

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

May 16, 2022 7:00 PM

Assembly Chambers/Zoom Webinar/YouTube Livestream  
Meeting No. 2022-12, <https://juneau.zoom.us/j/91515424903> or 1-253-215-8782 Webinar  
ID: 915 1542 4903

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. Proclamation: National Safe Boating Week**

**B. Instruction for Public Participation**

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. *Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278. For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required.* Members of the public are encouraged to send their comments in advance of the meeting to [BoroughAssembly@juneau.org](mailto:BoroughAssembly@juneau.org).

**V. APPROVAL OF MINUTES**

**A. March 7, 2022 Regular Assembly Meeting #2022-06 DRAFT Minutes**

**B. April 13, 2022 Special Assembly Meeting #2022-09 DRAFT Minutes**

**C. April 25, 2022 Regular Assembly Meeting #2022-10 DRAFT Minutes**

**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 2022-24 An Ordinance Amending the Elections Code for the City and Borough of Juneau Municipal Elections.**

This ordinance would amend the election code by (1) aligning code with procedures and practices necessary to conduct an election using our new ballot processing center, and (2) clarifying language to election procedures. The Assembly Committee of the Whole reviewed this ordinance on May 2, 2022. Given discussion at that meeting, the Municipal Clerk via the City Manager has proposed some additional amendments, which are provided in the packet. Unless the Assembly refers this ordinance to a committee, the amendments would be considered at the June 13 Regular Assembly meeting.

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

b. **Ordinance 2022-17 An Ordinance Increasing the Sales Tax Rate from April 1 Through September 30 by 1% to Cover the Revenue Lost by Exempting Food from Sales Tax, and Providing for a Ballot Question Ratifying the Levy and Collection of the Summer Seasonal 1% Areawide Sales Tax on the Sale Price of Retail Sales, Rentals, and Services Performed within the City and Borough of Juneau, to be Effective in 2023.**

This is a companion to Ordinance 2022-15, which would exempt unprepared food from sales tax if the voters approve a seasonal 1% increase in sales tax between April and September. Currently, the CBJ has a 5% areawide sales tax rate, and this ordinance—if ratified by the voters in October—would increase the sales tax rate to 6% in the summer months and retain the 5% rate during the winter months. The increase of 1% during the summer months is intended to recover revenue lost by exempting food from sales tax.

During 2022, the Assembly Finance Committee discussed this topic on May 11 and March 2, and the Assembly Committee of the Whole discussed this topic on April 11 and May 2.

**The City Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole.**

c. **Ordinance 2022-15 An Ordinance Amending the Uniform Sales Tax Code to Exempt Food if the Voters Ratify the Levy and Collection of an Additional 1% Summer Sales Tax Rate.**

This is a companion to Ordinance 2022-17, which would exempt unprepared food from sales tax if the voters approve a seasonal 1% increase in sales tax between April and September.

During 2022, the Assembly Finance Committee discussed this topic on May 11 and March 2, and the Assembly Committee of the Whole discussed this topic on April 11 and May 2.

**The City Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole.**

d. **Ordinance 2022-16 An Ordinance Amending the Uniform Sales Tax Code to Repeal the Exemption of Sales by Non-profit Organizations.**

The CBJ has approximately thirty optional exemptions from sales tax that are not mandated by state or federal law. Associated with the Assembly's interest to exempt unprepared food from sales tax, this ordinance would repeal the sales by nonprofit business exemption to provide greater equity in the sales tax code. Currently, the nonprofit sales and services exemption reduces CBJ's revenue collection by \$1.4M. Repealing just the sales by nonprofit businesses would result in some new revenue collection but the precise amount of new revenue to challenging to predict.

During 2022, the Assembly Finance Committee discussed this topic on May 11 and March 2, and the Assembly Committee of the Whole discussed this topic on April 11 and May 2.

**The City Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole.**

e. **Ordinance 2022-26 An Ordinance Establishing a Sales Tax Rebate Program for Residents Experiencing Economic Hardship.**

Associated with the Assembly's interest to exempt unprepared food from sales tax, this ordinance would create an economic hardship rebate program. This program would enable lower income residents to receive an annual rebate to offset the costs of paying sales tax on food.

During 2022, the Assembly Finance Committee discussed this topic on May 11 and March 2, and the Assembly Committee of the Whole discussed this topic on April 11 and May 2.

**The City Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole.**

f. **Ordinance 2022-25 An Ordinance Increasing the Sales Tax Rate by 0.5% (5 to 5.5%) to Cover the Revenue Lost by Exempting Food from Sales Tax, and Providing for a Ballot Question Ratifying the Levy and Collection of the Additional 0.5% Areawide Sales Tax on the Sale Price of Retail Sales, Rentals, and Services Performed within the City and Borough of Juneau, to be Effective in 2023.**

This is a companion to Ordinance 2022-27, which would exempt unprepared food from sales tax if the voters approve a permanent 0.5% increase in sales tax. Currently, the CBJ has a 5% areawide sales tax rate, and this ordinance—if ratified by the voters in October—would increase the sales tax rate to 5.5%. The increase of 0.5% is intended to recover revenue lost by exempting food from sales tax.

During 2022, the Assembly Finance Committee discussed this topic on May 11 and March 2, and the Assembly Committee of the Whole discussed this topic on April 11 and May 2.

**The City Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole.**

- g. **Ordinance 2022-27 An Ordinance Amending the Uniform Sales Tax Code to Exempt Food if the Voters Ratify the Levy and Collection of an Additional 0.5% Sales Tax Rate.**

This is a companion to Ordinance 2022-25, which would exempt unprepared food from sales tax if the voters approve an annual 0.5% increase in sales tax.

During 2022, the Assembly Finance Committee discussed this topic on May 11 and March 2, and the Assembly Committee of the Whole discussed this topic on April 11 and May 2.

**The City Manager recommends the Assembly introduce this ordinance and refer it to the Committee of the Whole.**

- h. **Ordinance 2021-08(b)(am)(AS) An Ordinance Appropriating \$2,300,000 to the Manager for the Hospital CT/MRI Replacement Capital Improvement Project; Funding Provided by Hospital Funds.**

This ordinance would appropriate \$2,300,000 of hospital funds for the replacement and installation of one MRI and two CT scanners at Bartlett Regional Hospital. The existing apparatus has reached end of useful life and upgrades to the HVAC, electrical, and magnetic shielding are required for installation of the new equipment.

The Public Works and Facilities Committee reviewed this request at the May 2, 2022 meeting.

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

## 2. Resolutions

- a. **Resolution 2982 A Resolution Reaffirming the City and Borough Assembly District Boundaries Based on the 2020 Census Data.**

Assembly districts are for Assemblymember residency purposes only because Assemblymembers are elected at large. The current Assembly district boundaries were established by CBJ Ordinance 2003-15, using data from the 2000 U.S. Census. The current Assembly district boundaries were reevaluated by the CBJ Election Official using the 2020 U.S. Census data. By comparing data from the 2010 Census and the 2020 Census there has not been any significant change in the distribution of population between Assembly District #1 and Assembly District #2. Notably, the 2020 Census data indicates the population disparity between the two districts is two percent, which is well below the code maximum of ten percent necessitating redistricting. CBJC 11.30.010 (defining adequate census).

The Assembly Human Resources Committee reviewed this topic on April 25, 2022.

**The City Manager recommends the Assembly adopt this resolution.**

- b. **Resolution 2984 A Resolution Expressing Concern of a Constitutional Convention and Educating the Public and Policy Makers About its Potential Impact**

Every ten years, the voters in Alaska decide whether to call for a constitutional convention, which could amend the Alaska Constitution. Alaska's Constitution contains numerous provisions that provide for and enhance maximum local representation in

local government. Additionally, the Alaska Constitution commits the State to support public education, public health, public welfare, a court system, and the University system. As written, the Alaska Constitution provides a necessary and empowering legal framework within which to exert local control and respond to resident priorities. Alaska voters overwhelmingly rejected the call for a constitutional convention in 1972 and in successive elections held in 1982, 1992, 2002, and 2012.

**The City Manager recommends the Assembly adopt this resolution.**

3. Bid Award

a. **RFB 23-001 Hazardous Waste Processing and Facility Management**

This is a term contract for household hazardous waste processing and facility management. Bids were opened on this project on April 28, 2022. The protest period ended April 29, 2022. The following bids were received:

| Bidder                               | Total Bid      |
|--------------------------------------|----------------|
| Waste Management National Services   | \$ 764,246.48  |
| Clean Harbors Environmental Services | \$ 799,122.72  |
| US Ecology Alaska, LLC               | \$1,122,894.20 |
| Clean Earth Environmental Solutions  | \$1,398,324.80 |

**The City Manager recommends award to Waste Management National Services on the basis of having the lowest responsive and responsible bid price in the amount of \$764,246.48 based on the total bid.**

4. Liquor License

a. **Liquor License Renewals**

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: Wholesale-General, License #3166

**Licensee: The Odom Corporation**

Location: 5452 Shaune Drive Bay 1, Juneau

License Type: Restaurant/Eating Place, License #5278

**Licensee: Abigail May LaForce Barnett d/b/a Zerelda's Bistro**

Location: 9106 Mendenhall Mall Rd Suite B, 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 and transfer 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.**

5. Transfers

a. **Transfer T-1044 A Transfer of \$150,000 from CIP B55-082 Hospital**

### **Deferred Maintenance to CIP B55-085 Hospital Parking.**

This request would transfer \$150,000 from the Hospital Deferred Maintenance CIP to the Hospital Parking CIP for the purpose of conducting a parking study. The hospital currently uses more than three acres of surface parking, which is low value use for high value land. This study will collect information about capacity and use of existing parking, and explore feasibility of constructing a parking garage to free up land for other development opportunities.

The Hospital Board reviewed this request at the April 26, 2022 meeting.

**The Manager recommends approval of this transfer.**

## **IX. PUBLIC HEARING**

### **A. Ordinance 2022-11(b) An Ordinance Amending the Street Vending Requirements of Title 62 Regarding Parking.**

The CBJ regulates street vending to specific parking districts with a permit. Version (b) of this ordinance renames the parking districts for street vending while retaining the same geographic boundaries as before.

The Assembly Lands, Housing, and Economic Development Committee discussed this ordinance on February 14, 2022. The Systemic Racism Review Committee discussed this ordinance on February 8, 2022, and recommended forwarding to the full Assembly for public hearing. On May 2, 2022, the Assembly Committee of the Whole recommended the Assembly adopt version (b) of this ordinance.

**The Manager recommends the Assembly adopt version (b) of this ordinance.**

### **B. Ordinance 2021-08(b)(am)(AO) An Ordinance Transferring \$70,000 from Police's Fiscal Year 2022 Operating Budget to the Drug Enforcement Unit Building Expansion Capital Improvement Project.**

The Juneau Police Department was awarded funds from the Federal High Intensity Drug Trafficking Areas (HIDTA) Program in their FY22 operating budget. Per the grant award, a portion of this funding is allocated for the design phase of the Drug Enforcement Unit building expansion project. This ordinance would transfer \$70,000 from JPD's FY22 operating budget to the capital budget for this purpose. Depending on design costs, funding may also be available through the HIDTA Program for the construction phase of the project.

The Systemic Racism Review Committee reviewed this request at the April 26, 2022 meeting and forwarded it to the full Assembly for public hearing.

**The Manager recommends the Assembly adopt this ordinance.**

## **X. UNFINISHED BUSINESS**

### **A. Ordinance 2021-08(b)(am)(AL) An Ordinance Appropriating \$1,300,000 to the Manager as a Grant to United Human Services of SE Alaska to Construct the Southeast Community Services Center; Funding Provided by General Funds.**

The Assembly appropriated \$1,100,000 to United Human Services of SE Alaska in October 2020 to support construction of the Southeast Community Services Center. Since that time, the project has experienced significant cost escalation due to inflation, supply chain issues, and other economic factors. This ordinance would appropriate an additional \$1,300,000 to help address these issues and ensure completion of project construction.

The Assembly Finance Committee reviewed this request at the March 12, 2022 meeting. The Public Works and Facilities Committee reviewed this request at the April 11, 2022 meeting. The Systemic Racism Review Committee reviewed this request at the April 5, 2022 meeting and forwarded it to the full Assembly for public hearing. The Assembly held public hearing on this ordinance on April 25, 2022, and moved to postpone a decision on this ordinance until May 16, 2022.

Assemblymember Smith has proposed an amendment to condition the grant funding, which is described in the packet.

**The Manager recommends the Assembly consider Assemblymember Smith's amendment and adopt this ordinance.**

**B. Ordinance 2022-07(b) An Ordinance Appropriating Funds from the Treasury for FY23 School District Operations.**

This ordinance will appropriate \$86,659,000 to the School District for its FY23 operating budget. This is an overall decrease in the budget of \$5,737,600 from the FY22 Amended Budget. The FY23 school budget is supported with a combination of funding sources including CBJ local funding of \$30,766,200 and state and federal funding of \$51,389,400. The local funding consists of \$28,491,200 for general operations and \$2,275,000 for programs and activities not subject to the state funding cap.

State statute requires the Assembly to determine the total amount of local educational funding support to be provided and provide notification of the support to the School Board within 30 days of the School District's budget submission. The district's budget was submitted April 1, 2022. During the April 25, 2022 Regular Assembly meeting, the Assembly approved the local funding portion of \$28,491,200 for school district general operations. During the May 11, 2022 Assembly Finance Committee meeting, the Assembly approved \$2,275,000 for programs and activities not subject to the state funding cap.

By Charter, the Assembly is required to appropriate the School District's budget no later than May 31, 2022.

The Systemic Racism Review Committee reviewed this request during April and May.

**The City Manager recommends the Assembly adopt this ordinance.**

**XI. NEW BUSINESS**

**A. Recommended Protest of Liquor License #4349 Renewal for N.Y.T. Inc./Fishbone LLC d/b/a Rockwell**

The Finance Department has recommended protest of liquor license #4349, N.Y.T. Inc/Fishbone d/b/a Rockwell, due to past due property taxes, MB (misc. billing) and Utilities. This item is on the Assembly Human Resources Committee (HRC) May 16, 2022 agenda for review and recommendation. HRC Chair Hughes-Skandijis will report the HRC's recommendation to the full Assembly for final action; staff will forward final Assembly action to the State Alcohol & Marijuana Control Office (AMCO) and notify the licensee. The AMCO 60-day comment period from the local governing body ends May 29, 2022.

**B. LEED Exemption Request - Centennial Hall Ballroom Renovation**

**C. Hardship and Senior Citizen/Disabled Veteran Late-Filed Real Property Tax**

## **Exemption Applications**

There are eleven property owners that have requested the Assembly authorize the Assessor to consider a late-filed exemption for their property assessment.

The Assembly should consider each request separately 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 one or more late-filed exemption requests, those applications 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**

- A. **1% Sales Tax Process**
- B. **Alaska, British Columbia, Washington Maritime Green Corridor**

## **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. ADJOURNMENT**

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