

Presented by: HRC
Presented: 8/5/2024
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2024-32

**An Ordinance Establishing a Waiver Process for Airport Board
Appointments and Temporarily Waiving the Three Tenant Rule.**

WHEREAS, the Assembly Human Resources Committee discussed this topic on July 29, 2024, and directed the Municipal Attorney to draft an ordinance that provides a waiver of the “Three Tenant Rule” (CBJC 05.01.010(b)) through the term of the existing tenant-members; and

WHEREAS, considering the Airport Board consists of seven members, a prior Assembly concluded no more than three Airport Boardmembers could be tenants (CBJC 05.01.010(b)); and

WHEREAS, while the Assembly strives to appoint qualified community members that are not tenants of the Airport Board, sometimes community interest is low and a fourth tenant applies, who is otherwise well-qualified; and

WHEREAS, a prolonged vacancy on any empowered board, especially the Airport Board, strains the other members, harms the governance of the Juneau International Airport, and harms the community; and

WHEREAS, as the elected officials for the community, the Assembly is best suited to determine whether good cause exists to temporarily waive the Three Tenant Rule and appoint a fourth tenant; and

WHEREAS, the CBJ Conflict of Interest Code (CBJC 01.45) provides proficient safeguards to prevent self-dealing by Airport Boardmembers who are tenants, regardless if there are three or four members; and

WHEREAS, although CBJ Charter 3.16(e) allows the prevailing vote of most boards to be reduced by one if two conflicted members are present but unable to participate due to a conflict of interest, the Assembly expects the Airport Board to promptly notify the Assembly if tenant conflicts of interests are reducing the majority vote to three; and

WHEREAS, the underlying purpose of the Three Tenant Rule applies equally to tenants, officers and employees of tenants, and subtenants of tenants; and

WHEREAS, upon balancing the competing public policy interests, the Assembly concludes this ordinance is in the best interest of the community; and

WHEREAS, if the Airport Board has an opportunity to review this ordinance, the Assembly would appreciate it, but if not, the Assembly specifically waives review by the Airport Board (CBJ Charter 3.16(c)).

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

Section 1. Classification. Section two of this ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code. Section three of this ordinance is a noncode ordinance.

Section 2. Amendment of Section. Section CBJC 05.01.010, Board of directors, is amended to read:

05.01.010 Board of directors.

1
2 (a) There is established the board of directors of the City and Borough of Juneau
3 International Airport which shall be known as the City and Borough of Juneau International
4 Airport Board (hereinafter referred to as the airport board). The airport board shall consist of
5 seven members appointed by the assembly to serve without compensation for staggered three-
6 year terms. Airport board members shall serve at the pleasure of the assembly. Terms shall
7 commence on July 1.
8

9 (b) No member of the airport board, or member of a board member's immediate family
10 or household, may be employed by the airport. To the extent possible, appointments to the
11 airport board shall include persons having aeronautical, engineering, financial, or other skills
12 relevant to airport matters. No more than three members of the airport board may be a tenant
13 under a lease with the airport, including a subtenant and, or an officer or employee of a tenant
14 under lease with the airport. However, the Assembly—by resolution—and for good cause may
15 temporarily waive the three tenant rule and appoint a fourth tenant.
16

17 (c) Appointments to fill vacancies on the airport board shall be for the unexpired term.
18 In the event a seat has six months or less remaining to the unexpired term, the assembly, at its
19 discretion, may choose to appoint the member to the remainder of the current term as well as to
20 the full term immediately following the expiration date of the unexpired term.

21 (d) No member of the airport board who has served for three consecutive terms or nine
22 years shall again be eligible for appointment until one full year has intervened, provided,
23 however, that this restriction shall not apply:

24 (1) If there are no other qualified applicants at the time reappointment is
25 considered by the assembly human resources committee, or

(2) To qualified board members serving in board seats for which a specific occupation or expertise is set forth by ordinance.

(Serial No. 95-10, § 2, 1995; Serial No. 97-07, § 2, 1997; Serial No. 2004-08, § 2, 3-22-2004; Serial No. 2005-03(d), § 2, 6-13-2005; Serial No. 2005-27, § 2, 10-10-2005; Serial No. 2007-57, § 2, 9-4-2007)

Section 3. Temporary Waiver of the Three Tenant Rule, CBJC 05.01.010(b).

From July 1, 2024, through June 30, 2027, the Assembly may appoint up to four people to the Airport Board that are tenants, including subtenants and officers or employees of tenants because community interest in the Airport Board is low, the governance of the Airport Board works best with all seven positions filled, and the CBJ Conflict of Interest Code provides sufficient safeguards to prevent and enforce any tenant self-dealing.

Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2024.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk