

SYSTEMIC RACISM REVIEW COMMITTEE MINUTES - DRAFT

June 18, 2024 at 12:00 PM

Zoom Webinar



<https://juneau.zoom.us/j/92303909454> or: 1-253-215-8782 Webinar ID: 923 0390 9454

A. **CALL TO ORDER** - Chair Froehlich called the Systemic Racism Review Committee to order at 12:02 p.m. via Zoom.

B. **LAND ACKNOWLEDGEMENT**— read by Chair Froehlich

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

C. **ROLL CALL**

Present: Ephraim Froehlich, Gail Cheney, Kelli Patterson, Jennifer Pemberton, Ivan Nance, and AnaVera Morato

Absent: John Drips

Staff/Others: Robert Barr, and Nicole Lynch

D. **APPROVAL OF AGENDA** – agenda approved as presented.

E. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** - None

F. **AGENDA TOPICS**

G. **CONSENT AGENDA**

The following ordinances were up for introduction on the consent agenda at [Monday night's Regular Assembly Meeting](#). A blank SRRC checklist is included in the packet if an ordinance is pulled for further discussion and committee members want to utilize that tool.

Recommended Motions:

"I move to approve the consent agenda as presented and ask for unanimous consent" OR "I move to approve the consent agenda as amended and ask for unanimous consent": [use this motion when items are pulled off consent for further discussion]

1. Legislation for Review by SRRC

[Ordinance 2024-25](#) An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$12,750,000 to Finance Public Safety Communication Infrastructure within the City and Borough and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 1, 2024.

[Ordinance 2024-26](#) An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$10,000,000 to Finance Wastewater Utility Infrastructure within the City and Borough and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 1, 2024.

[Ordinance 2024-23](#) An Ordinance Amending the Ordinance Formatting Requirements.

[Ordinance 2024-11](#) An Ordinance Authorizing the Port Director to Negotiate and Execute a Lease of Alaska Tidelands Survey No. 750, for the Purpose of Waterfront Commercial Activities. [Exhibit A](#)

[Ordinance 2024-12](#) An Ordinance Authorizing the Port Director to Negotiate and Execute a Lease of Alaska Tidelands Survey No. 842 Tracts A&B, for the Purpose of Waterfront Commercial Activities. [Exhibit 2A](#)

[Ordinance 2023-14\(b\)\(AK\)](#) An Ordinance Appropriating \$1,446,827 to the Manager for the Power Upgrades for Electric Buses Capital Improvement Project; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.

[Ordinance 2023-14\(b\)\(AL\)](#) An Ordinance Transferring \$400,000 from CIP H51-113 Waterfront Seawalk to CIP P41-107 Homestead Park.

[Ordinance 2023-14\(b\)\(AM\)](#) An Ordinance Appropriating \$36,712 to the Manager for the Construction Phase of the Float Pond Improvements Capital Improvement Project; Funding Provided by the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant.

[Ordinance 2023-14\(b\)\(AN\)](#) An Ordinance Appropriating \$170,660 to the Manager for the Airport Snow Removal Equipment Building Capital Improvement Project; Funding Provided by Passenger Facility Charge Fees.

[Ordinance 2023-14\(b\)\(AO\)](#) An Ordinance Appropriating \$222,066 to the Manager for the Ramp Improvement Capital Improvement Project; Funding Provided by Airport Funds.

[Ordinance 2023-14\(b\)\(AP\)](#) An Ordinance Appropriating \$34,367 to the Manager for the Airport Master Plan Capital Improvement Project; Funding Provided by Sales Tax Funds.

Mr. Barr read the ordinance titles into the record and gave a brief overview of each ordinance. Chair Froehlich asked committee members if they would like any of the ordinances pulled.

