hazardous substances" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., and in the regulations promulgated pursuant to said laws;

(c) Any material, waste or substance which is (1) petroleum, (2) asbestos, (3) polychlorinated biphenyls, (4) designated as a "hazardous substance" pursuant to Section 311 of the Clean Water Act, 33 U.S.C. Section 1251, et seq. (33 U.S.C. Section 1321) or listed pursuant to Section 307 of the Clean Water Act (33 U.S.C. Section 1317) (5) flammable explosives; or (6) radioactive materials;

(d) Those substances listed in the United States Department of Transportation Table (49 C.F.R. 172.101 and amendments thereto) or by the Environmental Protection Agency (or any successor agency) as hazardous substances (40 C.F.R. Part 302 and amendments thereto);

(e) Storm water discharge regulated under any federal, state or local law, ordinance or regulation relating to storm water drains, including, but not limited to, Section 402(p) of the Clean Water Act, 33 U.S.C. Section 1342 and the regulations promulgated thereunder; and

(f) Such other substances, materials and wastes which are or become regulated under applicable local, state or federal law, or the United States government, or which are classified as hazardous or toxic under federal, state or local laws or regulations:

Hospital means Bartlett Regional Hospital owned and operated by the City and Borough.

Hospital Revenue Account means the enterprise fund of the City and Borough known as the "Bartlett Regional Hospital Fund".

Hospital Revenues means, for any specified period, the sum of (a) gross patient service revenues of the Hospital less contractual allowances and provisions for uncollectible accounts, free care and discounted care, plus (b) other operating revenues of the Hospital, plus (c) nonoperating revenues including receipts from the City and Borough (other than Contributions, income derived from the sale of assets not in the ordinary course of business, any gain or loss from the extinguishment of debt or any other extraordinary item, but including proceeds of business interruption insurance), plus (d) Contributions, all as determined in accordance with GAAP. ***Hospital Revenues*** shall also include any federal or state reimbursements of operating expenses to the extent such expenses are included as "Costs of Maintenance and Operation" and all earnings from the investment of money in the Bond Account which earnings are deposited in the Bond Account. ***Hospital Revenues*** shall exclude the proceeds from the sale of Hospital property, City and Borough taxes collected by or through the Hospital, principal proceeds of bonds and earnings or proceeds from any investments in a trust, defeasance or escrow fund created to defease or refund obligations payable from Hospital Revenues (until commingled with other earnings and revenues of the Hospital) or held in a special account for the purpose of paying a rebate to the United States Government under the Code.

Loan Agreement means the Loan Agreement for the Bonds by and between the City and Borough and the Bond Bank authorized to be entered into pursuant to Section 10 of this ordinance.

Maximum Annual Debt Service means highest dollar amount of Annual Debt Service in any fiscal year or Base Period for all outstanding Parity Bonds.

Moody's means Moody's Investors Service, Inc., its successors and their assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, "Moody's" shall be deemed to refer to any other nationally recognized securities rating agency designated by the City Manager or his/her designee.

Net Revenue means Hospital Revenues less Costs of Maintenance and Operation.

Outstanding Parity Bonds mean the City and Borough's Hospital Revenue Refunding Bond, 2021 (Taxable) (Bartlett Regional Hospital Project) (Amending 2013 Hospital Revenue Refunding Bond) in the principal amount of $18,260,000.

Outstanding Parity Bond Ordinance means Ordinance Serial No. 2012-23 and Ordinance Serial No. 2020-21, as amended.

Parity Bonds means the Outstanding Parity Bonds, the Bonds and any Future Parity Bonds.

Parity Requirement means (a) historical Net Revenues for the Base Period at least equal to or greater than 125% of Maximum Annual Debt Service for all Parity Bonds (including the Future Parity Bonds then proposed to be issued) or (b) Net Revenues, as adjusted by a Consultant, described in Section 16 of this ordinance, equal to at least 150% of Maximum Annual Debt Service for all Parity Bonds (including the Future Parity Bonds then proposed to be issued), commencing with the first fiscal year after the anticipated completion of the facilities to be financed with the proceeds of the Future Parity Bonds.

Payment Date means each day on which a payment of principal and/or interest on the Bonds comes due following their issuance and delivery.

Principal and Interest Account means the account of that name created within the Bond Account pursuant to Section 9 of this ordinance.

Projects mean the construction of a crisis stabilization building, expansion and remodeling of the emergency room and capital improvements to the Hospital.

Project Account means the Hospital Project Account, into which certain net proceeds of the Bonds shall be deposited.

Qualified Insurance means any non-cancelable municipal bond insurance policy or surety bond issued by any insurance company licensed to conduct an insurance business in any state of the United States (or by a service corporation acting on behalf of one or more such insurance companies) which insurance company or companies, as of the time of issuance of such policy or surety bond, are currently rated in one of the two highest Rating Categories by two of the Rating Agencies.

Qualified Letter of Credit means any irrevocable letter of credit issued by a financial institution for the account of the City and Borough on behalf of registered owners of the Bonds, which institution maintains an office, agency or branch in the United States and as of the time of issuance of such letter of credit, is currently rated in one of the two highest Rating Categories by a Rating Agency.

Rate Covenant means Net Revenue in each fiscal year at least equal to 115% of the amounts required in such fiscal year to be paid as scheduled debt service (principal and interest) on all Parity Bonds, excluding therefrom interest funded from Parity Bond proceeds.

Rating Agency means Moody's or S&P or Fitch.

Rating Category means the generic rating categories of the Rating Agency, without regard to any refinement or gradation of such rating category by a numerical modifier or otherwise.

Registered Owner means the person named as the registered owner of a Bond in the Bond Register.

Reserve Account means the Reserve Account held by Bond Bank Trustee pursuant to the Bond Bank Reserve Agreement.

Reserve Requirement means, with respect to Parity Bonds outstanding, the lesser of (a) 125% of Average Annual Debt Service, (b) 10% of the net proceeds of each series of Parity Bonds secured by the Reserve Account, or (c) Maximum Annual Debt Service. The Reserve Requirement shall be established as of the date of issuance of each series of Parity Bonds and shall be re-calculated thereafter upon any decrease in Average Annual Debt Service or Maximum Annual Debt Service with respect to all Parity Bonds scheduled to mature following the date of re-calculation.

S&P means S&P Global Ratings, its successors and their assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, "S&P" shall be deemed to refer to any other nationally recognized securities rating agency designated by the City Manager or his/her designee.

State means the State of Alaska.

Valuation Date means each July 1.

Rules of Interpretation. In this ordinance, unless the context otherwise requires:

(a) The terms "hereby," "hereof," "hereto," "herein, "hereunder" and any similar terms, as used in this ordinance, refer to this ordinance as a whole and not to any particular article, section, subdivision or clause hereof, and the term "hereafter" shall mean after, and the term "heretofore" shall mean before, the date of this ordinance;

(b) Words of the masculine gender shall mean and include correlative words of the feminine and neuter genders and words importing the singular number shall mean and include the plural number and vice versa;

(c) Words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public bodies, as well as natural persons;

(d) Any headings preceding the text of the several sections of this ordinance, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this ordinance, nor shall they affect its meaning, construction or effect;

(e) All references herein to "articles," "sections" and other subdivisions or clauses are to the corresponding articles, sections, subdivisions or clauses hereof.

(f) Words importing the singular number include the plural number and vice versa.

Section 3. The Projects. The Assembly hereby ratifies and approves the Projects. The Projects have and will be undertaken in accordance with specifications and contracts for acquisition and construction approved by the Assembly from time to time.

It is hereby provided that said Projects shall be subject to such changes as to details of design or any other details of said Projects as may be authorized by the Assembly either prior to or during the actual course of construction.

The City and Borough may proceed with the construction and installation of the Projects as herein authorized, either alone or in conjunction with the construction of other facilities, and in whole, or in successive parts or units from time to time as may be found advisable.

Section 4. Costs of the Projects. The estimated cost of the Projects is hereby declared to be, as near as may be, the sum of up to $26,750,000 (including all financing costs), of which not more than $20,000,000 (Bonds amount minus projected reserve account deposit) will be paid for from the proceeds of the Bonds. The balance of the costs of the Projects are anticipated to be paid from local sales taxes, federal funds, interest earnings, grants, donations, and revenues of the Hospital. The City and Borough will use its best efforts to complete the Projects to the extent of available funds.

Section 5. Authorization of Bonds.

(a) *Authorization.* The City and Borough shall issue and sell not to exceed $20,000,000 of its hospital revenue bonds (the "Bonds") in one or more series for the purpose of providing financing for a portion of the costs of the Projects, funding the Reserve Requirement, and paying the costs of issuance of the Bonds.

(b) *Bond Details.* The Bonds shall be designated as the "City and Borough of Juneau, Alaska Hospital Revenue Bond, 2022[Series Designation] (Bartlett Regional Hospital Project)," shall be dated as of the date established pursuant to Section 10 of this ordinance, shall be fully registered as to both principal and interest, shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification, and shall bear interest from their date payable on the dates set forth in the Loan Agreement, and shall come due on the dates set forth in the Loan Agreement of the following years in the following estimated principal installments:

Maturity Year	Amount
2022	$ 545,000
2023	575,000
2024	600,000
2025	635,000
2026	665,000
2027	700,000
2028	735,000
2029	775,000
2030	810,000
2031	855,000
2032	900,000
2033	945,000
2034	990,000
2035	1,045,000
2036	1,095,000
2037	1,155,000
2038	1,210,000
2039	1,275,000
2040	1,340,000
2041	1,410,000

Total: $18,260,000*
* Principal maturities do not add to $20,000,000, in anticipation of selling Bonds with original issue premium, generating not more than $20,000,000 in net proceeds.

If the Bonds are sold in more than one series, the principal maturities of a series shall be applied to reduce the foregoing schedule as provided in the resolution approving the sale of that series; provided that in the aggregate the foregoing estimated principal amounts may increase or decrease in any year by 25%, and *provided, further,* in the aggregate, the Bonds shall be issued in principal amounts that provide no more than $20,000,000 (principal amount plus premium, if any, less costs of issuance) in net proceeds or $20,000,000 in principal amount, whichever is less.

Section 6. Registration, Exchange and Payments. The Finance Director shall act as authenticating agent, paying agent and registrar for the Bonds (collectively, the "Bond Registrar"). The principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be calculated on the basis of a 360-day year and twelve 30-day months. Interest on the Bonds shall be paid by check or draft of the Bond Registrar mailed (on the date such interest is due) to the Registered Owners or nominees at the addresses appearing on the Bond Register on the fifteenth day of the month preceding each interest payment date. Principal of the Bonds shall be payable upon presentation and surrender of the Bonds to the Bond Registrar by the registered owners or nominees at the office of the Bond Registrar. Notwithstanding the foregoing, so long as the Bond Bank is the Registered Owner of the Bonds, payments of principal of and interest on the Bonds shall be made to the Bond Bank in accordance with the Loan Agreement.

The Bonds may be transferred only on the Bond Register maintained by the Bond Registrar for that purpose upon the surrender thereof by the registered owner or nominee or his/her duly authorized agent and only if endorsed in the manner provided thereon, and thereupon a new fully registered Bond of like principal amount, maturity and interest rate shall be issued to the transferee in exchange therefor. Upon surrender thereof to the Bond Registrar, the Bond is interchangeable for a bond or bonds in any authorized denomination of an equal aggregate principal amount and of the same interest rates and maturities. Such transfer or exchange shall be without cost to the Registered Owner or transferee.

The City and Borough may deem the person in whose name each Bond is registered to be the absolute owner thereof for the purpose of receiving payment of the principal of and interest on such Bond and for any and all other purposes whatsoever.

Section 7. Prepayment and Redemption.

(a) *Optional Prepayment*. Provisions for the optional prepayment of some or all principal installments of the Bonds may be established pursuant to Section 10 of this ordinance and shall be set forth in the Loan Agreement.

(b) *Extraordinary Optional Redemption.* In the event that all or any substantial portion of the facilities of the Hospital shall have been damaged or destroyed (i) to the extent that they cannot, in the City and Borough's judgment, be reasonably restored within a period of six months to the condition thereof immediately preceding such damage or destruction, or (ii) to such extent that the City and Borough is thereby prevented, in its judgment, from carrying on its normal operations at the Hospital for a period of six months or more, then the City and Borough may at any time thereafter, at its option, redeem the Bonds in whole or in part, and if in part with installments to be selected by the City and Borough, at a redemption price equal to 100% of the principal amount thereof, plus accrued interest to the date of redemption.

(c) *Notice of Redemption; Payment of Redeemed Bonds*. So long as the Bond Bank is the owner of the Bonds, notice of prepayment shall be given according to the terms of the Loan Agreement. If the Bond Bank is not the owner of the Bonds, notice of prepayment shall be given not less than 20 nor more than 60 days prior to the date fixed for prepayment by first class mail, postage prepaid, to the Registered Owners of the Bonds at the addresses appearing on the Bond Register. The requirements of this section shall be deemed complied with when notice is mailed as herein provided, regardless of whether or not it is actually received by the owners of the Bonds.

Each official notice of prepayment shall be dated and shall state: (i) the prepayment date, (ii) the prepayment price or prepayment premium, if any, payable upon such prepayment; (iii) if less than all of an installment of principal is to be prepaid, the principal amount to be prepaid (which must be an integral multiple of $5,000); (iv) that the interest on the Bonds, or on the principal amount thereof to be prepaid, designated for prepayment in such notice, shall cease to accrue from and after such prepayment date; and (v) that on such date there will become due and payable on the Bonds the principal amount thereof to be prepaid and the interest accrued on such principal amount to the prepayment date.

Section 8. Priority of Payments from Hospital Revenue Account. There is maintained an enterprise fund of the City and Borough known as the "Bartlett Regional Hospital Fund" (the "Hospital Revenue Account"). All Hospital Revenues shall be deposited in the Hospital Revenue Account. The Hospital Revenue Account shall be held separate and apart from all other funds and accounts of the City and Borough and the Hospital Revenues deposited in such Account shall be used only for the following purposes and in the following order of priority:

First, to pay the Costs of Maintenance and Operation of the Hospital;

Second, to pay the interest on any Parity Bonds, including reimbursements to the issuer of a Qualified Letter of Credit or Qualified Insurance if the Qualified Letter of Credit or Qualified Insurance secures the payment of interest on Parity Bonds and the ordinance authorizing such Parity Bonds provides for such reimbursement;

Third, to pay the principal of any Parity Bonds, including reimbursements to the issuer of a Qualified Letter of Credit or Qualified Insurance if the Qualified Letter of Credit or Qualified Insurance secures the payment of principal of Parity Bonds and the ordinance authorizing such Parity Bonds provides for such reimbursement;

Fourth, to make all payments required to be made into the Reserve Account to secure the payment of the principal of and interest on the Bonds and to make all payments required to be made into any reserve account hereafter established to secure the payment of the principal of or interest on any Future Parity Bonds, including reimbursements to the issuer of a Qualified Letter of Credit or Qualified Insurance if the Qualified Letter of Credit or Qualified Insurance fulfills the Reserve Requirement in whole or in part and the ordinance authorizing such Parity Bonds provides for such reimbursement;

Fifth, to pay debt service on general obligation bonds issued by the City and Borough for the benefit of the Hospital;

Sixth, to make all payments required to be made into any revenue bond redemption fund or revenue warrant redemption fund and debt service fund or reserve fund created to pay and secure the payment of the principal of and interest on any other revenue bonds or revenue warrants of the City and Borough having a lien upon the Hospital Revenues junior and inferior to the lien thereon for the payment of the principal of and interest on Parity Bonds; and

Seventh, to retire by redemption or purchase any outstanding revenue bonds or revenue warrants of the City and Borough, remaining Hospital Revenues may also be used to make necessary additions, betterments, improvements and repairs to or extensions and replacements of the Hospital, or for any other lawful City and Borough purposes.

Section 9. Bond Account. A special account of the City and Borough designated as the "City and Borough of Juneau Hospital Revenue Bond Account" (the "Bond Account") has heretofore been created in the office of the Finance Director for the purpose of paying and securing the payment of the Bonds and all Parity Bonds. The Bond Account shall be held separate and apart from all other funds and accounts of the City and Borough and shall be a trust account for the owners of Parity Bonds. A subaccount named the Principal and Interest Account for the payment of the principal of and interest on the Bonds and the payment of redemption premium, if any, whether due at maturity or redemption prior to maturity has heretofore been created in the Bond Account.

(a) *Payments Into Principal and Interest Account*. Immediately after the delivery of the Bonds there shall be paid into the Principal and Interest Account all accrued interest received with respect to the Bonds, if any. In addition, the Finance Director may direct all or a portion of any original issue premium to be deposited in the Principal and Interest Account. As long as any Parity Bonds remain outstanding, the City and Borough hereby irrevocably obligates and binds itself to set aside and pay from the Hospital Revenue Account into the Principal and Interest Account those amounts necessary, together with such other funds as are on hand and available in the Principal and Interest Account, to pay the interest or principal and interest next coming due on outstanding Parity Bonds. Such payments shall be made on the 15th day of the month preceding each interest Payment Date or principal Payment Date (or the next succeeding business day if the 15th is not a business day) as follows:

(1) The first installment of interest shall be paid in a single installment equal to all of the interest coming due on the Bonds on the 15th day of the month immediately preceding the first Payment Date. The remaining interest payments shall be paid in semiannual installments equal to the interest coming due on the Bonds on the next succeeding Payment Date, which installments shall be due and payable on the 15th day of the month preceding each interest Payment Date, until such time as all principal of and interest on the Bonds is paid in full.

(2) Transfers to pay principal on the Bonds shall be made in annual installments equal to the principal of the Bonds coming due by reason of maturity or mandatory sinking fund redemption on the next succeeding principal Payment Date, which installments shall be due and payable on the 15th day of the month preceding each principal Payment Date, until such time as the principal of the Bonds is paid in full.

(b) *Priority of Lien of Payments into Principal and Interest Account*. Said amounts so pledged to be paid into the Bond Account are hereby declared to be a prior lien and charge upon the Hospital Revenues superior to all other charges of any kind or nature whatsoever, except for the Costs of Maintenance and Operation and except that the amounts so pledged are of equal lien to the lien and charge thereon of any Future Parity Bonds.

(c) *Reserve Account.* The Reserve Account (the "Reserve Account") was created by Ordinance Serial No. 2004-24 and shall be maintained for the purpose of securing the payment of the principal of and interest on all Parity Bonds. The Reserve Account shall be held in the custody of the Bond Bank Trustee pursuant to the terms of a Bond Bank Reserve Agreement to be entered into by the City and Borough and the Bond Bank. The City Manager and/or the Finance Director of the City and Borough are hereby authorized to negotiate and approve the terms of the Bond Bank Reserve Agreement and to execute and deliver it upon their approval of the terms thereof. The City and Borough hereby covenants to transfer into the Reserve Account held by the Bond Bank Trustee on the date of issuance of the Bonds an amount equal to the Reserve Requirement with respect to the Bonds.

The City and Borough further covenants and agrees that when said required deposits have been made into the Reserve Account, it will at all times maintain therein an amount at least equal to the Reserve Requirement with respect to all outstanding Parity Bonds. The City and Borough covenants and agrees that, if the aggregate value of the assets on hand is less than the Reserve Requirement on any Valuation Date, the City and Borough (1) shall notify the Bond Bank and (2) shall restore the aggregate value of the assets in the Reserve Account to the Reserve Requirement by taking one or a combination of the following actions:

(i) Obtaining a Credit Facility with a stated amount available for drawing thereunder not less than the amount necessary to increase the aggregate value of the assets on hand in the Reserve Account to the Reserve Requirement as of such Valuation Date;

(ii) Causing the amount available for drawing under any Credit Facility previously obtained to be increased by the amount necessary to restore the aggregate value of the assets on hand in the Reserve Account to the Reserve Requirement as of such Valuation Date; or

(iii) Paying or causing to be deposited into the Reserve Account, money and/or other investments in an amount sufficient to restore the aggregate value of the assets on hand in the Reserve Account to the Reserve Requirement as of such Valuation Date.

If the City and Borough restores the aggregate value of the assets on hand in the Reserve Account to the Reserve Requirement pursuant to subsections (i) or (ii) above, the amount or increased amount available for drawing under any such Credit Facility shall be effective no later than sixty days following the Valuation Date.

If the City and Borough restores the aggregate value of the assets on hand in the Reserve Account to the Reserve Requirement pursuant to subsection (iii) above, such additional payments shall be made as follows:

(A) If the aggregate value of the assets in the Reserve Account on any Valuation Date is less than the Reserve Requirement (after taking into account the amount available for drawing under any Credit Facility) because of the withdrawal of funds from the Reserve Account as authorized in the final paragraph of this subsection, the City and Borough shall pay the amount necessary to restore the aggregate value of the assets in the Reserve Account to the Reserve Requirement in 12 equal, consecutive, monthly installments, the first such installment to be due on August 1; and the remainder of such installments to be due on the first day of the 11 successive calendar months thereafter; and

(B) If the aggregate value of the assets in the Reserve Account on any Valuation Date is less than the Reserve Requirement (after taking into account the amount available for drawing under any Credit Facility) for any reason other than a withdrawal therefrom as described in the final paragraph of this subsection, the City and Borough shall pay the amount necessary to restore the aggregate value of the assets in the Reserve Account to the Reserve Requirement in three equal, consecutive, monthly installments, the first such installment to be due on August 1; and the remainder of such installments to be due on the first day of the two successive calendar months thereafter.

Whenever there is an insufficient amount in the Bond Account, including the Principal and Interest Account to pay the principal of, premium if any, and interest on all outstanding Parity Bonds when due, the money in the Reserve Account may be used to pay such principal, premium if any, and interest. Money in the Reserve Account may be withdrawn to redeem and retire, and to pay the interest due to such date of redemption and premium, if any, on any outstanding bonds, so long as the money left remaining on deposit in the Reserve Account is equal to the Reserve Requirement with respect to all outstanding Parity Bonds. The City and Borough may, from time to time, transfer from the Reserve Account to the Bond Account amounts in excess of the Reserve Requirement.

The City and Borough may satisfy the Reserve Requirement, in whole or in part with a Qualified Letter of Credit or Qualified Insurance. In making the payments and credits to the Reserve Account required by this subsection (c), to the extent that the City and Borough has obtained Qualified Insurance or a Qualified Letter of Credit for specific amounts required pursuant to this section to be paid out of the Reserve Account, such amounts so covered by Qualified Insurance or a Qualified Letter of Credit shall be credited against the amounts required to be maintained in the Reserve Account by this subsection (c) to the extent that such payments and credits to be made are insured by an insurance company, or guaranteed by a letter of credit from a financial institution. A Qualified Letter of Credit shall not be cancelable on less than 30 days' notice to the City and Borough, and Qualified Insurance shall be noncancellable. In the event of any cancellation of a Qualified Letter of Credit, the Reserve Account shall be funded in accordance with the following paragraphs of this subsection (c).

In the event that the City and Borough elects to meet the Reserve Requirement through the use of a Qualified Letter of Credit, Qualified Insurance or other equivalent credit enhancement device, the City and Borough may contract with the entity providing such Qualified Letter of Credit or Qualified Insurance that the City and Borough's reimbursement obligation, if any, to such entity shall be made from Hospital Revenues available after the payments described in Paragraphs First through Third in Section 8 of this ordinance have been made.

The City and Borough further covenants and agrees that if a Credit Facility has been utilized to meet the Reserve Requirement, the City and Borough will make the following deposits into the Reserve Account.

If the City and Borough receives notice from the issuer of a Qualified Letter of Credit that it will not be renewed or extended, an amount sufficient to cause the value of the cash and investments on deposit in the Reserve Account to equal the Reserve Requirement, such amount to be paid in equal installments on not less than a semiannual basis over the remaining term of the Qualified Letter of Credit and in any event prior to the termination or expiration of such Qualified Letter of Credit, but no such payment will be required if the then-current Qualified Letter of Credit is replaced by an alternate Credit Facility or if the City and Borough receives a binding commitment from an issuer of such an alternate Credit Facility to deliver such alternate Credit Facility on or before the date such deposit is required to be made.

If the City and Borough receives notice that (A) the rating of the issuer of the Credit Facility by a Rating Agency has fallen below the minimum Rating Category required to establish the Credit Facility as a Qualified Letter of Credit or Qualified Insurance, as the case may be, or (B) the issuer of the Credit Facility has defaulted in its payment obligations thereunder, (C) the issuer of the Credit Facility has become insolvent, or (D) the revolving feature of a Qualified Letter of Credit allowing amounts available thereunder to be reinstated to the extent of any reimbursement of draws or claims paid has been suspended or terminated, an amount sufficient to cause the value of the cash and investments on deposit in the Reserve Account to equal the Reserve Requirement, such amount to be paid within 30 days of the date of such notice; provided that no such payment will be required if the then-current Credit Facility is replaced by an alternate Credit Facility within the same time period.

In the event a deficiency in the Principal and Interest Account shall occur, the deficiency shall be made up from the Reserve Account by the withdrawal of cash therefrom for that purpose and by the sale or redemption of obligations held in the Reserve Account, if necessary, in such amounts as will provide cash in the Reserve Account sufficient to make up any such deficiency, and if a deficiency still exists immediately prior to an interest payment date and after the withdrawal of cash, the City and Borough shall then draw from any Qualified Letter of Credit or Qualified Insurance that secures the Parity Bonds in sufficient amount to make up the deficiency. Such draw shall be made at such times and under such conditions as the agreement for such Qualified Letter of Credit or such Qualified Insurance shall provide. Any deficiency created in the Reserve Account by reason of any such withdrawal shall then be made up within one year of the date of withdrawal from Hospital Revenues after making necessary provision for making the payments described in Paragraphs <u>First</u> through <u>Third</u> in Section 8 of this ordinance.

(d) *Sufficiency of Hospital Revenues.* The corporate authorities of the City and Borough hereby declare that in fixing the amounts to be paid into the Bond Account as aforesaid they have exercised due regard to the Costs of Maintenance and Operation of the Hospital and have not obligated the City and Borough to set aside and pay into said Bond Account a greater amount of the Hospital Revenues than in their judgment will be available over and above such Costs of Maintenance and Operation and the amounts necessary to pay the principal of and interest on the Bonds.

