

**ASSEMBLY COMMITTEE OF THE WHOLE  
Work Session**

**Monday, June 26, 2000 p.m.  
Municipal Building - Assembly Chambers**

**MINUTES**

**I. CALL TO ORDER**

Chair MacKinnon called the meeting to order.

**II. ROLL CALL**

Members present: Don Etheridge, Ken Koelsch, Frankie Pillifant, Jim Powell, and John MacKinnon.

Members absent: Tom Garrett, Cathy Munoz, Dwight Perkins, Dennis Egan.

**III. DISCUSSION ITEMS**

*Incarceration Costs and Prosecution Issues.*

*Discussion with Annette Coggins and Domestic Violence Task Force*

Mr. MacKinnon said that following the assembly's decision to give the manager's staff direction to write citations under state law instead of under municipal code with the intent that more of the incarceration costs would be born by the state. This has generated concern with social service providers, including the Domestic Violence Task Force, and this meeting is an opportunity to meet with them and the city attorney for a discussion.

Mr. Corso said that the decision has spurred significant discussion. Mr. Corso and Mr. Palmer have spoken with representatives of social service agencies and the state, as well as city staff, and Mr. Corso feels he has a proposal currently in draft form that may be acceptable to all parties. Mr. Corso read the proposal and handed out copies to the committee members and DVTF members in attendance.

The proposal includes:

- 1) JPD to charge 2<sup>nd</sup> and subsequent DWI offenses under state statute unless preceding conviction is so old that it results in no enhanced sentence – CBJ to prosecute only DWI charges with 3-day minimum sentence.
- 2) All assaults to be charged under CBJ ordinance, with the exception that if assault suspect is on probation due to felony conviction, JPD will charge under state statute.
- 3) Manager proposes FY01 budget reduction for incarceration from \$750,000 down to \$500,000.

- 4) CBJ will cooperate with social service agencies to identify offenders most and least likely to benefit from long jail sentences.
- 5) CBJ will cooperate with social service agencies to seek legislative relief from statewide inequities in law enforcement support.
- 6) CBJ prosecutors will not file petitions to revoke probation due to violations such as NEOC, minor traffic or other actions not directly related to underlying offense or rehab strategy.
- 7) CBJ Law will take an active role in administration of the incarceration budget.
- 8) The District Attorney (DA) and the City Attorney (CA) will cooperate to identify and transfer misdemeanor cases best suited to their particular resources. DA will take cases with significant jail time but moderate prosecution requirements – CA will take cases with moderate prosecution but little or no jail potential.

Jim Powell said that he is concerned that the focus is being placed on cost only, and that the assembly needs information about the effectiveness of the programs.

Frankie Pillifant said she echoes Mr. Powell's concerns and asked if there is sufficient time to implement changes.

Ken Koelsch said that he appreciates Mr. Corso seeking middle ground.

Present at the table to speak to the COW was Annette Coggins, Executive Director of Aiding Women in Abuse and Rape Emergencies (AWARE) and chair of the Domestic Violence Task Force (DVTF), Andy Swanston, Operations Director for Gastineau Human Services (GHS), Greg Pease, Executive Director for GHS, Tamara Hungerford, Advocate at AWARE, and Valerie Kelly, Executive Director, Tongass Community Counseling Center (TCCC).

Annette Coggins said that the DVTF includes Juneau Police Dept., CA, DA, GHS, Department of Corrections, TCCC, AWARE, Juneau Youth Services, Juneau School District, Division of Juvenile Justice, Division of Public Health, Bartlett Regional Hospital, Tlingit and Haida Central Council, Division of Family and Youth Services, Public Defenders, Humane Society and the Alaska Network on Domestic Violence and Sexual Assault. The DVTF supports achieving equity in incarceration costs but not at the expense of local control over prosecution of the crimes. Ms. Coggins said that the DVTF has made significant progress in enhancing communications between all parties in the task force and that Juneau is a leader in providing a model of local coordinated response. She said that the city's recent decision will result in a lack of prosecution of misdemeanors, as the DA's office will not have the resources to prosecute. It also reflects a shift in the treatment of alcoholics and batterers, and will result in less treatment for the offenders and less restitution resources for the victims. She asked the assembly to rescind their previous vote and to work with the DVTF in the future on issues of concern.