MOTION: by Ms. Pemberton to pull Ordinances 2024-11 and 2024-12 for further discussion and to approve the consent agenda as amended and asked for unanimous consent. **Hearing no objection, motion passed.**

H. LEGISLATION PULLED FOR DISCUSSION

Legislation pulled from the consent agenda during the meeting for further discussion, questions or to walk through the SRRC checklist on a particular piece of legislation.

Sample Motions:

"I move to forward Ordinance xxxx-xx (or Resolution xxxx) to the full Assembly as presented and ask for unanimous consent" OR "I move the SRRC recommend to the Assembly it {fill in the recommendation} prior to taking action on proposed legislation."

Mr. Barr messaged Port Director Carl Uchytel to join the meeting and outline Ordinance 2024-11 and 2024-12 since he is the best knowledge base. While waiting for Mr. Uchytel to join, Mr. Barr also messaged Assemblymember Hughes-Skandijs as the Chair of the Lands, Housing & Economic Development Committee (LHED) since these ordinances were also heard by LHED. Ms. Hughes-Skandijs responded the following *"the committee [LHED] may investigate the fact that CBJ code has preference privileges for leases that are transferred into our care. The Code Citation is 53.02.100, so that is something LHED may be interested in looking at in the future and whether or not that is the right way to do things, although it's not necessarily relevant to these leases but something that came up when reviewing these leases which the Assembly will most likely approve at the 35-year requested time"*.

Mr. Uchytel joined the meeting and Chair Froehlich asked Ms. Pemberton to share the questions she had regarding these leases with Mr. Uchytel.

Ms. Pemberton noted that nowhere in the ordinance does it state the nature of the commercial activity; so, what will they be using the leased land for? Mr. Uchytel replied that the Trucano Holdings have 7 parcels on Douglas Island just north of the bridge with a couple of operations going on, they lease the Tank Farm to Petro Marine and

they have an area for their construction, lay down yard as well as a breakwater with a little harbor in there for a couple that have their own tugboat as well as room for one more vessel. In reviewing the map Mr. Uchtyl pointed out that the Trucano's own some of the parcels outright and some they lease from CBJ so it's a patchwork of various ownerships.

The State used to own all the tidelands throughout the state and then in about 2000, the state starting divesting not only to municipal harbors, but they also started transferring tideland holdings to municipalities so in 2000-2001 CBJ acquired hundreds of acres of tidelands for management. Back in 1969, the Trucano's had a 55-year lease agreement with the State and that 55-year lease agreement is now expiring. So, the issue now is what is the appropriate new lease for the lessee to continuing leasing the property and has invested a lot in those leased facilities. CBJ's new lease language always calls for a 35-year lease with the option, per CBJ Code, to renew for another 35-years.

Mr. Uchtyl also walked the committee through Docks and Harbors process for reviewing and approving leases via the Harbors Board, with final approval by either the full Assembly or via an Assembly Committee depending on the complexity of the lease. Docks and Harbors manages roughly 45 leases and depending on the type, a lease doesn't have to be competitively bid. One example is Huna Totem coming forward with a plan on a 5th dock on CBJ tideland, they submitted a plan and applied for a Conditional Use Permit through the Planning Commission so with that case it wouldn't make sense to have someone compete for that property and cork off the project. Having a 35-year lease with lease language to include preferential renewal allows that organization or individual to renew the lease since they have invested in the project, and they may need 35-years to recapitalize their investment.

Mr. Nance asked about the ability for public comment on these types of leases. Mr. Uchtyl noted that leases are advertised on the Docks & Harbors Board agenda as they arise, and people have the ability to give public testimony there or once a lease moves to the Assembly.

The committee discussed adding a note to the Manager's Report for these two ordinances onto the Assembly agenda and came up with language for that.