(e) *Application and Investment of Moneys in the Bond Account.* Money in the Principal and Interest Account not needed to pay the interest or principal installment and interest next coming due on Parity Bonds may be used to prepay Parity Bonds. Money in the Bond Account therein may be invested in any legal investment for the funds of the City and Borough. All interest earned and income derived by virtue of such investments shall remain in the Bond Account (or respective account therein) and be used to meet the required deposits into any account therein.

Section 10. Sale of Bonds. The City Manager or his/her designee is authorized to negotiate and complete the sale of the Bonds to the Bond Bank on terms and conditions consistent with this ordinance and the respective Loan Agreement for the Bonds. Following the sale of the Bond Bank Bonds for a series of Bonds, such terms and conditions, including the final principal amount, date, principal installment payment schedule, interest rates, payment dates and prepayment provisions, all as provided for in this ordinance, shall be set forth in a Loan Agreement, all subject to the Assembly's approval by resolution, which resolution may, at the option of the Assembly, provide for delegation within parameters approved by the Assembly.

Section 11. Undertaking to Provide Ongoing Disclosure. The City and Borough will execute a certificate for ongoing disclosure in form and substance satisfactory to the purchaser of the Bonds, and the City Manager or his/her designee is hereby authorized and directed to execute such certificate.

Section 12. Insurance. The Bond Bank may, with the consent of the City and Borough and on terms and conditions acceptable to the City and Borough, obtain a policy of municipal bond insurance guaranteeing the payment when due of the principal of and interest on the Bond Bank's Bonds, issued to provide funds for the loan to the City and Borough pursuant to the Loan Agreement. By the Loan Agreement, the City Manager or his/her designee may approve any such policy of municipal bond insurance and authorize all other officers, agents, attorneys, and employees of the City and Borough to cooperate with the bond insurer in preparing such additional agreements, certificates, and other documentation on behalf of the City and Borough, consistent with this ordinance, as shall be necessary or advisable in providing for such policy of municipal bond insurance.

The City Manager or his/her designee also may obtain a surety policy in order to satisfy the Reserve Requirement on the condition that the surety policy meets the requirements of Qualified Insurance on terms and conditions determined to be acceptable to the City Manager or his/her designee. The City Manager or his/her designee may execute such additional agreements or certificates and provide such documentation to the issuer of such surety policy as shall be necessary or advisable in providing for such surety policy.

In connection with the initial issuance and sale of the Bonds to the Bond Bank, and notwithstanding the provisions of Section 20 of this ordinance to the contrary, the Assembly may by resolution modify any of the covenants or other provisions of this ordinance as may be required by a provider of bond insurance or a surety policy for the Bond Bank's Bonds.

Section 13. Disposition of Proceeds of the Bonds. The accrued interest received with respect to the Bonds, if any, shall be deposited into the Principal and Interest Account and used to pay interest on the Bonds coming due on the first date on which interest is due. In addition, the Finance Director may direct that all or a portion of the original issue premium, if any, also be deposited in the Principal and Interest Account. Unless the Reserve Requirement is satisfied with a Credit Facility, the Finance Director shall direct the deposit of a portion of the Bond proceeds equal to the Reserve Requirement in the Reserve Account.

The Finance Director has heretofore established a special fund of the City and Borough designated as the "Hospital Project Account" (the "Project Account"). The balance of the proceeds of the sale of the Bonds shall be deposited in the Project Account and shall be expended solely to pay the cost of issuing and selling the Bonds and, together with other available moneys of the City and Borough, shall be used to reimburse the City and Borough for funds already distributed for the costs of the Projects and to pay the costs of completing the Projects. Any money in the Project Account shall be invested by the Finance Director, pending disbursement, in any legal investment for City and Borough funds.

Section 14. Defeasance. In the event that money and/or noncallable Government Obligations maturing or having guaranteed redemption prices at the option of the holder at such time or times and bearing interest to be earned thereon in amounts (together with such money, if any) sufficient to redeem and retire part or all of the Bonds in accordance with the their terms, are hereafter irrevocably set aside in a special account and pledged to effect such redemption and retirement, then no further payments need be made into the Bond Account or any account therein for the payment of the principal of and interest on the Bonds or portion thereof so provided for and the Bonds or portion thereof shall then cease to be entitled to any lien, benefit or security of this ordinance, except the right to receive the accounts so set aside and pledged, and the Bonds or portion thereof shall no longer be deemed to be outstanding hereunder.

Section 15. Specific Covenants. The City and Borough hereby covenants and agrees with the owners of the Bonds that for as long as the Bonds remain outstanding as follows:

(a) *Rate Covenant*. The City and Borough will establish, maintain and collect such rates and charges for service of the Hospital for so long as any Bonds are outstanding as will maintain the Rate Covenant. If the audited statement of revenues and expenses of the Hospital for any year discloses that the Rate Covenant is not being met, the City and Borough shall, at its expense, retain a Consultant for the purpose of making recommendations with respect to rates, fees, charges and operations with a view to restoring compliance with such Rate Covenant. The City and Borough shall, to the extent feasible and lawful, follow the reasonable recommendations of the Consultant. Written reasons for noncompliance shall be submitted to the Bond Bank. If and so long as the City and Borough complies in all material respects with the recommendations of the Consultant, and so long as Net Revenue is at least equal to the amounts required in such fiscal year to be paid as scheduled debt service (principal and interest) on all Parity Bonds in any year for which the Consultant's recommendations are made and any subsequent year for which such recommendations remain in place and for which the City and Borough continues to be in compliance with such recommendations, the Rate Covenant shall be deemed satisfied. A copy of the Consultant's written recommendations shall be supplied to the Bond Bank within six months of the end of the fiscal year with respect to which the Rate Covenant was not met; if not so submitted, the Bond Bank may retain a Consultant at the City and Borough's expense.

(b) *Accreditation*. The City and Borough shall use its best efforts to cause the Hospital to remain accredited by the Joint Commission on Accreditation of Healthcare Organizations or any successor organization unless the board of directors of the Hospital determines that it is not in the best interest of the Hospital to maintain such accreditation. In any event, the Hospital shall remain certified under the Medicare program. The City and Borough also shall do all things necessary to obtain, renew and secure all governmental approvals necessary for operation of the Hospital.

(c) *Provider Status and Third-Party Reimbursement*. The City and Borough shall establish and maintain the status of the Hospital as a provider of service eligible for reimbursement under any programs by federal, State or local governments providing for the payment or reimbursement for service rendered.

(d) *Hospital Maintenance*. The City and Borough will at all times maintain and keep the Hospital in good repair, working order and condition, and also will at all times operate such facilities and the business in connection therewith in an efficient manner and at a reasonable cost.

(e) *Hazardous Substances*. The City and Borough will not cause or permit any Hazardous Substances to be brought upon, kept, used or generated by the Hospital, its agents, employees, contractors or invitees, in the operation of the Hospital except to the extent such Hazardous Substances are used and stored at the Hospital in the ordinary course of business and operation of the Hospital and in compliance with Environmental Laws.

(f) *Compliance with Environmental Laws.* The City and Borough will at all times and in all respects use its best efforts to comply with all Environmental Laws. The City and Borough's duty of compliance with Environmental Laws includes, without limitation, the duty to undertake the following specific actions: (1) the City and Borough will, at its own expense, procure, maintain in effect, and comply with all conditions of any and all permits, licenses and other governmental and regulatory approvals required by all Environmental Laws, including, without limitation, permits required for discharge of (appropriately treated) Hazardous Substances into the ambient air or any sanitary sewers serving any real property owned or leased by the City and Borough and used by the Hospital; and (2) except as discharged into the ambient air or a sanitary sewer in strict compliance with all applicable Environmental Laws, any and all Hazardous Substances to be treated and/or disposed by the Hospital will be removed and transported solely by duly licensed transporters to a duly licensed treatment and/or disposal facility for final treatment and/or disposal (except when applicable Environmental Laws permit on-site treatment or disposal in a sanitary landfill.)

(g) *Disposal of Properties*. The City and Borough will not mortgage, sell, lease, or in any manner encumber or dispose of all or substantially all the property of the Hospital (voluntarily or involuntarily), unless provision is made for payment into the Bond Account of a sum sufficient to pay the principal of, premium, if any, and interest on all outstanding bonds payable therefrom, nor will it mortgage, sell, lease, or in any manner encumber or dispose of (including but not limited to a disposition by transfer to another public or private organization) voluntarily or involuntarily any part of the Hospital that is used, useful and material to the operation of the Hospital unless

(1) the City and Borough certifies, based upon reasonable expectations, that the remaining assets of the Hospital shall be sufficient to continue regular operations of the City and Borough on a financially sound basis for a period of at least five years and

(2) provision is made for replacement thereof or for payment into the Bond Account of the total amount of revenue received which shall not be less than an amount which shall bear the same ratio to the amount of outstanding Parity Bonds as the greater of

(i) the Net Revenue available for Debt Service for such outstanding Parity Bonds for the 12 months preceding such sale, lease, encumbrance or disposal from the portion of the Hospital sold, leased, encumbered or disposed of bears to the Net Revenue available for Debt Service for such Parity Bonds from the entire Hospital for the same period;

(ii) the Hospital Revenues for the 12 months preceding such sale, lease, encumbrance or disposal from the portion of the Hospital sold, leased, encumbered or disposed of bears to the Hospital Revenues for the same period; or

(iii) the proportion of assets (on a depreciated basis) allocable to the assets being sold, leased, encumbered or disposed of bears to the total assets of the Hospital; or

provided, however, that the City and Borough may dispose of any portion of the facilities of the Hospital up to an aggregate of five percent annually of the book value of the total assets of the Hospital the requirement for any deposit to the Bond Account as hereinabove provided.

Any such moneys so paid into the Bond Account shall be used to retire such outstanding Parity Bonds at the earliest possible date. Any money received by the City and Borough as condemnation awards, insurance proceeds or the proceeds of sale, if not deposited to the Bond Account, shall be used for the replacement of facilities of the Hospital.

(h) *Books and Records*. The City and Borough will, while the Bonds remain outstanding, keep proper and separate accounts and records in which complete and separate entries shall be made of all transactions relating to the Hospital, and it will furnish the original purchaser or purchasers of the Bonds or any subsequent owner or owners thereof, at the written request of such owner or owners, complete operating and income statements of the Hospital in reasonable detail covering any fiscal year, showing the financial condition of the Hospital and compliance with the terms and conditions of this ordinance, not more than 120 days after the close of such fiscal year, and it will grant any owner or owners of at least 25% of the outstanding Bonds the right at all reasonable times to inspect the entire Hospital and all records, accounts and data of the City and Borough relating thereto. Upon request of any owner of any of said Bonds, it will also furnish to such owner a copy of the most recently completed audit of the City and Borough's accounts.

(i) *Property Insurance*. The City and Borough will carry or cause to be carried fire and extended coverage insurance covering the Hospital in such amounts and covering such risks as the City and Borough may determine from time to time. Such insurance shall be carried with financially responsible insurance companies authorized to do business in the State, and may be carried under a policy or policies covering other property owned or controlled by the City and Borough or may be accomplished through a program of self-insurance, if a funded program of self insurance (reviewed at least annually by an actuary) is then maintained for properties of the City and Borough. The City and Borough agrees that such policies shall contain a provision that the same may not be canceled or given notice of non-renewal nor shall the terms of conditions thereof be altered, amended or modified without at least 45 days' prior written notice being given by the insurer to the City and Borough.

(j) *Liability Insurance*. The City and Borough shall maintain, or cause to be maintained, in full force and effect, comprehensive general liability insurance covering the Hospital in such amounts as may be established by the City and Borough from time to time but in any event not less than $500,000 per occurrence. The City and Borough may provide all or a portion of any insurance by self insurance. Such insurance may be carried under a blanket policy with umbrella coverage. It is understood that this insurance covers any and all liability of the City and Borough and its officials, officers, employees and volunteers, and the procurement thereof does not constitute a waiver of the defense of governmental immunity. Such insurance (1) shall include coverage for any accident resulting in personal injury to or death of any person and consequential damages arising therefrom; (2) shall include comprehensive property damage insurance; (3) shall be issued by a financially responsible insurance company authorized to do business in the State; and (4) shall provide that the same may not be canceled or given notice of non-renewal nor shall the terms of conditions thereof be altered, amended or modified without at least 45 days prior written notice being given by the insurer to the City and Borough.

(k) *Ordinance a Contract*. This ordinance shall constitute a contract with the registered owners of the Bonds, and upon any default hereunder, said owner shall have the right to institute a mandamus action in any court of competent jurisdiction to compel performance by the City and Borough in accordance with the terms of this ordinance.

(l) *Tax Covenants*. The City and Borough covenants to undertake all actions required to maintain the tax-exempt status of interest on the Bonds under Section 103 of the Code as set forth in the Federal Tax Certificate that will be executed at the closing for the Bonds.

The City and Borough has not designated the Bonds as "qualified tax-exempt obligation" under Section 265(b)(3) of the Code for banks, thrift institutions and other financial institutions.

Section 16. Future Parity Bonds.