Greg Pease said that GHS has current research and data on corrections and incarceration costs, and described their membership in various associations. He referred to a recent report produced by the Criminal Justice Assessment Commission with recommendations for the state's criminal justice system to make the system more cost efficient and effective. The report focuses on "restorative justice" with community and victim restitution. He will provide a copy of the report

to the city. He talked about on-going team efforts to work for improvements in the justice system. Mr. Pease said that the city's recent decision was made with a lack of information and that he is disappointed that city leaders didn't take time to ask questions of people working in the field before making such a rash decision.

Mr. MacKinnon asked GHS what the problem is with what is being proposed, and why won't it work.

Andy Swanston said that in the past two years, CBJ has added a second prosecutor, added a victim-witness coordinator position, built new JPD facilities, put more officers on the street, the assembly has criminalized 6 activities related to DV and Alcohol consumption, and now as of July 1 the city will only have one prosecutor. He doesn't feel the crime rate is going up, but weaker cases are being made stronger. \$22,000 has been collected in fines and restitution, \$13,000 collected in family and child support, \$6,000 in treatment costs, 16 prisoners have obtained GEDs, 34,000 lbs of trash has been collected for Junkbusters, 28,000 hours of community work service was performed at over 56 different sites in the past year. If the city stands with its recent decision, some of this will be decreased. He thinks there is some confusion with the understanding regarding the contracting by the state to GHS. Their costs are fixed, and if they have less misdemeanants, their costs are still the same and the cost per bed day per person will go up. He discussed the economy of scale. Their finances are an open book and they are currently working with JPD regarding the contract. JPD has a difficulty in entering into the negotiations if they don't know what the budget will be for incarceration. He has suggested ways to reduce the per diem cost from \$60.00 a day to \$48.00 a day and other cost reductions. GHS has issued 11 layoff notices due to the city's decision and they have lost 4 employees already. They discussed the community programs they will have to cut back on, including community work service.

Mr. Pease responded to Mr. Powell's question about how the GHS is a preventative program. He said that they focus on education and residents are required to obtain their GEDs if they don't have it. Residents get jobs and provide restitution, and residents obtain treatment for addiction.

Valerie Kelly said that Stanislas County in California provides state driven enforcement and San Joaquin County provides local driven enforcement and the difference is glaring. She said the state driven enforcement does not work, locally driven enforcement does.

Mr. Palmer said that Mr. Corso's proposal will help to reduce current costs and will give the city time to generate more statistical information. He said that he has spoken to Bruce Botelho and Anna Lee McConnell and they want some time to work on the statewide issue.

Mr. Corso said that the actual incarceration expenses in FY00 ran closer to 1 million, that \$750,000 is in the budget for FY01, and that the goal of \$500,000 will be a significant reduction.

Mr. Powell asked for time to step back and work on the proposal rather than adopting it at this meeting. Mr. MacKinnon said he is not ready to adopt it tonight but wants to see more on paper.

Mr. Palmer said his instructions to JPD was to begin issuing state citations on July 1. Ms. Pillifant asked if there was any flexibility with this.

Ms. Coggins and Mr. Swanston discussed the lag time and the possibility of outstanding probation revocations.

Mr. Palmer said that the \$500,000 is a target, that \$770,000 is budgeted and available, and the long range effort is to ratchet down costs. He said the city fully intends to have a contract with GHS, that it is a great operation and he hadn't contacted GHS because he didn't think there would be any empty beds.

Mr. Koelsch said that he supports finding a middle ground and continuing this dialogue.

Donna Pierce and Mr. Pease both stated that at this time GHS will continue to operate with the city on a 30 day contract extension.

Mr. MacKinnon said that he would like to see Mr. Corso's proposal be tried for 90 days and would like updates on how things are working.

Ms. Coggins said that is important to take into account the long term costs of how incarceration happens, and how things can be changed to save money in the future and possibly save lives.

Mr. Swanston says that Mr. Corso's proposal is a good start and that GHS will continue to work with the city.

The meeting recessed at 6:30 pm and was called back to order at 6:35 pm.

#### Passenger Fee Proceeds Committee Recommendations

Committee members present: Rick Kasnick, Harley Clough, Don Habeger, and Lynn Bartlett.  
Absent: Bob Spitzfaden.

Dave Palmer said that the committee worked well together. Each member had their own opinions but there was some consensus. Harbors would like to have a more dependable source of income than is allowed by the ordinance. The funds listed in FY02 are for continuing projects. One change to the list is a switch of funds listed for 30 minute Capital Transit Bus Service for use in matching federal funds for the transit center, anticipating that the 30 minute service will be funded next year in 2001 at the beginning of the season.

Frankie Pillifant discussed funding for the visitor center and partnership possibilities with the Alaska Mental Health Trust regarding the subport property. She is glad that the visitor center doesn't have a specified location.

Don Habeger said that he has been one of the larger dissenters of the list and wants to see the fees

leveraged into G.O. Bonds to do major work in the harbor, including dock dredging, creating tug boat docking area, and making plans for bringing bigger ships in, creating a waterfront corridor, improving the Alaska Steamship Dock and the subport area.

Lynn Bartlett said that she disagrees, and that bigger ships mean more people and until the city has its infrastructure in place then bigger ships are not the answer. She stressed the importance of complying with the ordinance and feels that the list presented by the city manager is fairly balanced.

Harley Clough said that 60% of the fees is not being spend on the waterfront, and that there is no plan in place to rapidly move traffic and people through downtown, which he sees as an ommission on the list.

Rick Kasnick said that there are funds for a port study included. He would like to see the funds used for larger, long term projects rather than small projects that get thrown in because the funding will cover them. He would like to see the city use the fees to leverage bonds for larger projects on the waterfront, and the fees are a way to insure a revenue stream.

Jim Powell commented on the comments and said he supports the development of the waterfront Seawalk as a long term plan.

Mr. Kasnick discussed the plans for the JCVB visitor center.

Mr. Koelsch asked about the process of the creation and comments on the list. Mr. Habeger said that the list was presented to the committee and they have made comments on the list, endorsed some projects and not others. Ms. Bartlett said that follows the enabling ordinance. Mr. Kasnick said that the city departments submitted items, had input into the list.

Mr. Koelsch said that the list is not what he imagined from previous discussions, and there is not a lot of emphasis on developing the Seawalk or any emphasis for acquiring waterfront property in the harbor for future generations. Mr. Habeger suggested that the city purchase the parcel of land next to the downtown parking garage. Mr. MacKinnon said such a purchase would take a couple years of passenger fees. Mr. Koelsch said that there is no direction to do such an acquisition, and that the assembly is stuck with the list for two years, good or bad.

Mr. Palmer said that the list was created with input from the departments to fund ongoing projects that address some need related to the purpose of the ordinance, was to offset impacts. As the long term plans come along, this is a good source of funds for implementing the plans. He feels purchasing land without any plan in mind would be hard to justify in light of the ordinance requirements. Mr. Koelsch disagreed and said a viewplane to the water is extremely important.

Mr. Koelsch asked if there is a balancing act on the committee, to get good representation and prevent a lawsuit. Mr. Palmer said that the committee had individual interests, but worked as a whole as well. Mr. Palmer also pointed out a letter from Page Bridges regarding a letter of

proposal to buy land on South Franklin, which was submitted after the list was made and the meetings were past.

Mr. Koelsch said that if the vendors are going to be on the waterfront, that the visitor center should be on the waterfront too. Mr. Palmer said that there is no location determined yet, if vendors are involved it may need to be on the waterfront.

Mr. Koelsch asked how much of the list presented to the committee has been changed. Lynn Bartlett reviewed her notes. And noted some of the changes. There were \$200,000 in funds in the plan for commercial use trails. The committee decided that the trail project was not far enough along, so the funds were redistributed.

Mr. Koelsch asked the committee how much of the list has been changed due to their input.

Lynn Bartlett as a member of the PRAC agreed to remove \$200,000 from the original list that was earmarked to construct/improve a new trail area for commercial use, as she felt that CBJ is not far enough along in the planning stage to commit funds at this time, so that line item was reduced to \$35,000 for planning money (the \$35,000 was obtained by reducing the cost of the downtown street light project). \$15,000 was removed from FY02 for bicycle racks for downtown. She discussed the 30 minute bus service money of \$150,000 was shifted to the transit center. The committee thought there would only be \$50,000 for flightseeing monitoring matched by federal dollars, however, there is no federal match money available, to the item is now \$100,000, of which \$50,000 was removed from the waterfront vendor customer service project.

Rick Kasnick said that overall he felt pretty good about the project, but that they are trying to look down the road, and their feeling was that the money now is used for projects that can be completed within a year or two. The Harbor Board would like to be able to use the funds for long term, larger projects. The major change he saw was the inclusion of the visitor center in the item of the waterfront vendor customer shelters. A substantial addition is the flightseeing mediation, which is not necessarily harbor related but is an important item.

The assembly discussed flightseeing mediation plans.