MOTION: by Ms. Pemberton to move Ordinances 2024-11 and 2024-12 forward to the Assembly for action with the following statement from the SRRC to be included in the Manager's Reports *"the SRRC remains concerned and interested in the systemic process by which the CBJ disposes of and leases land, particularly long-term leases, and believes the CBJ should strive towards further opportunities for public engagement and involvement in those processes"* and asked for unanimous consent. **Hearing no objection, motion passed.**

I. STANDING AGENDA TOPICS - AS TIME ALLOWS

2. Standing Agenda Topic - Links to Other CBJ Functions for Potential SRRC Review - As Time Allows

These topics were brought up as potential topics of interest for the SRRC to review.

Human Resources/Risk Management Department ([webpage](#)): [employment](#), [personnel rules](#), [policies & procedures](#)

CBJ Police Department ([webpage](#)): [JPD Policies](#), [Annual Reports & Strategic Plans](#)

CBJ Municipal Elections ([webpage](#))

CBJ Board Recruitment & Diversity - [CBJ board directory](#) & [CBJ board application](#) - *the SRRC chose this as their first topic to work on*

Ms. Morato had questions regarding HR's process and would the committees scope of review include the Juneau School District (JSD) and Bartlett Regional Hospital's (BRH) hiring practices. She would like to understand how the hiring process works as she's heard from several people that have applied for different positions with CBJ who never received any type of follow-up regarding their applications.

Chair Froehlich thanked Ms. Morato for her comments, noting they make a great starting point to the conversation the committee will have - how is a job advertised on the front end, who and how are they doing recruiting, how the decision-making process is run, and how the process is managed on the back end.

Ms. Pemberton asked for clarification on whether JSD and BRH's hiring practices would be out of the committees scope of review or if they fall under the general CBJ umbrella.

Ms. Lynch clarified that JSD and BRH have their own HR Departments so is completely separate from CBJ or maybe more tangential to CBJ with not much involvement.

Chair Froehlich stated that while he understood that concept however it seemed that it should be more of a top-down policy, city leadership approach for the organizations that are directly under its purview. He said, similar to the Federal and State government relationship; no law in state government shall supersede federal law so no JSD hiring rule should supersede that of CBJ.

Mr. Barr responded that Chair Froehlich's reasoning was sound, but the practice is a bit different. The school district, strictly speaking from a line of authority or perspective, the school district has its own separately elected body who are not accountable to the Assembly and therefore wouldn't be subject to any advice, guidance, or recommendations from this committee since the School Board is not an Assembly controlled body.

Mr. Barr noted that with regards to BRH, the hospital is different. They are an enterprise fund which is also unique among the enterprise funds of the city. It's complicated, but BRH is the only enterprise fund that has a completely separate set of personnel rules, with an emphasis on completely, because Eaglecrest (also an enterprise fund) also has a modified set of personnel rules that differ from the rest of the CBJ, but BRH is entirely separate. While the Assembly has the authority and therefore this committee also has authority, as it derives its authority from the Assembly and while the Assembly has the authority to institute policy; whether it's a personnel rule, or any other sort of policy over the hospital. It has been the historical practice of the Assembly to not do that and to instead rely on its separately appointed Enterprise Board to care for and manage all BRH related policy.

Mr. Barr said the important piece to note is that it would be entirely appropriate and within this committees scope to provide advice, guidance, and recommendations and all the things you would do for any other CBJ function to BRH, but it would outside of this committees scope to do the same thing for the School District.

J. STAFF REPORTS

Committee members - please remember to fill out the Doodle Poll sent via email if the committee would like to set up some summertime worksession dates.

There are two seats up for reappointment or appointment - Ms. Patterson & Ms. Cheney. Hopefully both are able to continue serving but if not, please notify the Clerk's Office. CBJ Board Application: <https://juneau-ak.municodemeetings.com/bc/application>

K. COMMITTEE MEMBER / ASSEMBLY LIAISON COMMENTS AND QUESTIONS

L. NEXT MEETING DATE

Regular SRRC Meeting for Legislation Review - July 2, 2024

M. SUPPLEMENTAL MATERIALS - None

N. ADJOURNMENT

There being no further business to come before the committee, meeting adjourned at 12:55 p.m.