(a) *Conditions upon the Issuance of Future Parity Bonds.* As long as the Bonds and Outstanding Parity Bonds remain outstanding, the City and Borough hereby further covenants and agrees that it will not issue any obligations having a lien on the Hospital Revenues prior to the lien thereon of the Bonds and Outstanding Parity Bonds and further that it will not issue any Future Parity Bonds except in accordance with the conditions of this Section 16. The City and Borough hereby reserves the right to issue additional revenue obligations, which shall constitute a charge and lien upon the Hospital Revenues equal to the lien thereon of the Bonds and the Outstanding Parity Bonds. Except as provided in subsection (b) below, the City and Borough shall not issue any series of Future Parity Bonds or incur any additional indebtedness with a parity lien or charge on Net Revenues (*i.e.*, on a parity of lien with Parity Bonds at the time outstanding) unless:

(1) the City and Borough shall not have been in default of its Rate Covenant for the immediately preceding fiscal year,

(2) The ordinance authorizing the issuance of such Future Parity Bonds shall provide that the Reserve Account be funded in amount equal to the Reserve Requirement shall be funded no later than the date of delivery of the Future Parity Bonds; and

(3) there shall have been filed a certificate (prepared as described in subsection (c) or (d) below) demonstrating fulfillment of the Parity Requirement, commencing with the first full fiscal year following the date on which any portion of interest on the series of Future Parity Bonds then being issued no longer will be paid from the proceeds of such series of Future Parity Bonds.

(b) *No Certificate Required*. The certificate described in the foregoing subsection (a)(3) shall not be required as a condition to the issuance of Future Parity Bonds:

(1) if the Future Parity Bonds being issued are for the purpose of refunding outstanding Parity Bonds and the refunding is being undertaken for debt service savings; or

(2) if the Future Parity Bonds are being issued to pay costs of construction of facilities of the Hospital for which Parity Bonds have been issued previously and the principal amount of such Future Parity Bonds being issued for completion purposes does not exceed an amount equal to an aggregate of 15% of the principal amount of Parity Bonds theretofore issued for such facilities and reasonably allocable to the facilities to be completed as shown in a written certificate of the City and Borough Representative, and there is delivered a Consultant's certificate stating that the nature and purpose of such facilities has not materially changed.

(c) *Certificate of the City and Borough Without A Consultant*. If required pursuant to the foregoing subsection (a)(3), a certificate may be delivered by the City and Borough (executed by the City and Borough Representative) without a Consultant if Net Revenues for the Base Period (confirmed by an independent auditor) conclusively demonstrate that the Parity Requirement will be fulfilled commencing with the first full fiscal year following the date on which any portion of interest on the series of Future Parity Bonds then being issued will not be paid from the proceeds of such series of Future Parity Bonds.

(d) *Certificate of a Consultant*. Unless compliance with the requirements of subsection (a)(3) have been otherwise satisfied (as provided in (b) or (c) above), compliance with the Parity Requirement shall be demonstrated conclusively by a certificate of a Consultant.

In making the computations of Net Revenues for the purpose of certifying compliance with the Parity Requirement, the Consultant shall use as a basis the Net Revenues for the Base Period. Such Net Revenues shall be determined by adding the following:

(1) The historical net revenue of the Hospital for any 24 consecutive months out of the 36 months immediately preceding the month of delivery of the Future Parity Bonds being issued as determined by a Consultant.

(2) The estimated annual net revenue to be derived from any person, firm, association, private or municipal corporation under any executed contract for service, which net revenue was not included in any of the sources of net revenue described in this subsection (d).

(3) The estimated annual net revenue to be derived from any additional fees and charges that have been established by the Assembly as new Hospital Revenues that have not been previously included in any of the sources of net revenue described in this subsection (d).

(4) The estimated annual net revenue to be derived from the operation of any additions and improvements to or extensions of the Hospital being paid for out of the proceeds of sale of such Future Parity Bonds being issued.

In the event the Hospital will not derive any revenue as a result of the construction of the additions, improvements or extensions being made or to be made to the Hospital within the provisions of subparagraph (4) immediately above, the estimated normal Costs of Maintenance and Operation (excluding any transfer of money to other funds of the City and Borough and license fees, taxes and payments in lieu of taxes payable to the City and Borough) of such additions, improvements and extensions shall be deducted from estimated annual net revenue.

The words “historical net revenue” or “net revenue” as used in this subsection (d) shall mean the Hospital Revenues or any part or parts thereof less the normal expenses of maintenance and operation of the Hospital or any part or parts thereof, but before depreciation.

Such “historical net revenue” or “net revenue” shall be adjusted to reflect the rates and charges effective on the date of such certificate if there has been any change in such rates and charges during or after such 24-consecutive-month period.

(e) *Subordinate Lien Obligations*. Nothing herein contained shall prevent the City and Borough from issuing revenue bonds or other obligations which are a charge upon the Hospital Revenues junior or inferior to the payments required by this ordinance to be made out of such Hospital Revenues to pay and secure the payment of any outstanding Parity Bonds.

(f) *Refunding Obligations*. Nothing herein contained shall prevent the City and Borough from issuing revenue bonds to refund maturing Parity Bonds for the payment of which moneys are not otherwise available.

Section 17. Lost, Stolen or Destroyed Bonds. In case any Bond shall be lost, stolen or destroyed, the Bond Registrar may authenticate and deliver a new Bond of like amount, date and tenor to the owner thereof upon the owner’s paying the expenses and charges of the City and Borough in connection therewith and upon his filing with the City and Borough evidence satisfactory to both that such Bond was actually lost, stolen or destroyed and of his ownership thereof, and upon furnishing the City and Borough with indemnity satisfactory to it.

Section 18. Form of Bonds and Registration Certificate. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. ________ $____________

STATE OF ALASKA

CITY AND BOROUGH OF JUNEAU
HOSPITAL REVENUE BOND, 2022[SERIES DESIGNATION]
(BARTLETT REGIONAL HOSPITAL PROJECT)

INTEREST RATES: See Below

FINAL MATURITY DATE:

REGISTERED OWNER: ALASKA MUNICIPAL BOND BANK

PRINCIPAL AMOUNT:

THE CITY AND BOROUGH OF JUNEAU, ALASKA (the “City and Borough”), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount indicated above in accordance with the installment payment schedule set forth below (unless prepaid prior thereto as provided herein) and to pay interest thereon from __________, 20__, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the interest rates set forth below, payable on ________ 1, 20___ and semiannually thereafter on the first day of each _______ and __________.

Year of Principal Installment Payment (________ 1)	Principal Installment Amount	Interest Rate
	$	

Both principal of and interest on this bond are payable in lawful money of the United States of America. Installments of principal of and interest on this bond shall be paid by check or draft mailed to the Registered Owner at the address appearing on the Bond Register on the 15th day of the month preceding the interest payment date, and principal of this bond shall be payable upon presentation and surrender of this bond by the Registered Owner at the principal office of the Finance Director of the City and Borough of Juneau, Alaska (the “Bond Registrar”).

This bond is a hospital revenue bond of the Borough and is issued pursuant to Ordinance Serial No. 2021-43 (the "Bond Ordinance") for the purpose of financing capital improvements to Bartlett Regional Hospital of the City and Borough.

The bond is subject to redemption as described in the Loan Agreement.

The City and Borough hereby covenants and agrees with the owner and holder of this bond that it will keep and perform all the covenants of this bond and the Bond Ordinance.

The City and Borough does hereby pledge and bind itself to set aside from such Hospital Revenues, and to pay into said Bond Account the various amounts required by the Bond Ordinance to be paid into and maintained in said Account, all within the times provided by said Bond Ordinance.

To the extent more particularly provided by the Bond Ordinance, the amounts so pledged to be paid from the Hospital Revenue Account out of the Hospital Revenues into the Bond Account and the account therein shall be a lien and charge thereon equal in rank to the lien and charge upon said revenue of the amounts required to pay and secure the payment of the Outstanding Parity Bonds and any Hospital Revenue bonds of the City and Borough hereafter issued on a parity with the bonds of this issue and superior to all other liens and charges of any kind or nature except Costs of Maintenance and Operation.

The City and Borough has further bound itself to maintain the Hospital in good repair, working order and condition, to operate the same in an efficient manner and at a reasonable cost, and to establish, maintain and collect rates and charges for as long as any of the bonds of this issue are outstanding that will make available, for the payment of the principal thereof and interest thereon as the same shall become due, net revenue in an amount which will be at least equal to the Rate Covenant.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by the Bond Registrar.

This bond is not a "qualified tax-exempt obligation" under Section 265(b) of the Code for banks, thrift institutions and other financial institutions.

It is hereby certified and declared that this bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of Alaska and ordinances of the City and Borough, including the Bond Ordinance, and that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened, been done and performed.

IN WITNESS WHEREOF, the City and Borough of Juneau, Alaska has caused this bond to be executed by the manual or facsimile signature of its City Manager or his/her designee and attested by the manual or facsimile of the Clerk, and the official seal of the City and Borough to be impressed, imprinted or otherwise reproduced hereon, as of this ____ day of _________, 2022.

CITY AND BOROUGH OF
JUNEAU, ALASKA

By /s/ manual or facsimile
City Manager or Designee

ATTEST:

/s/ manual or facsimile
Clerk

The Certificate of Authentication for the Bonds shall be in substantially the following form:

CERTIFICATE OF AUTHENTICATION

Date of Authentication:

This bond is the Hospital Revenue Bond, 2022[Series Designation] (Bartlett Regional Hospital Project) of the City and Borough of Juneau, Alaska, dated ________, 2022, and described in the within-mentioned Bond Ordinance.

CITY AND BOROUGH OF JUNEAU, ALASKA
FINANCE DIRECTOR, as Bond Registrar

By_________________________________
Finance Director

Section 19. Execution of Bonds. The Bonds shall be executed on behalf of the City and Borough with the manual or facsimile signature of the City Manager or his/her designee, shall be attested by the manual or facsimile signature of the City and Borough Clerk, and the seal of the City and Borough shall be impressed or a facsimile thereof imprinted or otherwise reproduced thereon.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be officer or officers of the City and Borough before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City and Borough, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City and Borough as though those who signed the same had continued to be such officers of the City and Borough. Any Bonds may also be signed and attested on behalf of the City and Borough by such persons who are at the actual date of delivery of such Bonds the proper officers of the City and Borough although at the original date of such Bonds any such person shall not have been such officer of the City and Borough.

Section 20. Supplements and Amendments.

(a) *Without Consent of Owner.* The City and Borough from time to time and at any time may adopt an ordinance or ordinances supplemental hereof, which ordinance or ordinances thereafter shall become a part of this ordinance, for one or more or all of the following purposes:

(1) To add to the covenants and agreements of the City and Borough in this ordinance contained and other covenants and agreements thereafter to be observed, which shall not adversely affect the interests of the owners of the Bonds, or to surrender any rights or power herein reserved to or conferred upon the City and Borough.

(2) To make such provisions for the purpose of curing any ambiguities or of curing, correcting or supplementing any defective provision contained in this ordinance in regard to matters or questions arising under the ordinance as the Assembly may deem necessary or desirable and not inconsistent with the ordinance and which shall not adversely affect the interest of the owner of Parity Bonds.

Any such supplemental ordinance of the Assembly may be adopted without the consent of any owner of the Bonds at any time outstanding, notwithstanding any of the provisions of this section.

(b) *With Owners' Consent.* With the consent of the majority of the owners of Parity Bonds, the Assembly of the City and Borough may adopt an ordinance or ordinances supplemental hereto for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this ordinance or of any supplemental ordinance; provided, however, that no such supplemental ordinance shall extend the fixed maturity of the Bonds, or reduce the rate of interest thereon, or extend the time of payments of interest from their due date, or reduce the amount of the principal thereof, or reduce any premium payable on the redemption thereof without the consent of the owner of each Parity Bond so affected.

It shall not be necessary for the consent of the owners under this subsection to approve the particular form of any proposed supplemental ordinance, but it shall be sufficient if such consent shall approve the substance thereof.

(c) *Effective Date of Modification.* Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations of the City and Borough under this ordinance shall thereafter be determined, exercised and enforced thereunder, subject in all respect to such modification and amendments, and all the terms and conditions of any such supplemental ordinance shall be deemed to be part of the terms and conditions of this ordinance for any and all purposes. A copy of each supplemental ordinance shall be provided to the owners of the Bonds.

Section 21. Compliance with Parity Conditions The Assembly hereby finds and determines, as required by Section 15 of Ordinance Serial No. 2012-23, as follows:

(1) The City and Borough is not and has not been in default of its Rate Covenant for the fiscal year ending June 30, 2021;

(2) The Reserve Requirement shall be met no later than the date of issuance of the Bonds; and

(3) There shall be filed a certificate demonstrating fulfillment of the Parity Requirement on or before the date of issuance of the Bonds.

The applicable parity conditions set forth in Ordinance Serial No. 2012-23 having been complied with, the Bonds shall be issued on a parity of lien with the Outstanding Parity Bonds.

Section 22. Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City and Borough shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements in this ordinance and shall in no way affect the validity of the other provisions of this ordinance.

Section 23. Effective Date. This ordinance shall be effective immediately upon its passage.

ADOPTED this 7th day of February, 2022.

____
Beth A. Weldon, Mayor

ATTEST:

____
Elizabeth J. McEwen, Municipal Clerk

CERTIFICATE

I, the undersigned, Clerk of the City and Borough of Juneau, Alaska (the "City and Borough"), DO HEREBY CERTIFY:

1. That the attached Ordinance Serial No. 2021-43 (herein called the "Ordinance") is a true and correct copy of an Ordinance of the City and Borough as finally adopted at a meeting of the Assembly held on the 7th day of February, 2022 and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum of the Assembly was present throughout the meeting and a legally sufficient number of members of the Assembly voted in the proper manner for the adoption of the Ordinance; that all other requirements and proceedings incident to the proper adoption of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of February, 2022.

