THE CITY AND BOROUGH OF JUNEAU, ALASKA

Assembly Retreat - November 30, 2009

The Assembly of the City and Borough of Juneau met for its annual retreat, held in the Municipal Building Assembly Chambers, and was called to order at 5:15 p.m. by Mayor Bruce Botelho.

I. ROLL CALL

Present: Mayor Bruce Botelho, Jonathan Anderson, Jeff Bush, Ruth Danner, Bob Doll, Johan Dybdahl, Merrill Sanford, David Stone, Randy Wanamaker.

Absent: None.

Others Present: Rod Swope, City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Beth McEwen, Deputy Clerk.

II. REVIEW OF ASSEMBLY RESOLUTION 2427(B)

The Assembly reviewed several questions regarding its Rules of Procedure asked by Ruth Danner. Rule 1 Agenda, B. Agenda Preparation. “The agenda shall be prepared by the Manager subject to review and revision by the Mayor. The Mayor or the Manager shall brief the Assembly as to any revisions. Other matters may be considered under administrative reports, unfinished business or new business as applicable.” Ms. Danner said this rule appeared to allow changes to the published agenda and could deny the public adequate notice of issues arising at the Assembly meeting. She was concerned that this could violate the Open Meetings Act.

MOTION, by Danner, to add the following sentence between the 2nd and 3rd sentence of Rule 1B, “All substantive action items must be explicitly identified in the agenda to provide adequate public notice and encourage public participation.”

Mayor Botelho said that changes to the agenda are in the context of the public notice given. Having a major issue arise without previous public notice would be a concern, but this seldom happened.

Mr. Bush said that the manager will often remove items from the agenda, so flexibility is needed.

Mr. Hartle said he was confident that the Assembly does not violate the Open Meetings Act in its procedures.

Mr. Stone said the ability to remove an item from the agenda or table an issue allowed for checks and balances and he was comfortable with the existing procedures.
Mr. Anderson was concerned that Resolutions seem to “pop up” in a consent agenda and greater lead time was needed.

Ms. Danner said she was concerned with substantive motions being made under committee reports, and was concerned with the lack of public comment allowed at the Committee of the Whole meetings. She referenced the direction given regarding deadlines for pilot programs for recycling at a recent meeting.

Mayor Botelho said that the Assembly had directed staff to meet benchmarks but anything affecting the public would go before the Assembly and be open for public comment. He said the Committee of the Whole meeting was traditionally conducted as a “work session” without a public comment period to allow the Assembly to hold less formal discussions and gather information.

Mr. Anderson said the Rules of Procedure did not clearly indicate that the Committee of the Whole meetings would be work sessions and that Rule 5.C.4. states “…the rules of the Assembly shall be followed in the Committee of the Whole…”

Mayor Botelho said his recollection of the action items regarding solid waste were all ones that would come back to the Assembly. For example, designating an area for a pilot project, he said that there was no way to get there without making a decision to go for recycling – a decision the Assembly has not made yet, and in terms of designating an area, that will be an area of great public discussion. He did not see anything the Assembly took action on as a final, binding decision on the public.

Mr. Sanford agreed and said that each action step would take an appropriation of funds from the Assembly, or direction from the Assembly in the form of a vote.

There was further discussion between members on the conduct of Assembly Committee of the Whole meetings and public testimony.

Mr. Hartle said the motion was about the preparation of the Assembly agenda, and the definition of the word “substantive” could be argued.

Ms. Danner said the word “substantive” could be amended, but her intent was not to waste time noticing things such as staff reports, appointments, etc. What concerned her about the particular example was that there was a motion on the floor with four provisions, it was discussed and agreed that there was only one that all were ready to move forward with, the conveyance of convenience and necessity. Of the other three issues, the body felt there were too many confusing alternatives between waste to energy, recycling, and the cost of the equipment for a pilot program, so we could not commit to implementing a recycling program as of a date certain since we had not yet determined that was the outcome. We all agreed, and it is in the minutes of the COW, that we would wait until Mr. Penor came on board to lead us
through the process. That did not translate into an amendment to the motion; the motion was passed as presented with all four pieces. The problem is, without it being in writing, it is an action item, and we are now on the record as committing to the pilot project. This is just an example, perhaps this does not usually happen, and perhaps the Assembly did not want to change the rules, this was just her reason for the motion.

Roll call:
Aye: Anderson, Danner.
Nay: Bush, Doll, Dybdahl, Sanford, Stone, Wanamaker, Botelho.
Motion failed.

The Assembly reviewed several other questions asked by Ms. Danner.

Regarding notice of public meetings, Mr. Hartle said the Open Meetings Act required consistent notice of all meetings, which he said CBJ provided, but the Act did not require notice of specific agenda items at the meeting.

The Assembly continued discussion of the conduct of Assembly Committee of the Whole meetings and public testimony and did not recommend any changes to the current procedures of noticing Committee of the Whole meetings as “work sessions,” at which Rule 5.A. would apply which states, “Reasonable opportunity for the public to be heard shall be allowed at committee meetings other than those designated as work sessions.”

The Assembly discussed the process for setting the annual meeting schedule of the Assembly and its standing committees, and that the Human Resources Committee to review any conflicts in scheduling.

The Assembly discussed public participation at Assembly meetings, including testimony on non-agenda items and items on the agenda.

There was no objection to adding the word “if” in Rule 15E in place of the word “though.”

The Assembly discussed Rule 4, Legislation, regarding drafting and placement on the agenda.

Mr. Doll said he would like to discuss telephonic testimony and Mayor Botelho referred the Assembly Rules of Procedure to the Human Resources Committee for any further review.