Ms. Pillifant discussed direct impacts, associated impacts and mitigation for projects, and based on the intent of the ordinance, she disagrees with some of the list, that some of the projects are not direct impact projects. She agrees with Mr. Koelsch about there is an urgency to obtain and maintain open space on the downtown waterfront. She wants a sustainable tourism plan. Projects not on the list she would like considered is the Outer Point trailhead parking, Salmon Creek Salmon viewing area needs more improvement for safety, and would like some plan for spreading out the traffic congestion in the downtown area.

Mr. Clough said that the visitor center does not have to be connected to the waterfront vendors shelter.



Mr. MacKinnon asked Mr. Palmer about the ordinance requirement for presenting a plan each October in light of the two year project list presented - what will the committee do? Mr. Palmer said he was going to ask the mayor if the same committee can be appointed and can start working earlier in the year - some of the projects are listed over two years as they are big projects - he has no other projects in mind now and thinks it is important to look at the list on a two year basis. Mr. MacKinnon said the ordinance needs to be clarified since the ordinance says the list will be prepared annually, also in light of the harbor board's request to have the ability to use the funds for long range planning. He suggests 1/3 of revenue to ports and harbors projects, so they can sell bonds, do long range planning, 1/3 of money for "hub and spoke" capital projects to deal with impacts - port and non-port, and 1/3 for operation and planning. He said the tonnage fees are slated to expire next year and the harbor need a steady source of income. Mr. Powell agreed with the idea.

Mr. Etheridge agrees with Mr. MacKinnon's ideas and would like to see how tourism can be expanded to the whole area and not all congested into the downtown core.

Mr. MacKinnon thanked the committee for their work and expressed hopes for their reappointment.

Fall Ballot Issues:

Mr. MacKinnon reviewed the ABC list of propositions prepared by Donna Pierce.

Ms. Pierce said there are eight props and there may be ways to combine some to reduce the number. Regarding the 1% tax for the 5 year period and the potential surplus funds after the Bartlett Hospital and School Repair projects, she said estimated costs for a CBJ/School records storage area is \$1.1 million and JDHS renovation funds are \$3.5 million. There is still \$1.1 million left for the ice rink or any project the assembly wants to consider. She discussed combining propositions or separating them in regards to a the ice rink, and said that funds cannot be dedicated to a single purpose or bind future assemblies, so suggested that if the ice rink is to be separated out then it be an advisory vote (contingent on the passage of the 1% tax). Mr. Corso said that a tax can't be created for a sole purpose. Mr. Powell discussed how to set up the ice rink question, and said that the ice rink needs \$1.4 million vs. \$1.1 million, and wants the project completed.

Mr. Koelsch asked where money will come from if the projects (hospital, school, ice rink) go over budget. Ms. Pierce said the numbers for the ice rink are estimates. Engineering said the figures are 30% low if it were a city project, but that the funds assume some participation by the community. There are also likely operating costs in the future. Mr. Powell said that the funds are only to build the facility and the operation will fund itself, with the private sector operating and bringing in revenue, using Anchorage as an example. Mr. MacKinnon reminded the assembly of the original Eaglecrest study which showed it would be a money-maker.

Mr. MacKinnon asked about any bugs in DOE school funding. Ms. Pierce said the statute says the construction projects for state reimbursement be approved by the Commissioner before the

local vote on the projects. Gary Bader said that he understands the \$3.5 million is over and above what is approved by the state, it would be work the CBJ is doing that is not subject to reimbursement by the state. If there was an attempt to take the \$3.5 million and leverage it to a larger amount, then the state statute on reimbursement would apply. At this point that \$3.5 million has not been put in front of the legislature and there would be a bind if the money was used as leverage for other funds because of the statute. Ms. Pierce said that the ballot question does not have to be extremely specific, but be straight with the voters about what the intentions are. Mr. MacKinnon asked if the GO Bond amount could be bumped up from \$7.5 to \$10 or 11 million - Ms. Pierce said no.

Mr. MacKinnon asked to remove Proposition H, regarding the \$3.5 million for school projects for leveraging additional funds, and likes the Treadwell ice arena proposition to be advisory. Mr. Bader agreed that there were problems with Proposition H and not base the ballot on leveraging additional funds.

Ms. Pierce said that work is proceeding on obtaining the Alaska Marine Highway facility near JDHS and the public comment period is open through DNR now. Mr. MacKinnon said that work is also progressing on a new replacement facility at 7 mile Glacier Highway.

## **VII. ADJOURNMENT**

Without objection, the meeting adjourned at 7:00 p.m.

Respectfully Submitted by:

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Laurie Sica, Municipal Clerk

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Date Approved

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