Elizabeth J. McEwen, Municipal Clerk
City and Borough of Juneau

Presented by: The Manager
Introduced: January 10, 2022
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-08(b)(am)(V)

An Ordinance Appropriating $265,000 to the Manager for the Trail Improvement Capital Improvement Project; Grant Funding Provided by the U.S. Department of Transportation, Federal Highway Administration, Federal Lands Access Program.

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 Manager the sum of $265,000 for the Trail Improvement Capital Improvement Project (P46-112).

Section 3. Source of Funds

U.S. Department of Transportation	$265,000

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

Adopted this ________ day of ____________, 2022.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth A. McEwen, Municipal Clerk

Presented by: The Manager
Presented: 01/10/2022
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-02

An Ordinance Authorizing Docks and Harbors to Execute a Reservation Agreement with Private Dock Owners.

WHEREAS, under Title 85 of the City and Borough Code, Docks and Harbors is responsible for the operation, development, and marketing of the 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; and

WHEREAS, Docks and Harbors manages a year-round reservation system for large commercial vessels, yachts, and fishing vessels at the Intermediate Vessel Float and along the Statter Harbor Breakwater in Auke Bay; and

WHEREAS, during the summer months, the linear foot capacity at the Intermediate Vessel Float often is exceeded by the demand from small cruise ships, yachts, large pleasure crafts, and commercial fishing vessels; and

WHEREAS, Goldbelt, Inc. owns and operates the float at the Seadrome Dock and manages a float facility along the Merchant's Wharf; and

WHEREAS, Docks and Harbors staffing, with demonstrative experience in reservation management, has the capacity to maximize vessel assignments throughout the downtown waterfront; and

WHEREAS, Goldbelt, Inc. has signaled interest in developing a business plan in which Docks and Harbors could collectively manage the reservations of the publicly owned Intermediate Vessel Float and the privately owned Seadrome Dock with the adjoining Merchant's Wharf Float; and

WHEREAS, Ordinance 2020-38(b) authorized this pilot arrangement for the 2021 season, and Docks and Harbors successfully managed the two Goldbelt, Inc. docks and realized approximately $5,000 in revenue from the arrangement; and

WHEREAS, Docks and Harbors views the synergistic opportunity to place the downtown reservation system under a single organization as a financial benefit to the City and Borough of Juneau, a savings on administrative personnel costs for Goldbelt, Inc., and greater customer service to mariners desiring downtown moorage; and

WHEREAS, Title 85 does not currently provide the Docks and Harbors Board with authority to execute reservation agreements for privately owned docks.

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

Section 1. Classification. This ordinance is a code ordinance.

Section 2. Amendment of Section. CBJC 85.02.060, General powers, is amended as follows:

85.02.060 General powers.

...

(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.

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

Adopted this _____ day of _________________________, 2022.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: 01/10/2022
Drafted by: R. Palmer III

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2973

A Resolution Adopting an Alternative Allocation Method for the FY2022 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity within the Northern Southeast Fisheries Management Area.

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY2022 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2020 from fisheries business activities; and

WHEREAS, 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community, and Economic Development; and

WHEREAS, 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods that may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and

WHEREAS, the City and Borough of Juneau proposes to use an alternative allocation method for allocation of FY2022 funding available within the Fisheries Management Area 17: Northern Southeast Area in agreement with all other municipalities in this area participating in the FY2022 Shared Fisheries Business Tax Program.

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

Section 1. The City and Borough of Juneau certifies that the following alternative allocation method fairly represents the distribution of signifiant effects during calendar year 2020 of fisheries business activity in Fisheries Management Area 17: Northern Southeast Area:

- All municipalities share one half of the funding allocation equally between the respective municipalities; and
- All municipalities share the remaining half of the funding allocation on a per capita basis.

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

Adopted this ____ day of ________________, 2022.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

TO: Rorie Watt
City and Borough Manager

January 3, 2022

FROM: Caleb Comas
Contract Administrator

FILE: 2137

SUBJ: BID RESULTS:
Riverbend Elementary School Roofing Replacement
Contract No. BE22-164

Bids were opened on the subject project on December 14, 2021. The bid protest period expired at 4:30 p.m. on December 15, 2021. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
Dawson Construction, LLC	**$2,394,700.00**
Earhart Roofing Co., Inc.	$2,470,775.00
Coogan Construction Co.	$2,498,000.00
Carver Construction, LLC	$2,556,411.61
Architect's Estimate	*$2,500,000 to $2,900,000*

Project Manager: Lisa EaganLagerquist

This project consists of demolition of the existing roof assembly down to plywood decking and replacement with asphalt shingle roofing assembly including insulation, plywood sheathing, new ridge and roof to wall vents, gutters, downspouts, roof anchors and other Work indicated in the Contract Documents. This project also includes limited removal and reinstallation of mechanical hoods and vents and electrical items.

Funding Source: GO Bond
Total Project Funds: $5,000,000
CIP No. S02-104
Construction Encumbrance: $2,394,700
Construction Contingency: $239,500
Design: $31,000
Contract Administration/Inspection: $33,000
CBJ Administrative costs: $72,000

Staff recommends award of this project to Dawson Construction, LLC, for the total amount bid of $2,394,700.

Approved: ______________________________
Duncan Rorie Watt
City & Borough Manager

Date of Assembly Approval:____________

c: CBJ Purchasing

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

TO: Rorie Watt
City and Borough Manager

January 5, 2022

FROM: Caleb Comas
Contract Administrator

FILE: 2078

SUBJ: BID RESULTS:
Calhoun Avenue Reconstruction, Phase I
Contract No. BE21-117

Bids were opened on the subject project on December 14, 2021. The bid protest period expired at 4:30 p.m. on December 16, 2021. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	TOTAL BID
North40 Construction Corporation	***$1,885,217.00***
Coogan Construction Co.	$2,032,599.00
Glacier State Contractors	$2,330,943.00
Admiralty Construction Inc.	$2,670,555.00
Engineer's Estimate	*$1,549,777.00*

Project Manager: John Nelson

This project consists of the reconstruction of Calhoun Avenue from the Gold Creek Bridge to the intersection of West 7th Street. WORK generally includes concrete slab removal, excavation, shot rock borrow, 2” minus shot rock with D-1 base course, asphalt pavement, curb and gutter, concrete sidewalk, ADA ramps, replacement of storm drain pipe, catch basins, manholes, sewer pipes, insulated HDPE water main and apparatuses, traffic control markings, signs and other miscellaneous WORK.

Funding Source: Sales Tax $2,000,000; Water Fund $225,000; Wastewater $100,000
Total Project Funds: $2,325,000
CIP No. R72-132
Construction Encumbrance: $1,885,217
Construction Contingency: $188,500*
Design: $202,828
Contract Administration/Inspection: $150,800
CBJ Administrative costs: $56,500

Staff recommends award of this project to North40 Construction Corporation for the total amount bid of $1,885,217.
*Available funding provides $29,581 for construction contingency, far below the 10%-15% of construction bid costs usually budgeted to cover unforeseen issues and changes associated with the reconstruction of a historic roadway such as this one. An estimated additional $200,000 - $250,000 should provide an adequate contingency. Additional funding will be identified from existing CIPs and a transfer request will be presented at a future meeting.

Approved: ______________________________
Duncan Rorie Watt
City & Borough Manager

Date of Assembly Approval:_____________

c: CBJ Purchasing

CITY AND BOROUGH OF JUNEAU ALASKA'S CAPITAL CITY

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 9, 2021

Juneau City and Borough
Via Email: beth.mcewen@juneau.org;
City.clerk@juneau.org;
di.cathcart@juneau.org

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Beverage Dispensary- Tourism	**License Number:**	2541
Licensee:	MGO Inc		
Doing Business As:	Juneau Airport Travel Lodge		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 9, 2021

City and Borough of Juneau
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org;

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Beverage Dispensary-Tourism	**License Number:**	3824
Licensee:	Hospitality Group, LLC		
Doing Business As:	Frontier Suites Hotel		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

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Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

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GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 8, 2021

Juneau City and Borough
Via Email: beth.mcewen@juneau.org;
City.clerk@juneau.org;
di.cathcart@juneau.org

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Package Store	**License Number:**	661
Licensee:	Thibodeau's Market Inc		
Doing Business As:	Kenny's Liquor Market		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

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Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

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GOVERNOR MIKE DUNLEAVY

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ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 8, 2021

Juneau City and Borough
Via Email: beth.mcewen@juneau.org;
City.clerk@juneau.org;
di.cathcart@juneau.org

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Package Store	**License Number:**	4422
Licensee:	Thibodeaus Market Inc		
Doing Business As:	Thibodeaus Valley Liquor		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

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Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 8, 2021

Juneau City and Borough
Via Email: beth.mcewen@juneau.org;
City.clerk@juneau.org;
di.cathcart@juneau.org

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Package Store	**License Number:**	1129
Licensee:	Thibodeaus Market Inc		
Doing Business As:	Liquor Barrel		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

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Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 8, 2021

Juneau City and Borough
Via Email: beth.mcewen@juneau.org;
City.clerk@juneau.org;
di.cathcart@juneau.org

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Package Store	**License Number:**	521
Licensee:	Thibodeaus Market Inc		
Doing Business As:	Thibodeau's Home Liquor		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 8, 2021

Juneau City and Borough
Via Email: beth.mcewen@juneau.org;
City.clerk@juneau.org;
di.cathcart@juneau.org

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Package Store	**License Number:**	4742
Licensee:	Thibodeaus Market Inc		
Doing Business As:	Thibodeaus Liquor		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 8, 2021

City and Borough of Juneau
Via Email: beth.mcewen@juneau.org; city.clerk@juneau.org; di.cathcart@juneau.org;

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Package Store	**License Number:**	2976
Licensee:	No Creek Jack Inc		
Doing Business As:	Duck Creek Market		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 7, 2021

City and Borough of Juneau
Via Email: beth.mcewen@juneau.org; City.Clerk@juneau.org

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Restaurant Eating Place - Seasonal	**License Number:**	2812
Licensee:	Genuine Ventures, LLC		
Doing Business As:	432 S Franklin St Juneau		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 6, 2021

Juneau City and Borough
Via Email: beth.mcewen@juneau.org;
City.clerk@juneau.org;
di.cathcart@juneau.org

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Beverage Dispensary	**License Number:**	728
Licensee:	JD Entertainment Inc		
Doing Business As:	The Island Pub		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 3, 2021

City and Borough of Juneau
Via Email: city.clerk@juneau.org; beth.mcewen@juneau.org; Di.Cathcart@juneau.org

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Package Store	**License Number:**	271
Licensee:	Alaska Cache Liquor, Inc.		
Doing Business As:	Alaska Cache Liquor		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 1, 2021

Juneau City and Borough
Via Email: beth.mcewen@juneau.org; City.clerk@juneau.org; di.cathcart@juneau.org

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Restaurant/Eating Place Seasonal	**License Number:**	5231
Licensee:	Alaska Sustainable Seafoods LLC		
Doing Business As:	Deckhand Dave's		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 1, 2021

Juneau City and Borough
Via Email: beth.mcewen@juneau.org;
City.clerk@juneau.org;
di.cathcart@juneau.org

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Restaurant/Eating Place Public Convenience Seasonal	**License Number:**	5482
Licensee:	Alaska Sustainable Seafoods LLC		
Doing Business As:	Deckhand Dave's		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 1, 2021

Juneau City and Borough
Via Email: beth.mcewen@juneau.org;
City.clerk@juneau.org;
di.cathcart@juneau.org

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Beverage Dispensary- Tourism	**License Number:**	5430
Licensee:	Mac Ventures LLC		
Doing Business As:	McGivney's Sports Bar and Grill		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

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Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 30, 2021

Juneau City and Borough
Via Email: beth.mcewen@juneau.org;
City.clerk@juneau.org;
di.cathcart@juneau.org

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Beverage Dispensary- Tourism	**License Number:**	175
Licensee:	CNH Holding LLC		
Doing Business As:	Breakwater Inn Restaurant & Lounge		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 18, 2021

Juneau City and Borough
Via Email: beth.mcewen@juneau.org;
City.clerk@juneau.org;
di.cathcart@juneau.org

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Beverage Dispensary- Tourism	**License Number:**	1378
Licensee:	Alaskan Hotel & Bar Inc		
Doing Business As:	Alaskan Hotel		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

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

TO: Mayor Beth Weldon and Assembly

DATE: January 10, 2022

FROM: Robert Barr, Deputy City Manager

RE: COVID-19 Community Mitigation Strategies

The Assembly last discussed the Community Mitigation Strategies at its December 20, 2021 Committee of the Whole. At that meeting the Assembly received a presentation from the State of Alaska Department of Health and Social Services and discussed modifications to the current Community Mitigation Strategies, which were last adopted on September 29, 2021. The Committee of the Whole forwarded those changes to the full Assembly for adoption. As a recap, those changes were:

1) Modification of the definition of the green, "fully open," level from "97% of population eligible to be fully vaccinated" to "pending CDC/DHSS guidance"

2) Masking requirements changed to recommendations at the yellow, "minimal," level, and

3) Expansion of gathering size limits by including 50% of building capacity language at the orange, "moderate," and red, "high," levels. Previous language had absolute numbers alone that didn't vary by facility size.

Since the December 20, 2021 meeting, the EOC is proposing three additional changes, specifically:

4) Removal of the Very High category from the strategies

5) Addition of a Modified High category, which is generally similar to the Moderate category except that masking is required at Modified High where it is recommended in Moderate, and

6) Additional language in the Modified High level to make masking recommended rather than required for fully vaccinated individuals engaged in socially distanced exercise in gyms (same as Moderate)

A track changes version of Exhibit A showing each of these proposed modifications is included in your packet.

The EOC additionally requests that the Assembly extend the Community Mitigation Strategies through May 1. If the regular ordinance process is to be used, this extension must occur before the end of January. If an extension occurs and it is advisable to end the Community Mitigation Strategies earlier, the EOC will do this either by bringing strategies back to the Assembly for early sunsetting and/or by moving to the Fully Open risk level.

Background

Please see the December 20, 2021 Committee of the Whole memo for additional background on items 1, 2, and 3.

Item 4: Given the current state of the pandemic, the EOC does not see a circumstance where the type hunker down strategies included in the Very High category would be necessary.

Item 5: Of all of the tools available to control the transmission of COVID-19, masking continues to be one of the most effective[1]. The Modified High category enables the EOC to implement this specific strategy without some of the other more restrictive measures in the High category (e.g. closing bars at 11 PM) when risk indicators are climbing and there is a need to reduce community transmission.

Item 6: There is some conflict in the guidance on this one. The CDC has archived[2] the guidance they previously had regarding masking while exercising and replaced it with general, non-specific guidance[3]. The WHO is clear about masks being ineffective when they become wet during exercise[4]. Given this, the EOC believes keeping masking recommended rather than required for vaccinated individuals in this scenario is appropriate at this level.

In general, we are seeing COVID shift from a pandemic emergency to an endemic virus that will likely live with us for the foreseeable future. The nature of the Omicron variant – far more transmissible, in general less severe – appears to be hastening this shift. That said, there continues to be no small amount of scientific and policy debate on this topic. While some of these proposed changes are housekeeping in nature, others reflect what we believe are appropriate relaxations given the broad availability of vaccines, testing, the advent of therapeutics, and the lower risk of severe outcomes associated with the current variant.

These updated community mitigation strategies, especially the inclusion of the Modified High category, enable the EOC to shift between community risk levels that minimally impact the public and businesses while balancing public health, communal risk, and individual choice.

The most important risk indicators that the EOC will utilize in assessing community risk levels for the next couple of months include:

- The ability of employers, especially the hospital and other critical infrastructure sectors (public and private), to maintain sufficient staffing to operate effectively
- The availability of therapeutics (monoclonal antibodies, antiviral medication) such that strict prioritization is not necessary, and
- Continued low hospitalization rates and the ability to medevac patients out of Juneau who need higher levels of care

Recommendation:

Discuss, hear public testimony, and adopt Ordinance 2021-46 with an expiration date of May 1, 2022 if not ended sooner by the Assembly, either at this meeting or a Special Assembly meeting before the end of January.

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[1] https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/masking-science-sars-cov2.html
[2] https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html
[3] https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/outdoor-activities.html
[4] https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters#exercising

Presented by: The Manager
Presented: 11/22/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-46

An Ordinance Reestablishing the City and Borough of Juneau COVID-19 Mitigation Strategies and Providing for a Penalty.

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and is caused by the SARS-Cov-2 virus ("virus"), a new strain of the coronavirus that has not been previously identified in humans and is easily transmittable person to person; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") declared the virus a pandemic; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency in response to the virus pandemic; and

WHEREAS, on March 22, 2020, the City and Borough of Juneau ("CBJ") received its first positive case of COVID-19; and

WHEREAS, Alaska continues to experience COVID-19 outbreaks and multiple regions in Alaska are at moderate or high alert levels; and

WHEREAS, while people five years of age and older are now eligible for a COVID-19 vaccine, children under five are not eligible for vaccines, and variants of concern including the highly transmittable Delta variant are in the community; and

WHEREAS, other communities in the country and Alaska, including Anchorage, have experienced recent and sudden demands on healthcare services that resulted in a relatively permanent insufficiency of healthcare services that has endangered the public; and

WHEREAS, hospitals across Alaska, including Bartlett Regional Hospital, currently have federal traveling healthcare workers until January 22, 2022, to stabilize staffing needs and support the increased demand caused by patients with COVID-19; and

WHEREAS, the last three months (August-October) represent the highest number of new COVID-19 cases per day in the City and Borough of Juneau; and

WHEREAS, the existing COVID-19 Mitigation Strategies were reestablished with Ordinance 2021-42(am) and currently expire on March 1, 2022; and

WHEREAS, upon balancing the economic impacts and the personal impacts of whether to reestablish the COVID-19 Mitigation Strategies given the current circumstances, the public health and welfare is best served by reestablishing the COVID-19 Mitigation Strategies; and

WHEREAS, the updated COVID-19 Mitigation Strategies continue to provide structure and certainty as the community balances the needs to mitigate harm from COVID-19 and to keep the economy open; and

WHEREAS, any business or facility is free to require masks and other COVID-19 protections at their business or facility.

THEREFORE 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. Reserved.

Section 3. COVID-19 Mitigation Strategies.

(a) **Adoption.** The City and Borough of Juneau COVID-19 Mitigation Strategies identified in Exhibit A are adopted.

(b) **Determination of Incident Risk Level.** The Manager is authorized to determine which Incident Risk Level best fits the City and Borough of Juneau based on a comprehensive range of public health factors related to COVID-19 especially percentage of fully vaccinated community members, disease situation, hospital capacity, and public health capacity.

(c) **Public Notice.** The Manager shall conspicuously identify the Incident Risk Level on the City and Borough of Juneau's webpage and widely distribute public notice when the level changes.

(d) **Exemptions.**

(1) **Exemption Request**. An entity or person may request an exemption from the COVID-19 Mitigation Strategies by submitting a site specific COVID-19 Mitigation Plan to the CBJ Emergency Operations Center by emailing covidquestions@juneau.org. The Emergency Operations Center may issue an exemption if the COVID-19 Mitigation Plan has sufficient measures and policies to mitigate the spread of COVID-19 in light of the Incident Risk Level.

(2) **Public Records**. All exemption requests, communication, and responses are presumptively public records. If an entity or person requests that the City and Borough of Juneau withhold any information contained in your COVID-19 Mitigation Plan from public release because the information is protected under AS 40.25.120(a), you must submit the following information with the request:

(A) Identify each set of discrete information that the entity or person asserts is confidential;

(B) Identify each specific legal authority that the entity or person asserts applies to each such set of information; and

(C) For each such set of information, explain why the entity or person asserts the information is confidential based on each legal authority the entity or person asserts applies to that information.

Should the City and Borough of Juneau receive a request for records under the Public Records Act applicable to any item marked confidential, the City and Borough of Juneau should notify the person or entity asserting confidentiality as soon as practicable prior to making any disclosure. The person or entity asserting confidentiality acknowledges it has five (5) calendar days after receipt of notice to notify the City and Borough of Juneau of its objection to any disclosure, and to file any action with any competent court to protect its interests. Should the person or entity asserting confidentiality fail to notify the City and Borough of Juneau of its objection or fail to file suit within five (5) calendar days, the CBJ may disclose the records.

(e) **Violation.** A person who violates a mitigation strategy in Exhibit A shall be subject to a civil fine not to exceed $25.00 per violation, which shall be considered incorporated into CBJC 03.30.070(a); payment of the civil fine shall be accepted in satisfaction of the violation; and the violation shall be subject to CBJC 03.30.070(b)-(c) and CBJC 03.30.075-03.30.085. In addition to a civil fine, the City and Borough of Juneau may use all available civil enforcement options (i.e. injunction, revocation of certificate of occupancy, civil lawsuit, etc.) to assure compliance with this ordinance.

(f) **Amendments.** The Manager shall keep Exhibit A consistent with Centers for Disease Control and Prevention (CDC) guidance and present the revisions to Exhibit A at regular or special Assembly meetings for ratification.

(g) **Mask or Face Covering Mandate.**

(1) **Requirement.** All individuals must wear a mask or a face covering over their nose and mouth (i) as provided for in Exhibit A; (ii) when using public transportation, like Capital Transit; and (iii) when entering an area that is posted requiring use of a mask or face covering. This ordinance is subject to the conditions and exceptions stated below.

(2) **Face Shield.** A face shield is generally not permitted in lieu of a mask or face covering because face shields are less effective in stopping the spread of COVID-19. However, a face shield may be permitted in lieu of a mask or face covering for the following individuals, who must wear a face shield whenever a mask or face covering would be required unless it is impossible to do so:

(A) Any individual who cannot tolerate a mask due to a physical or mental disability;

(B) Individuals who are communicating with someone who is deaf or hard of hearing; or

(C) Individuals performing an activity that cannot be conducted or safely conducted while wearing a mask (for example a driver experiencing foggy glasses, a dental patient receiving care, or an equipment operator where there is a risk of dangerous entanglement).

(3) **Employment.** Employers are responsible to make sure employees who are present in the workplace have access to and wear masks or face coverings as required by this ordinance.

(4) **Exceptions.** This ordinance does not apply to the following categories of people or activities:

(A) Any child under the age of 2 years. These very young children should not wear a face covering because of the risk of suffocation. Additionally, masks are recommended, but not required for children ages 2-5. Daycare settings that serve preschool children are encouraged but not required to enforce mask usage for children age 2 and older.

(B) Individuals who are incarcerated, in police custody, or inside a courtroom; these individuals should follow guidance particular to their location or institution.

(C) Musicians, presenters, ministers, and others communicating to an audience or being recorded, for the duration of their presentation/practice/performance where mask usage impairs communication, and so long as safe physical distancing is maintained.

(D) Individuals removing their mask or face covering to eat, drink, or briefly scratch an itch.

(E) Employees within their own fully enclosed office or workspace, and employees within an unenclosed workspace if they are totally alone.

(F) Individuals doing high intensity exercise outdoors.

(5) **Denial of Service.** A person violating this ordinance is prohibited from entering, occupying, or remaining in the setting in which a mask or face covering is required. Provided, however, that this ordinance shall be applied in a manner consistent with the Americans with Disabilities Act (ADA) and any other applicable provision of law. Businesses and the City Manager for City and Borough of Juneau facilities, may choose to allow individuals who request an accommodation under the ADA to wear a face shield, or may consider accommodating these individuals through alternative means of providing goods or services, such as curbside, delivery, or telephonic service.

(6) **Proof of Medical Reason or Disability.** If a person declines to wear a mask or face covering because of a medical condition or disability as described above, this ordinance does not require them to produce medical documentation verifying the stated condition or disability.

(7) **Additional City and Borough of Juneau Facility Provision.**

(A) **Notice.** The City Manager is required to identify and conspicuously post notices for those City and Borough of Juneau public facilities or areas of public facilities in which people are required to wear a mask or face covering. The Manager should post face covering notices in public facilities and areas of public facilities in which maintaining six feet separation between people is difficult or where there are insufficient physical barriers to keep people six feet apart.

(B) **Provision of Face Covering.** For people who cannot afford or locate a face covering, the Manager shall make a face covering available on every Capital

Transit bus and at any facility owned by the City and Borough of Juneau that requires a mask or face covering.

(8) **Definitions.**

(A) "Mask" means a medical grade mask (i.e. N95).

(B) "Face covering" means a cloth, polypropylene, paper, or other face covering that covers the nose and the mouth and that rests snugly above the nose, below the mouth, and on the sides of the face. The following are not face coverings because they allow droplets to be released: a covering with a valve designed to facilitate easy exhalation; mesh masks; lace masks; other coverings with openings, holes, or visible gaps in the design or material.

(C) "Face shield" means a clear plastic shield that covers the forehead, extends below the chin, and wraps around the sides of the face.

Section 4. Repeal of Ordinance 2021-42(am). Ordinance 2021-42(am) is repealed.

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption. This ordinance expires at 12:01 a.m. on March 1, 2022, unless terminated earlier by the Assembly by motion.