III. MANAGER’S OVERVIEW OF SEVERAL LIKELY MAJOR ISSUES DURING THE COMING YEAR

Mr. Swope said major issues before him are the budget, the shortage of sales tax and the effect on voter-approved projects supported by sales tax revenue, and that
the North Douglas Crossing and West Douglas road extension will tie us up in discussions for a while. The Subport Area planning effort is a big issue and the partners held a meeting today to start this discussion. Winter snow storage is a critical issue for the city in the long-term. He has found a short-term solution for this season.

IV. STATUS OF LABOR CONTRACTS—EXECUTIVE SESSION

Mr. Hartle said that providing directions regarding labor negotiations is an exception to the Open Meetings Act requirement to meet in public. Mr. Swope said the management team is currently negotiating with all three unions and he wanted to discuss matters with the Assembly.

*MOTION*, by Bush, to enter executive session, for the purpose of giving direction to the labor negotiator on upcoming labor contracts.

Public Comment: None.

Assembly Action:

Hearing no objection, the Assembly entered into executive session at 6:35 p.m., recessed to City Hall Conference Room 224, and returned to regular session in the Chambers at 8:10 p.m.

V. PRELIMINARY DISCUSSION ON 2010-11 BUDGET DELIBERATIONS

Mr. Stone said the Assembly Finance Committee would meet in a work session on Wednesday, December 2, and the meeting was scheduled in advance of normally scheduled meetings. The purpose would be to review sales tax revenues, CIP projects, and bonding. It will be a “reality check” on the financial picture of CBJ.

VI. REVIEW OF ASSEMBLY GOALS AND OBJECTIVES

The Assembly reviewed and updated its goals and objectives from 2009, and the ideas from the Capital City Forum. The result of this discussion is attached to this document.

*The Assembly recessed the Monday, November 30 meeting at 9:30 p.m. and agreed to reconvene on Wednesday, December 9, at 5:15 p.m.*

VII. REVIEW OF LEGISLATIVE PRIORITIES FOR 2010 LEGISLATIVE SESSION

When the Assembly reconvened, all members, except Assemblymember Jeff Bush, were present. Mayor Botelho welcomed Representative Cathy Munoz, Senator
Dennis Egan, Jesse Kiehl of Senator Egan’s office, and Clark Gruening. Representative Kerttula was out of town and unable to attend.

Representative Munoz said the 2010 session will focus on discussions of the gas line and its preferred route, the effect of the tax structure on oil and gas on development, and HB161 regarding the Alaska Mental Health Trust and its plans to develop a new office building at the Subport property. Representative Munoz said she thought the capital budget would be very conservative.

Senator Egan said he thought Juneau would receive more funding in the coming year than in the previous year. He suggested the Assembly contact Karen Rehfeldt, in the Governor’s office, to request funding for improvements to Johnson Youth Center. Energy is a big issue in Southeast Alaska. Juneau is in a good position and needs to look out for the region. Senator Egan is establishing good relationships with the other members on the Finance Committee, Judicial Committee, and the Legislative Council. The Tom Stewart Building is open now for the Day Care and will be fully open by Christmas. The Assembly had good foresight to purchase the building for the state’s use.

Clark Gruening said 2010 will be an election year and people will be very friendly towards Juneau so we may get through a session with no capitol move bill. There will be gas line issues and head tax issues on the table.

The group discussed the movement of some cruiseships out of the Alaska market; the State Libraries, Archives, and Museum building; the current economy and the stress that creates on requests for funding to the legislature; the PERS/TRS liabilities; funding for social service programs; the North Douglas crossing; energy project funding; and a state income tax.

The group reviewed the 2009 legislative priorities, including state priorities to fund the property tax exemptions for senior citizens and disabled veterans, to support Juneau Access, to support the Alaska Marine Highway System, to finance a new capitol building, and the North Douglas Crossing. What remains on the list for capital projects includes the West Valley sewer expansion, the Centennial Hall Emergency Relief Center improvements, and deferred building maintenance.

Clark Gruening reported on the trip to Washington, D.C. he made with Mayor Botelho. They met with the entire legislative delegation, their staff, and many agencies on such topics as airport lighting, Basin Road repair, expansion of the NOAA facility, and research vessels in Juneau and Southeast Alaska.

The Assembly took a five-minute recess and Senator Egan, Representative Munoz, and Mr. Gruening left the meeting.

Hearing no objection, the Assembly agreed to renew the lobbying services contract with Clark Gruening.
VIII. PRELIMINARY DISCUSSION AND CALENDARING ON SPECIFIC TOPICS

A Committee of the Whole meeting was set for Monday, December 28, at 5:15 p.m. to discuss curbside recycling and solid waste issues. The group discussed transit issues and participation in Census 2010.

IX. OTHER MATTERS

The Assembly completed the review of the goals and objectives.

Following discussion, the Assembly arrived at the major goals for 2010.

- Continue planning for North Douglas Crossing West Douglas Road Extension (e.g. identifying funding for an environmental assessment, renewing agreement with Goldbelt, Inc.).
- Identify long-term solution for winter snow storage.
- Finalize and begin implementation of a long-term plan for solid waste disposal, whether it is through recycling, waste to energy, or S.E. Conference.
- Finalize a plan for the downtown cruiseship docks.
- Update and approve the Subport Plan, with the inclusion of (a) the new state office building, and (b) an eventual location for a parking garage.

The Assembly reviewed its policy and agreed that all communications from its advisory Boards and Commissions must be directed to the Assembly through the manager. The Assembly will give direction. The goal is to ensure that the Assembly speaks with one voice.

X. ADJOURN – 9:00 p.m.

Signed: ______________________   Signed: _________________________________
Laurie Sica, Municipal Clerk    Bruce Botelho, Mayor