Adopted this ________ day of ________________________, 2021.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Community Risk Level	Masks / Social Distancing	Large Gatherings	Restaurants, Bars	Personal Services, Gyms	Travel
Fully Open: pending CDC/DHSS guidance	No restrictions in place. Recommended masking and testing if displaying any COVID like symptoms if interacting with unvaccinated or vulnerable populations.				
Minimal	Masks/face coverings strongly recommended indoors in public areas and outdoors at crowded outdoor events (e.g. live performance, parade, sports event)	Indoor gatherings should be limited to the number of participants that will allow 6 ft of social distancing to be maintained if individuals who are not fully vaccinated are present. Masking strongly recommended and venues may require.	Masks strongly recommended when not actively eating or drinking. Recommend capacity restrictions that allow 6 ft of social distancing between parties.	Masks strongly recommended. Recommend capacity restrictions that allow 6 ft of social distancing between individuals.	Follow Federal/State Health Advisories
Moderate	If not fully vaccinated, masks/face coverings must be worn indoors in public areas and outdoors at crowded outdoor events (e.g. live performance, parade, sports event). If fully vaccinated, masking is highly recommended in indoor public areas.	Indoor gatherings must be limited to 50% of indoor capacity or 50 people, whichever is greater, and include safety measures. Outdoor gatherings are recommended. There are no size limits if all individuals at the gathering are fully vaccinated	Bars not to exceed 50% indoor capacity. Strongly recommend restaurants reduce capacity to ensure physical distancing between parties, recommend reservations. Recommend delivery / curbside pick up if allowed by law.	Personal Services by appointment only, reducing waiting room capacity to 50%. Gyms limit capacity to 50%. Gyms limit indoor classes to fully vaccinated individuals only.	Follow Federal/State Health Advisories
Modified High	Masks/face coverings must be worn indoors in public areas except where otherwise specified. Masks/face coverings must be worn outdoors at crowded outdoor events (e.g. live performance, parade, sports event). Limit social interactions.	Indoor gatherings must be limited to 50% of indoor capacity or 50 people, whichever is greater, and include safety measures. Outdoor gatherings are recommended. There are no size limits if all individuals at the gathering are fully vaccinated	Bars not to exceed 50% indoor capacity. Strongly recommend restaurants reduce capacity to ensure physical distancing between parties, recommend reservations. Recommend delivery / curbside pick up if allowed by law.	Personal Services by appointment only, reducing waiting room capacity to 50%. Gyms limit capacity to 50%. Gyms limit indoor classes to fully vaccinated individuals only. Masking recommended rather than required for fully vaccinated individuals engaged in socially distanced exercise.	Follow Federal/State Health Advisories
High	Masks/face coverings must be worn indoors in public areas. Masks/face coverings must be worn outdoors at crowded outdoor events (e.g. live performance, parade, sports event). Keep social bubble contained to family members.	Indoor gatherings must be limited to ensure 6 ft of social distancing, not to exceed 50% of indoor capacity, and include safety measures. Outdoor gatherings with 6 ft social distancing recommended. There are no size limits if all individuals at the gathering are fully vaccinated.	Bars and Restaurants reduce capacity to ensure at least 6 ft of social distancing between parties and not to exceed 50% with reservations / contact list required. Delivery/curbside pickup if allowed by law. Bars and restaurants closed at 11:00 pm.	Personal Services by appointment only, no waiting areas. Gyms, no pick up games, limit capacity to 50% and must ensure 6 ft of social distancing between individuals. Gyms limit indoor classes to fully vaccinated individuals only.	Follow Federal/State Health Advisories

CBJ Covid Mitigation Exhibit A

Community Risk Level	Masks / Social Distancing	Large Gatherings	Restaurants, Bars	Personal Services, Gyms	Travel
Fully Open: pending CDC/DHSS guidance	No restrictions in place. Recommended masking and testing if displaying any COVID like symptoms if interacting with unvaccinated or vulnerable populations.				
Minimal	~~If not fully vaccinated, masks/face coverings must be worn~~ Masks/face coverings strongly recommended indoors in public areas and outdoors at crowded outdoor events (e.g. live performance, parade, sports event)	Indoor gatherings should be limited to the number of participants that will allow 6 ft of social distancing to be maintained if individuals who are not fully vaccinated are present. ~~Masks must be worn indoors by individuals who are not fully vaccinated.~~ Masking strongly recommended and venues may require.	~~If not fully vaccinated, patrons must wear masks~~ Masks strongly recommended when not actively eating or drinking. Recommend capacity restrictions that allow 6 ft of social distancing between parties.	~~If not fully vaccinated, masks/face coverings must be worn indoors in public areas.~~ Masks strongly recommended. Recommend capacity restrictions that allow 6 ft of social distancing between individuals.	Follow Federal/State Health Advisories
Moderate	If not fully vaccinated, masks/face coverings must be worn indoors in public areas and outdoors at crowded outdoor events (e.g. live performance, parade, sports event). If fully vaccinated, masking is highly recommended in indoor public areas. ~~Limit social interactions.~~	Indoor gatherings ~~should~~ must be limited to 50% of indoor capacity or 50 people, whichever is greater, and include ~~with~~ safety measures. Outdoor gatherings are recommended. There are no size limits ~~or required safety measures~~ if all individuals at the gathering are fully vaccinated~~, masking is highly recommended~~.	~~If not fully vaccinated, patrons must wear masks when not actively eating or drinking.~~ Bars not to exceed 50% indoor capacity. Strongly recommend restaurants reduce capacity to ensure physical distancing between parties, recommend reservations. Recommend delivery / curbside pick up if allowed by law.	Personal Services by appointment only, reducing waiting room capacity to 50%. Gyms limit capacity to 50%. Gyms limit indoor classes to fully vaccinated individuals only.	Follow Federal/State Health Advisories
Modified High	Masks/face coverings must be worn indoors in public areas except where otherwise specified. Masks/face coverings must be worn outdoors ~~in public areas where 6ft of social distancing cannot be maintained~~ at crowded outdoor events (e.g. live performance, parade, sports event). Limit social interactions ~~keep social bubble contained to family members~~.	Indoor gatherings ~~should be limited to 20*~~ must be limited to 50% of indoor capacity or 50 people, whichever is greater, and include ~~with~~ safety measures. Outdoor gatherings ~~with 6ft distancing~~ are recommended. There are no size limits if all individuals at the gathering are fully vaccinated	Bars ~~and Restaurants reduce capacity to ensure at least 6 feet of physical ditancing between parties and~~ not to exceed 50% indoor capacity ~~with reservations/contact list required~~. Strongly recommend restaurants reduce capacity to ensure physical distancing between parties, recommend reservations. Recommend delivery / curbside pick up if allowed by law. ~~Bars and restaurants closed at 11:00 pm.~~	Personal Services by appointment only, ~~no~~ reducing waiting room capacity to 50%. Gyms limit capacity to 50%. Gyms limit indoor ~~group~~ classes to fully vaccinated individuals only. Masking recommended rather than required for fully vaccinated individuals engaged in socially distanced exercise.	Follow Federal/State Health Advisories
~~Very~~ High	~~Masks/Face coverings required outside the home. Residents are required to stay at home except as needed for groceries, medical care, and essential workforce needs.~~ Masks/face coverings must be worn indoors in public areas. Masks/face coverings must be worn outdoors at crowded outdoor events (e.g. live performance, parade, sports event). Keep social bubble contained to family members.	~~Indoor communal events not allowed.~~ Indoor gatherings must be limited to ensure 6 ft of social distancing, not to exceed 50% of indoor capacity, and include safety measures. Outdoor gatherings ~~limited to no more than 10 people with proper social distancing~~ with 6 ft social distancing recommended. There are no size limits if all individuals at the gathering are fully vaccinated.	~~Restaurants and bars limited to delivery and curbside pickup if allowed by law.~~ Bars and Restaurants reduce capacity to ensure at least 6 ft of social distancing between parties and not to exceed 50% with reservations / contact list required. Delivery/curbside pickup if allowed by law. Bars and restaurants closed at 11:00 pm.	~~Personal Services and Gyms closed.~~ Personal Services by appointment only, no waiting areas. Gyms, no pick up games, limit capacity to 50% and must ensure 6 ft of social distancing between individuals. Gyms limit indoor classes to fully vaccinated individuals only.	Follow Federal/State Health Advisories

Presented by: The Manager
Introduced: December 13, 2021
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-08(b)(am)(S)

An Ordinance Appropriating $2,000,000 to the Manager for the Capital Civic Center Capital Improvement Project; Funding Provided by General Funds.

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 Manager the sum of $2,000,000 for the Capital Civic Center Capital Improvement Project (D12-051).

Section 3. Source of Funds

General Funds	$2,000,000

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

Adopted this ________ day of ____________, 2022.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Presented: 12/13/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-01

An Ordinance Repealing the Temporary Sales Tax Exemption for Sales of Cost of Power Adjustments on Electrical Power.

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. CBJC 69.05.040 Exemptions is amended to read:

CBJC 69.05.040 Exemptions. The tax levied under this chapter shall not apply to the following transactions:

…

~~(43) Sales of cost of power adjustments on electrical power~~.

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

Adopted this ________ day of _______________________, 2022.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: Finance Committee
Introduced: 09/15/2008
Drafted by: J.W. Hartle

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2008-31(am)

An Ordinance Relating to the Temporary Sales Tax Exemption for Sales of "Cost of Power Adjustments" on Electrical Power.

WHEREAS, on April 17, 2008, electrical power costs for CBJ residents and businesses increased significantly due to the massive avalanche that resulted in the loss of hydroelectric power from the Snettisham Hydroelectric Facility; and

WHEREAS, on April 28, 2008, the Assembly found it to be in the public interest to reduce the impact of the anticipated severe electrical power rate increase by eliminating sales tax on any cost of power adjustment, adopting Emergency Ordinance 2008-17; and

WHEREAS, under the CBJ Charter, emergency ordinances expire 180 days after adoption; and

WHEREAS, Alaska Electric Light and Power has brought to CBJ's attention that the expiration date of the "cost of power adjustment" (COPA) sales tax exemption will create a customer inconsistency; and

WHEREAS, because emergency Ordinance Serial No. 2008-17, became effective on May 1, 2008, it will expire 180 days later, on October 28, 2008; and

WHEREAS, AEL&P bills it's customers daily, but on a monthly cycle, and the customers who will be billed from October 28 through October 31 (four days), will only receive the exemption for five months; and

WHEREAS, AEL&P has indicated that it has approximately 600 customers who will be billed during these four days; and

WHEREAS, the CBJ Assembly Finance Committee, at its meeting on September 10, 2008, requested an ordinance providing a four-day extension of the exemption for sales of cost of power adjustments on electrical power.

//

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NOW, THEREFORE, 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 Code.

Section 2. Amendment of Section. CBJ 69.05.040 Exemptions, is amended at (43) to read:

69.05.040 Exemptions.

...

(43) Sales of cost of power adjustments on electrical power.

Section 3. Effective Date. This ordinance shall be effective October 28, 2008.

Adopted this 24th day of September, 2008.

Bruce Botelho, Mayor

Attest:

Laurie J. Sica, Clerk

Presented by: The Manager
Presented: 12/13/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-03

An Ordinance Authorizing the Municipal Attorney to Update Monetary Values Pursuant to Adjustment Provisions in Previously Adopted Legislation.

WHEREAS, certain CBJ legislation has automatic adjustment clauses to account for changing market conditions, like the Consumer Price Index, as provided in the following examples:

- Ordinances—CBJC 49.40.210(d)(5)(D); and CBJC 69.05.040(22)-(23).
- Regulations—05 CBJAC 15.080, 05 CBJAC 20.030, 05 CBJAC 20.035, and 05 CBJAC 20.080.
- Resolutions—Res. 2670 (Project Labor Agreement Policy); and

WHEREAS, this ordinance benefits the public by keeping the published CBJ code or ordinances and regulations up-to-date.

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. CBJC 01.20.040 Revisor of ordinances, is amended to read:

01.20.040 Revisor of ordinances.

(a) The CBJ attorney is designated as revisor of ordinances. The revisor of ordinances shall consolidate in this Code all ordinances not of temporary or special nature enacted by the assembly.

(b) The revisor shall edit and revise the ordinances for consolidation without changing the meaning of any ordinance in the following manner:

(1) Renumber sections, parts of sections, parts, chapters and titles.

(2) Change the wording of section or subsection titles, and change or provide new titles for parts, chapters and titles.

(3) Change capitalization for the purpose of uniformity.

(4) Substitute the proper designation for the terms "the preceding section," "this ordinance" and like terms.

(5) Correct manifest errors which are clerical errors, typographical errors or errors in spelling, or errors by way of additions or omissions.

(6) Correct manifest errors in reference to laws, ordinances, or other sections of this Code.

(7) Adjust monetary values as provided in previously adopted ordinances, regulations, and resolutions to reflect changing market conditions.

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

Adopted this ________ day of ________________________, 2022.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

Presented by: Planning Comm.
Presented: 07/12/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-26(am)

An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial.

WHEREAS, the area of the proposed rezone, Channel View Lot 1, consists of 15.41 acres, is located near 4650 North Douglas Highway, and is currently zoned D-15; and

WHEREAS, adjacent parcels are zoned D-3, D-15, and General Commercial (GC); and

WHEREAS, the land use maps of the Comprehensive Plan identify the subject lot as Medium Density Residential (MDR); and

WHEREAS, the MDR designation is characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre and where any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses; and

WHEREAS, the LC, Light Commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the General Commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, General Commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the Light Commercial district; and

WHEREAS, the Light Commercial district allows for up to 30 units per acre, which exceeds the density limit of the Comprehensive Plan MDR designation; and

WHEREAS, the Community Development Department recommended rezoning the subject property from D-15 Transition to Light Commercial upon two conditions (1) that additional public transportation infrastructure first be constructed to ensure any allowed higher density development would not aggravate existing issues with traffic flow and pedestrian safety, and (2) the Assembly adopt a Comprehensive Land Use Map amendment from MDR to High Density Residential (HDR) to allow the higher densities allowed in the Light Commercial zoning district; and

WHEREAS, the Planning Commission considered the Community Development Department's recommendation and concluded the Light Commercial zoning district—without any conditions—substantially conformed to the maps of the Comprehensive Plan; and

WHEREAS, the Manager recommended following the Community Development Department's recommendation to rezone the subject property from D-15 Transition to Light Commercial once additional public transportation infrastructure is constructed to ensure any allowed higher density development would not aggravate existing issues with traffic flow and pedestrian safety.

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 to the Official Zoning Map. The Official Zoning Map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of Channel View Lot 1 (Parcel # 6D0601150011) from D-15 transition to Light Commercial when the following condition is satisfied: there are infrastructure improvements to allow higher density development and to allow for protecting public safety along North Douglas Highway.

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

Adopted this ____ day of ___________, 2022.

____
Beth A. Weldon, Mayor

Attest:

____
Elizabeth J. McEwen, Municipal Clerk

MEMORANDUM

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
HOUSING PROGRAM
155 S. Seward St. Juneau, Alaska 99801
Scott.Ciambor@juneau.org
Voice (907) 586-0220
Fax (907) 586-5385

Date: 11/29/2021
TO: Michelle Hale, Chair, Lands, Housing, and Economic Development (LHED) Committee
FROM: Scott Ciambor, Chief Housing Officer

Subject: Juneau Affordable Housing Fund – 2021 Funding Recommendations

Dear LHED Committee:
This memo provides details on the Juneau Affordable Housing Fund 2021 funding recommendations. Included in your packet is a project summary spreadsheet and the Juneau Affordable Housing Fund budget page. All applications that were received are posted on the Juneau Affordable Housing Fund webpage.

Recommendation
The Lands, Housing, and Economic Development (LHED) Committee adopt the Juneau Affordable Housing Fund review committee recommendations and forward the following funding requests to the Assembly for approval.

These projects include:
- AWARE Cordova Street project ($150,000)
- St. Vincent DePaul Channelview project ($50,000)
- St. Vincent DePaul Teal Street project ($100,000)

The committee recommends further consideration of the Gastineau Lodges Apartments loan request to allow time for additional follow-up discussions with the applicant. These questions involve asking about the viability of a smaller loan ($400K vs. $700K requested), options for collateral to secure the loan, and more details on length of time of the loan. Additional information would be provided at a future LHED meeting.

The following projects were not recommended for funding this round but would be eligible for funding in future rounds:
- The Bergmann Hotel; and
- The Glory Hall 247 N. Franklin

Introduction
On July 1, 2021 the CBJ Assembly made available $700,000 for use by for-profit and non-profit organizations, public and regional housing authorities, and tribal governments interested in the creation of affordable and workforce housing in the City and Borough of Juneau.

Key program dates, guidelines, and application documents are located on the CBJ Juneau Affordable Housing Fund webpage.

Project Proposals
The JAHF Round One applications received included six (6) applications from the following sponsors:

AWARE Cordova Street project
Glory Hall 247 N. Franklin project
St. Vincent DePaul Channelview project
Gastineau Lodge Apartments – Steve Soenksen
St. Vincent DePaul Teal Street Shelter project
The Bergmann Hotel – Dave D'Amato

Project Review and Rankings
The JAHF review committee received applications shortly after deadline and met on November 8. The rankings for the submitted applications upon initial review are in the table below.

Project Name	Applicant/Sponsor	Project Type	Average Score	Funding Request	Grant/Loan
Cordova Street	AWARE	Construction of new housing	83.2	$150,000	grant
Glory Hall	The Glory Hall	Construction of new housing	76.8	$350,000	grant
Channelview	St. Vincent DePaul	Rehabilitation of existing housing	74.2	$50,000	grant
Gastineau Lodge Apartments	Steve Soenksen	Construction of new housing	69.6	$700,000	loan
St. Vincent DePaul Teal Street	St. Vincent DePaul	Rehabilitation of existing housing	67.8	$100,000	grant
The Bergmann Hotel	Dave D'Amato	Construction of new housing	34.4	$250,000	grant

Recommended for funding
Not recommend for funding
Pending

The review committee had additional questions for five of the applicants and met again on Nov. 22, 2021 to factor in the new information into funding recommendations.

Downtown Funding Requests in Landslide/Avalanche Zones
One consideration is the fact that four applications received were in the prioritized downtown area in Appendix D of the JAHF Program Description and Guidelines. However, three (3) of these properties are currently in a severe hazard zone designation and one is in a moderate hazard zone.

Severe Hazard Zone: Projects may rehab/maintain units; cannot build new units
Moderate Hazard Zone: Projects may build new units

Name/Address	Adopted designation
345 Gastineau (Channelview Apartments)	Severe Hazard Zone
434 Third Street (Bergmann Hotel)	Severe Hazard Zone
241 S Franklin Street (Old Glory Hall)	Severe Hazard Zone
Gastineau Lodges (1C070H020120)	Moderate Hazard Zone

The review committee utilized information based on existing adopted hazard maps with the understanding that new maps have been developed, but not adopted.

Committee Funding Recommendations

Recommended for Funding: New Construction
AWARE: This was the highest ranking project based on team experience, committed funds, leveraging percentage, and the likelihood of development within the year. Recommendation to fund at the requested amount of $150,000.

Recommended for Funding: Rehabilitation of Existing Housing
St. Vincent DePaul Channel View: At $50,000, this was a small rehabilitation request for an important downtown low-income housing tax credit property. Being in a hazard zone, the preservation of the building by fixing and securing a fire suppression system was considered a priority, given the inability to build back should something happen to the units. Recommendation to fund at requested amount of $50,000.

St. Vincent DePaul Teal Street Shelter and Hillview Apartments: The request was for $100,000 for a wide range of code compliance and deferred maintenance activities at two of St. Vincent DePaul properties. After receipt of follow-up answers, the committee recommended funding $100,000 to cover the code compliance related activities in the application (replacing oil-fired heaters, upgrading fire alarm system, and replace fire escape). Recommendation to fund at requested amount of $100,000.

Pending
Gastineau Apartment Lodges is a downtown workforce housing project that the committee felt should be pursued if possible. The applicant provided additional information that the Committee reviewed on November 22nd --- that led to a handful of other questions to be answered. Instead of holding up the other JAHF funding decisions, the committee recommends bringing the Gastineau Apartment Lodge request back to a future LHED meeting.

An example of the additional questions for staff to ask the applicant include:

- With $400,000 available to dispense in this funding round, would this level of award ($400,000 vs. $700,000 requested) still move the project forward;
- Technical questions on how to secure the loan, time limits, if for some reason the project doesn't move forward; and
- Other questions on impact of lower funding award.

This project is in a moderate hazard zone and is currently eligible to build new units.

Not Recommended for Funding
Glory Hall 247 N. Franklin Street
The committee was overall supportive of the housing project and it scored well on initial review. There were concerns about the fast track nature of the project in terms of committed funds and the project being in the early part of a development timeline.

The project, however, is in a severe hazard zone and the committee had a hard time recommending funding for a project currently ineligible to build. The project could apply for funds in the next round and the applicant is encouraged to do so if the project is permissible.

Bergmann Hotel
The initial application did not provide enough information to assess the project and scored low. The project could apply for funds in the next round and the applicant is encouraged to do so.

JAHF Program Future Review
Special thanks to the review committee for taking the time to participate. Thinking ahead to future funding rounds, the review committee has indicated an interest to review the JAHF process for improvements and policy recommendations. (For example, clearly stating in program guidelines that 10% of funds are for rehabilitation/code compliance activities, the rest for capital activities.)

One other note, key community affordable housing developers that did not apply this round (Tlingit-Haida Regional Housing Authority, Alaska Housing Development Corporation) have indicated interest in future rounds of funds – noting that capacity, and timeline of current projects did not match for this round.

NONDEPARTMENTAL SPECIAL REVENUE FUNDS

AFFORDABLE HOUSING FUND

	FY20	FY21		FY22	
	Actuals	Amended Budget	Projected Actuals	Approved Budget	Adopted Budget
EXPENDITURES:					
Commodities and Services	$ 25,200	41,800	41,800	41,800	41,300
Grants and Loans	60,000	96,000	70,000	621,400	796,000
Support to:					
General Fund	400,000	-	-	-	-
Sales Tax	-	100,000	100,000	-	-
Capital Projects	18,100	-	-	-	-
Total Expenditures	**503,300**	**237,800**	**211,800**	**663,200**	**837,300**
FUNDING SOURCES:					
Loan Repayments	15,000	15,000	15,000	19,000	19,000
Investment and Interest Income	100	500	500	700	700
Support from Sales Tax	400,000	400,000	400,000	400,000	400,000
Total Funding Sources	**415,100**	**415,500**	**415,500**	**419,700**	**419,700**
FUND BALANCE:					
Beginning of Period	1,197,200	1,109,000	1,109,000	1,312,700	1,312,700
Increase/(decrease) in Fund Balance	(88,200)	177,700	203,700	(243,500)	(417,600)
End of Period Available	**$ 1,109,000**	**1,286,700**	**1,312,700**	**1,069,200**	**895,100**

LIBRARY MINOR CONTRIBUTIONS FUND

	FY20	FY21		FY22	
	Actuals	Amended Budget	Projected Actuals	Approved Budget	Adopted Budget
EXPENDITURES:					
Commodities and Services	$ -	38,800	-	38,700	38,700
Total Expenditures	**-**	**38,800**	**-**	**38,700**	**38,700**
FUNDING SOURCES:					
Donations and Contributions	-	-	-	-	-
Total Funding Sources	**-**	**-**	**-**	**-**	**-**
FUND BALANCE:					
Beginning Fund Balance	77,500	77,500	77,500	77,500	77,500
Increase (decrease) in Fund Balance	-	(38,800)	-	(38,700)	(38,700)
End of Period Fund Balance	**$ 77,500**	**38,700**	**77,500**	**38,800**	**38,800**

Round I Priorities: 1) capital projects to develop housing, 2) long-term or permanent affordability, 3) downtown housing development

Juneau Affordable Housing Fund - Round 1 Project Summary											
Agency/Project Name	**Project Location**	**JAHF Request**	**Total Project Cost**	**Committed Funds**	**Leveraging % (JAHF funds /**	**Units (80% AMI or below)**	**Workforce Units (80% - 120% AMI**	**Total Units**	**Target Population**	**Use of Funds**	**Description**
New housing construction											
AWARE	201 Cordova Street	$150,000	$1,530,000	$910,000	9.80%	7 units @ less than 30% AMI	0	7	low-income/victims of domestic violence	capital grant	7 single room occupancy (SRO) for domestic violence survivors
Gastineau Lodges Apartments	Bulgar Way (downtown)	$700,000	$19,339,307	$0	6.70%	16 units @ 80% AMI	63 units FMR	79	workforce/fair market	loan	Downtown multi-family project with 79 units; JAHF loan request for pre-construction activities and to access HUD loan funding
Glory Hall	247 S. Franklin (downtown)	$350,000	$2,673,168	$38,000	13%	7 units @ less than 50% AMI	0	7	low-income/special needs	capital funds	Downtown multi-family project with 7 units (6 efficiencies; 1 1-bedroom)
The Bergmann Hotel (Dave D'Amato)	434 3rd street (downtown)	$250,000	$528,256		47%	4 units @ 80%AMI	16	20	workforce housing	predevelopment grant	Redevelopment of downtown property to create 20 unit multi-family project - 4 units at 80% AMI.
Acquisition of housing											
None											
Rehabilitation of housing (already owned by agency)											
St. Vincent DePaul - Channelview	345 Gastineau Avenue (downtown)	$50,000	$50,000	0	100%	10 units @ less than 50%; 16 at less than 60% AMI	0	26	low-income/special needs	capital grant	Downtown low-income housing tax credit property; grant funds to repair fire suppression system for the entire building
St. Vincent DePaul - Rehabilitation Project	Teal Street/Hillview Apartments	$100,000	$701,900	$50,000	14.20%	15 units below 80%AMI; 26 shelter rooms		41	low income/senior/supportive housing	capital grant	Grant requested for code compliance/rehabilitation activities at Teal Street and Hillview properties
Housing Assistance and Services (Non-profit capacity-building, supportive services, rent assisstance)											
None											
Total Requests		$1,600,000									
2021 Funds Available		**$700,000**									

2021 8th Late File List to Assembly

Late File Senior Exemption List:

Name	Parcel Number	Property Address
CAROLYN MARTIN	5B1301122720	6590 GLACIER HWY SP 272

LETTER OF EXPLANATION FOR LATE-FILE APPEAL			
Parcel ID #:	5B1301122720	Date:	
Appellant Name:	CAROLYN MARTIN		
Appellant Signature:	Carolyn Martin		
Site Location:	2721 Switzer Village		
Mailing Address:	[redacted]		
Phone #:	[redacted]		
Email Address:	[redacted]		

In the space below please state why you were unable to appeal by the established 30-day deadline:

Letter to the Assembly:

I was not aware that I was eligible for these funds because my late husband was the head of the household so I made out the application in his name for his last check before passing in October, 20~~20~~19. Thank you for bringing it to my attention.

sorry – time passes ~
10/20/19

Received

DEC 23 2021

Presented by: The Manager
Presented: 12/13/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-01(b)

An Ordinance Repealing the Temporary Sales Tax Exemption for Sales of Cost of Power Adjustments on Electrical Power.

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. CBJC 69.05.040 Exemptions is amended to read:

CBJC 69.05.040 Exemptions. The tax levied under this chapter shall not apply to the following transactions:

…

~~(43)~~ ~~Sales of cost of power adjustments on electrical power~~.

Section 3. Effective Date. This ordinance shall be effective March 1, 2022, ~~30 days after its adoption~~.

Adopted this ________ day of ________________________, 2022.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk