



**PARKS & RECREATION ADVISORY COMMITTEE
MEETING AGENDA
TUESDAY, MAY 4, 2021
5:30 P.M.
ZOOM WEBINAR**

This meeting will take place virtually via **Zoom Webinar**. To join the Zoom Webinar, go to <https://juneau.zoom.us/j/94184441385> or call: 1 253-215-8782. **Webinar ID: 941 8444 1385**. Members of the public wishing to provide public comment during the meeting can do so by clicking the “Raise Hand” button (online Zoom Webinar) or press *9 (telephone).

| Agenda Item | Presenter | Action Requested |
|--|--|---|
| I. Call to Order | C. Mertl | |
| II. Approval of Agenda Agenda Changes | C. Mertl | <i>If no changes: Motion to approve</i> |
| III. Approval of Minutes Meeting of March 2, 2021 | C. Mertl | <i>If no changes: Motion to approve</i> |
| IV. Public Participation on Non-Agenda Items | C. Mertl | |
| V. New Business <i>None</i> | | |
| VI. Unfinished Business <i>None</i> | | |
| VII. Staff Reports Transgender Anti-Discrimination Policy Jensen-Olson Arboretum Update 2021 Trail Mix Projects Montana Creek ORV Update | G. Schaaf G. Johnson R. O’Shaughnessy M. Elfers | |
| VIII. Committee, Liaison, & Board Member Reports Chair Report Liaison to the Assembly Board Member Liaisons Other Board Member Business | C. Mertl Wade Bryson Liaisons All | |
| IX. Adjournment | C. Mertl | |



TO: Parks & Recreation Advisory Committee
FROM: George Schaaf, Parks & Recreation Director
DATE: April 28, 2021
RE: May 4, 2021 Meeting

DIRECTOR'S REPORT

Please find enclosed the information supporting your agenda topics for this meeting. The meeting is anticipated to last 60 minutes and will take place via **Zoom Webinar**. To join the Zoom Webinar, go to <https://juneau.zoom.us/j/94184441385> or call 1-253-215-8782. **Webinar ID:** 941 8444 1385.

NEW BUSINESS - None

UNFINISHED BUSINESS - None

STAFF REPORTS

- A. Transgender Anti-Discrimination Policy** – *Presented by G. Schaaf & J. Nigro [Page 9-19]*
 The Parks & Recreation Department has adopted Policy No. 100-003 regarding Transgender Anti-Discrimination. This policy aligns with CBJ Ordinance 2016-23(d) and Title 41 of the Municipal Code. Our Department is committed to treating all of our staff and patrons with respect and dignity, and I am extremely proud that we have taken steps to formalize this commitment. This policy was proposed by Youth Services Manager Jordan Nigro and Youth Development Program Coordinator Ty Shae.
- B. Jensen-Olson Arboretum Update** – *Presented by G. Johnson*
 Please welcome new Arboretum Manager Ginger Johnson, who will provide an update on activities at the Jensen-Olson Arboretum.
- C. 2021 Trail Mix Projects** – *Presented by R. O'Shaughnessy*
 Trail Mix Executive Director Ryan O'Shaughnessy will provide an update on maintenance and improvements to CBJ trails during the 2021 field season.
- D. Montana Creek ORV Update** – *Presented by M. Elfers*
 Deputy Director Michele Elfers will provide a verbal update regarding ongoing discussions with land management agencies and user groups in the Montana Creek area.
- E. Operations Update** – *Presented by G. Schaaf*

The following summary of projects, programs, and activities over the last month is provided at ^{3 of 19} the request of the Chair:

- **CIP Update** – The Assembly is scheduled to consider the FY2022-27 Capital Improvement Program (CIP) on May 5th, 12th, and 19th. The Assembly is scheduled to vote on the CIP on June 14th.

A number of CIP projects are now underway, including:

- Adair-Kennedy Memorial Park utility upgrades
- Auke Lake Wayside sidewalks and drainage
- Savikko Park ball field drainage

Progress is also being made on planned improvements to Capitol Park and Chicken Yard Park.

- **Amalga Cabin** – Effective April 17th, new reservations for the Amalga Cabin become available every day at 6 p.m. instead of midnight. Reservations can be made up to 90 days in advance, and demand remains extremely strong with most dates taken within one or two minutes.

This summer, we plan to install a larger propane tank that would need to be filled twice a year, instead of every two weeks. Fuel would be delivered by helicopter, significantly reducing the costs and labor involved.

- **Youth Services** – Zach Gordon Youth Center is moving forward with a variety of activities this spring, including Smart Start Soccer and ZGYC Summer Camps. Smart Start Soccer filled up within 17 minutes, and in response to this high demand we doubled the number of spots available; this increased capacity was also booked immediately. Similarly, our summer camps filled up the same day registration opened. All of this illustrates the tremendous popularity of Parks & Recreation’s youth programs, and that we are unable to meet demand with existing resources.

Renovations are continuing at Shéiyi xaat hít (“Spruce Root House”), our new shelter for youth experiencing homelessness. We are in the process of hiring and training staff, and hope to open the facility in June. Zach Gordon Youth Center accepted an \$8,500 grant from Rotary Interact, as well as a major grant from the Juneau Community Foundation.

- **Community Recreation Programs** – Parks & Recreation partnered with Juneau Education Association (JEA), Juneau Public Libraries, and Sealaska Heritage Institute to bring StoryPath to Juneau’s trails. Three books illustrated by Caldecott Medal winner Michaela Goade were featured on three separate CBJ trails in March and April. Michaela’s Tlingit name is Sheit.een and she is of the Kiks.ádi Clan (Raven/Frog) from Sheet’ká. Each StoryPath featured large, laminated pages of the story that you could read as you walked the trail.

Building on the success of “Walk Southeast” last year, we are expanding this offering in 2021 through a partnership with Alaska Airlines, Petersburg Parks & Recreation, and Wrangell Parks & Recreation. Alaska Airlines is providing the grand prize by matching every mile walked (up to 25,000 miles) with Alaska Airlines miles. Everyone who walks

150 miles or more will be entered to win the Southeast Alaska drawing, there will also^{4 of 19} be a local drawing for the community which includes merchandise and gear from NAO and Trail Mix, as well as a one night stay at the Amalga Cabin.

The joke hotline has been making people laugh all across the country for one full year, but sadly we hung up the line on April 30, 2021. The Joke Hotline received national attention during the early months of the pandemic, including an appearance on NPR's Weekend Edition. Our corny jokes have also been featured on daily radio shows from North Dakota to Louisiana. Big thanks to our dedicated volunteers for making folks laugh all year long!

- **Treadwell Arena** – Treadwell Arena closed for the season on April 25. For a significant portion of 2020, Treadwell Arena was the only ice rink open in Alaska, and our staff did a tremendous job making sure that the doors stayed open and everyone stayed safe. The ice will return in July.
- **Aquatics**
The Aquatics Board is moving forward with proposed regulations for commercial use. The proposed regulations are modeled on the existing process for parks and trails, and will enable private swim instructors to continue operating legally in Juneau's pools. The proposed regulations will be available for public comment later in May.

The Aquatics Division is also working with CBJ Engineering on a project to repair the pool deck at the Dimond Park Aquatic Center. Due to problems during construction, the pool deck is slippery and unsightly. Options being considered include a textured composite tile that would not only improve traction and safety, but also complement the facility's color scheme.

- **Dimond Park Field House** – The Dimond Park Field House has been formally transferred to the City & Borough of Juneau. Eaglecrest will continue to operate the facility until July 1, 2021, at which time all operations will move to Parks & Recreation. Existing employees will be offered an opportunity to transfer from Eaglecrest to new positions with Parks & Recreation effective July 5, 2021.



PARKS & RECREATION ADVISORY COMMITTEE

TUESDAY, MARCH 2, 2021 – 5:30 PM

Zoom Webinar

I. Call to Order at 5:30 p.m. – C. Mertl, Chair

Present: Josh Anderson, Alex Beebe-Giudice, Edric Carrillo, Ron Crenshaw, Kirk Duncan, Chris Mertl, Will Muldoon

Absent: None

Staff Present: George Schaaf, Director; Michele Elfers, Deputy Director; Lauren Verrelli, Staff Liaison

II. Agenda Changes – None

III. Approval of Meeting Minutes –

A. From December 1, 2020 – J. Anderson moves to approve minutes; no objection.

Minutes adopted.

B. From January 5, 2021 – J. Anderson moves to approve minutes; no objection. ***Minutes adopted.***

C. From February 2, 2021 – J. Anderson moves to approve minutes; no objection. ***Minutes adopted.***

IV. Public Participation on Non-Agenda Items – None

V. New Business –

A. 2020 Annual Report

C. Mertl: Included in your packet is our 2020 Annual Report

No changes; 2020 Annual Report forwarded to HRC.

B. Fish Creek Park Habitat Improvements

John Hudson: I am a restoration biologist with the Southeast Alaska Watershed Coalition (SAWC). We cultivate partnership to help communities steward their watersheds through participator projects, research and learning. Here to discuss a collaboration on habitat and recreational improvements at Fish Creek Park located in North Douglas. Over the years, historic dredging has affected the estuary with consequences for fish, wildlife and recreation opportunities. Current existing conditions for the northeast pond include low habitat complexity due to steep shoreline and very little vegetate littoral zone. Most importantly, there is an eroding dike issues so we do not expect the northeast pond to be around very long. Existing conditions in Fish Creek, is constrained and held in place by the dikes. It is a decent habitat for fish but could be a lot better. The southeast pond was breached in the 80s after a storm and is now connected to the ocean and floods on a daily basis. DIPAC uses it as a king salmon terminal fishery though the pond is poor in habitat value. These impacts offer many opportunities to not only restore fish and wildlife habitat but to do so in a way to improve recreational values and opportunities in the park. We can create accessible and productive coho rearing habitat, restore estuary habitat, preserve existing toad breeding and rearing habitat, enhance

instream habitat and enhance existing and create new recreation opportunities/infrastructure. So the next steps are engaging the public and getting their thoughts/ideas and gather funding.

E. Carrillo: What is the timeline and how do you plan to secure funding?

John Hudson: We have received generous funding from the US Fish & Wildlife Service and will get additional funds soon, including other grant opportunities. For the timing, planning to be completed this year and taking the next step next year.

J. Anderson: What is going to happen with the pond where everyone fishes?

John Hudson: We do not have intentions in modifying the SE pond where the terminal fishery is located.

J. Anderson: I move the PRAC recommend that the Department cooperate on a master planning process and future design development planning with the Southeast Alaska Watershed Coalition to improve fish and wildlife habitat at Fish Creek Park.

Motion passes unanimously.

C. Glacier Valley Rotary Club Proposal for Riverside Rotary Park

M. Elfers: Glacier Valley Rotary Club has proposed constructing a new picnic shelter at Riverside Rotary Park, relocating the existing shelter and improving the 9/11 memorial. They are proposing relocating the existing shelter to the other side of the playground and then purchasing and installing a new Icy Strait shelter that is 20 by 40 feet. They also would like to build the wall around the 9/11 memorial. The estimated project budget is \$90K and they are requesting the city support this project with \$35K. Staff supports the request for funding and which will come from our Parks & Playground CIP.

E. Carrillo: I would like to volunteer with the build.

R. Crenshaw: I move the PRAC recommends that the department partner with the Glacier Valley Rotary Club to improve the park shelters and 9/11 memorial and fund \$35,000 of the required work.

Motion passes unanimously.

Traci Gilmour (River Ct. Way): Will there be increased parking? This is a beautiful thing you'll be adding.

M. Elfers: The master plan does call for parking but parking will not be part of this phase. We do have funding in our 6-Year CIP for it down the line.

VI. Unfinished Business – None

VII. Information Items –

A. ORV Working Group Update

M. Elfers: I want to give an update on the Off-Road Vehicle Working Group, which the staff has been working on with user groups. There is a lack of riding areas for ORVs in Juneau and for the last 20 years, there have been various efforts to identify and evaluate lands for riding. Most recently, there have been conflicts at Montana Creek area between motorized and non-motorized users. With the groups, we created the goal to identify ORV riding sites, create sustainable management structure, support safe riding and build durable infrastructure that protects the natural and built features of the facilities. The working group is not performing comprehensive evaluations of many sites since this has been done before. The user groups involved are Juneau Douglas

Motocross Association, Southeast Jeep Club and Juneau Off-Road Association and the land agencies include CBJ and Goldbelt. The user groups are educating the working group and community on needs, outreaching to members and the riding community and leading the effort on site investigation and planning. The land agencies are facilitating partnerships, discussions and guiding the process. Some of the sites that have been discussed are the 35-mile parcel for trail riding (CBJ land but not parkland), Montana Creek area for trail riding (SOA land), S&S Pond Lemon Creek (private land), the sand and gravel pit behind Home Depot (CBJ land but not parkland) and other privately owned lands. There are different types of facilities user groups are interested including backcountry trail riding, riding park with track and features for motocross and a riding park for 4-wheeler use with features and play area.

Ursula Jones (Goldbelt): I am the land manager for Goldbelt Inc. We own over 1000 acres out at Echo Cove that extends to Cascade Point. In recent years, there has been many interactions with ORV and we want to be part of this process to help relocate these folks so they have a good place to ride. AF&G will be adding two tributaries for fish at Davies Creek, which is used as an ATV crossing and will need to stop.

R. Crenshaw: Is Goldbelt willing or able to contribute money to this riding area?

Ursula Jones: We do not have a grant program but I can see if we could get some kind of funding from our board.

J. Anderson: What are the next steps for the ORV working group?

M. Elfers: We will continue to meet and talk about the considerations mentioned. Parks & Recs role is to facilitate the desire of the user groups.

B. Montana Creek Recreation Area Master Plan

M. Elfers: We are looking at working on a master plan for recreation in the Montana Creek Area. We do not have adequate infrastructure in the Montana Creek area to support all the uses that we have out there. The land ownership and management is complicated; City land is a gateway from Montana Creek Road into State and Federal land. We need a master plan to look at management and infrastructure of the area. We have been talking to Trail Mix, Forest Service and will be talking to the state to get the landowners involved. There has been a lot of enthusiasm. The process would look like community engagement throughout the summer into fall to understand existing usage and then move into conceptual design planning. Talking to the Forest Service, they do not think funding would be a problem for a lot of these improvements.

R. Crenshaw: Will Parks & Rec take the lead on the planning process?

M. Elfers: It is not decided yet; but we are thinking that Trail Mix would be great.

R. Crenshaw: It seems to me that an agency should take the lead. It concerns me that Trail Mix does not have the staff.

Fred Hiltner (N. Douglas): As a board member, JNSC had introduced a good steward agreement but talks have broken down. Safety standards for all users have not been reached. Recently, the Hank Harmon parking lot suddenly cannot be used for parking which is an issue in the area. I would like to propose to share that parking space.

M. Elfers: We are currently in talks with the JNSC and Hank Harmon Public Range.

C. Operations Update

G. Schaaf: *Can be found in the [director's report](#).*

VIII. Committee, Liaison, and Board Member Reports

A. Chair Report— Thank you to Tom Rutecki and Emily Palmer for their service on the board.

B. Liaison to the Assembly Report— Bond packages have been passed and will be sold locally. There will be a boards training March 18 & 20.

C. Liaison Reports—

Aquatics – W. Muldoon: Pools are going really well; starting to work on commercial activities again.

YAB – J. Anderson: Public attend meeting to learn about changes to YAB grant application.

Eaglecrest – VACANT

Jensen-Olson Arboretum— E. Carrillo: Welcomed Ginger Hudson, new arboretum manager; improvements to manager residence and continued discussion on commercial use.

Lands – C. Mertl: None.

Park Foundation— C. Mertl: Discussed ways JPF can be involved in Capital School Park redesign; working on challenge grants with neighborhoods.

Treadwell Arena Board – K. Duncan: None.

Trail Mix— R. Crenshaw: Currently hiring for summer season, over 75 applicants so far; season starts May 3 through end of August.

1% for Art— J. Anderson: None.

Other Member Business –

W. Muldoon: Thanks to Michele for taking care of the lighting issue at Lemon Creek.

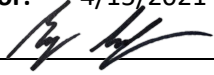
Adjournment – 7:07 p.m. *Having no other business before the board.*

Respectfully submitted by Lauren Verrelli, Recreation & Public Services Manager, 3/8/2021



CITY & BOROUGH OF JUNEAU

PARKS & RECREATION DEPARTMENT POLICY MANUAL

| | | |
|---|---|--|
| Policy No. 100-003 | Title: Transgender Anti-Discrimination | |
| Date Reviewed by PRAC: 5/3/2021 Date Approved by Director: 4/15/2021 Director Signature:  | Last Reviewed: 4/15/2021 | |
| CBJ Code / Regulation: CBJ 41.05 | Other Reference: CBJ Ordinance 2016-23(d) | |

PURPOSE: To ensure patrons and staff of diverse gender identity and/or expression are treated with respect and provided with a safe space in our services.

POLICY: Staff and patrons should be treated according to their self-identified gender. A person's gender identity is defined as a person's internal sense of being a man, woman, or something other, regardless of their sex assigned at birth. Discrimination of any kind is not acceptable, including but not limited to intentional misuse of name or pronouns and restricted access to gender specific facilities or services. People are who they say they are.

SCOPE: This policy applies to use of all Parks and Recreation facilities and participation in all Parks and Recreation programs.

PROCEDURE:

Privacy

Transgender patrons or staff have the right to speak freely about their identity or choose to keep it confidential. Staff should not disclose information that may reveal a person's transgender identity to other staff or patrons. If staff feel it is necessary to disclose this information, they must consult with their supervisor first.

Staff and patrons should never be required to provide proof of their gender identity or transgender status to access gender-specific facilities or participate in gender-specific programming. Gender identity is determined by the individual and does not depend on whether or not they have had surgery or other medical treatments.

Names and Pronouns

Parks and Recreation staff will use names and pronouns requested by staff or patrons, this includes gender neutral pronouns such as they/them. It is important to note that a person's gender identity or name may change and thus pronouns and names used by staff are expected to change to meet the individual's request. An individual's name should be updated in registration systems and any other places it may appear, whenever possible. Proof of a legal gender marker or name change is not required.



CITY & BOROUGH OF JUNEAU

PARKS & RECREATION DEPARTMENT POLICY MANUAL

Bathrooms

Whenever possible, all-gender bathrooms that lock will be available to staff and patrons and will be identified with signage stating that they are open to all genders.

Patrons and staff may use the bathroom that matches their self-identified gender or the bathroom they feel the safest using.

Locker Rooms

Patrons and staff may use the locker room that matches their self-identified gender or the locker room they feel the safest using.

All-gender team locker rooms may be available for certain events.

24 Hour Care or Overnight Programming

As Parks and Recreations only 24 hour facility providing residential care, youth sleep at Sheiyi Xaat Hit. Rooms are single occupancy and wings may be divided by gender or mixed gender depending on need.

Gender non-conforming youth may sleep in whichever wing feels safest to them. They will also be offered a room closest to staff supervision if this helps them to feel safe.

A confidential Gender Support Plan will be available for gender non-conforming youth at the shelter.

Staff who refuse to comply with any aspect of this policy may receive corrective action up to and including termination. Patrons who refuse to comply with this policy may be asked to leave the facility or program.

Presented by: The Manager
Introduced: 06/13/2016
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-23(d)

An Ordinance Amending the City and Borough of Juneau Code to Add a New Title on Equal Rights.

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

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

Section 2. New Title. A new title is added to the City and Borough of Juneau Code, entitled: Title 41 - Equal Rights, to read:

Title 41

Equal Rights

41.05.005 Policy.

It is the policy of the City and Borough of Juneau to eliminate unlawful discrimination based on race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin. Such discrimination poses a threat to the health, safety and general welfare of the citizens of the City and Borough.

41.05.010 Discrimination in employment.

- (a) It shall be a prohibited discriminatory employment practice:
 - (1) For an employer to fail or refuse to hire, to discharge, bar from employment, or otherwise to discriminate against any individual with respect to compensation or the terms, conditions, or privileges of employment because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin;
 - (2) For a labor organization to exclude or expel from membership, or otherwise to discriminate against any applicant or member, because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin of any applicant or member;

- (3) For an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against any individual because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin of said individual;
- (4) For an employer, labor organization, or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement, or publication, or to make any inquiry in connection with prospective employment, which expresses directly or indirectly a preference, limitation, specification, or discrimination because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin, unless based upon a bona fide occupational qualification;
- (5) For an academic, professional or vocational school to exclude or expel from enrollment, or otherwise to discriminate against any applicant or student, because of the student's race, color, religion, familial status, disability, sexual orientation, gender identity, gender expression, or national origin;
- (6) For an academic, professional or vocational school to print or circulate or cause to be printed or circulated, a statement, advertisement or publication, or to use any form of application for admission to said school, or to make any inquiry in connection with prospective enrollment in said school, which expresses directly or indirectly a preference, limitation, specification, or discrimination because of race, color, religion, sexual orientation, gender identity, gender expression, familial status, disability, or national origin;
- (b) Nothing in this chapter shall be interpreted to require an employer, employment agency, labor organization, or joint labor-management committee subject to this ordinance to grant or accord preferential treatment to an individual or group because of the race, color, religion, sexual orientation, gender identity, gender expression, familial status, disability, or national origin of such individual or group because of an imbalance that may exist with respect to the total number or percentage of persons of any race, color, religion, sexual orientation, gender identity, gender expression, familial status, disability, or national origin employed by an employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by a labor organization, or admitted to or employed in an apprenticeship or other training program in comparison with the total number or percentage of persons of such race, color, religion, sexual orientation, gender identity, gender expression, familial status, disability, or national origin in this community or in the available work force in this community.

41.05.015 Discrimination in the provision of housing or realty.

- (a) It shall be a prohibited housing or realty practice:
- (1) For a person, including a banking, money lending, credit securing or other financial institution, or an officer, agent or employee thereof, to discriminate against an individual because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin, with respect to the granting or

withholding of credit or financial assistance, or modifying of rates, terms, conditions, privileges or other provisions of credit or financial assistance, in connection with the transfer or prospective transfer of any interest whatsoever in realty, or in connection with the construction, repair, improvement, or rehabilitation of realty;

(2) For a real estate broker, salesperson, or agent, or an employee thereof, or any other person seeking financial gain thereby, directly or indirectly to induce or solicit, or attempt to induce or solicit, the transfer of any interest whatsoever in realty, by making or distributing, or causing to be made or distributed, a statement or representation concerning the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin;

(3) For a person to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate the sale or rental of, or otherwise make unavailable or deny a dwelling to a person because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, national origin;

(4) For a person to discriminate against another person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, national origin;

(5) For a person to make, print, or publish, or cause to be made, printed, or published a notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, national origin, or an intention to make any such preference, limitation, or discrimination;

(6) For a person to represent to another person because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, national origin that a dwelling is not available for inspection, sale, or rental when such dwelling is, in fact, available for such purpose; and

(7) For a person to deny another person access to or membership or participation in a multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against another person in the terms or conditions of such access, membership or participation on account of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin.

(b) For purposes of this section, with respect to persons with disabilities, the term prohibited discriminatory practices includes:

(1) Refusal to permit, at the expense of a person with a disability, or another person on behalf of a person with a disability, reasonable modification of existing premises occupied

by or to be occupied by the person with disabilities if the modification may be necessary or desirable to afford the person with a disability full enjoyment of the premises, except that, in the case of a rental unit the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; and

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when accommodation may be necessary to afford the person an equal opportunity to use and enjoy a dwelling.

41.05.020 Discrimination in public accommodations.

It shall be a prohibited discriminatory public accommodation practice for any person, including any owner, lessee, manager, proprietor, custodian, agent, or employee of a place of public accommodation to discriminate against any individual because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin, with respect to the terms, conditions, and privileges of access to or with respect to the uses, services, and enjoyment of a place of public accommodation.

(b) To publish, circulate, issue, display, post, or mail a written or printed communication, notice, or advertisement that states or implies

(1) that any of the services, goods, facilities, advantages, or privileges of the public accommodation will be refused, withheld from, or denied to a person of a certain race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin; or

(2) that the patronage of a person belonging to a particular race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin is unwelcome, not desired, or solicited.

(c) Notwithstanding (a) of this section, a physical fitness facility may limit public accommodation to a single gender to protect the privacy interests of its users. Public accommodation may be limited under this subsection only to those rooms in the facility that are primarily used for weight loss, aerobic, and other exercises, or for resistance weight training. Public accommodation may not be limited under this subsection to rooms in the facility primarily used for other purposes, including conference rooms, dining rooms, and premises licensed under AS 04.11. This subsection does not apply to swimming pools or golf courses.

41.05.025 Lawful practices.

(a) Nothing in this chapter shall be construed to preempt federal law with respect to a federally recognized Tribe granting preference in employment or housing to Tribal members.

- (b) The provisions of 41.05.015(a)(3) shall not apply to rental of a room or rooms in a dwelling unit actually occupied by the owner or lessee as the owner's or lessee's residence, or actually occupied by a member of the owner's or lessee's immediate family as the family member's residence. For purposes of this section, "immediate family member" means the owner's or lessee's spouse, minor child, dependent, or a regular member of the owner's or lessee's household, provided that the owner or lessee rents not more than three rooms within the residence.
- (c) The provisions of 41.05.015(a) and 41.05.025 regarding age and familial status shall not apply with respect to housing for older persons.
- (d) Nothing in this chapter prohibits a religious organization, association, or society, or a nonprofit institution or organization operated, supervised, or controlled by a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such a person. Neither shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for club purposes and not for profit, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (e) This chapter shall not apply with respect to the employment of individuals whose positions would fall within the "ministerial exemption" as described by the United States Supreme Court in *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 132 S.Ct 694 (2012).
- (f) Nothing in this chapter shall be construed to diminish the protections afforded employees of the City and Borough of Juneau under CBJ 44.05.020.
- (g) Notwithstanding the prohibition against employment discrimination on the basis of familial status under CBJ 41.05.010,
- (1) an employer may, without violating CBJ 41.05.010, provide greater health and retirement benefits to employees who have a spouse or dependent children than are provided to other employees;
 - (2) a labor organization may, without violating CBJ 41.05.010, negotiate greater health and retirement benefits for employees of an employer who have a spouse or dependent children than are provided to other employees of the employer.
- (h) Nothing in this chapter shall prohibit the establishment of a same-sex shelter or residential facility for the care and lodging of persons in need of special medical, rehabilitative, social, or psychological support, including, but not limited to: emergency shelters for victims of domestic violence and sexual assault; half-way houses; drug treatment centers; detoxification facilities; and shelters for the homeless, provided that such establishment does not discriminate based on race, color, age, religion, familial status, disability, sexual orientation, gender identity, gender expression, or national origin.

(i) It shall not be an unlawful practice for any financial institution or other commercial institution extending credit from engaging in any practice permitted by federal statute or regulation applicable to financial or credit transactions of the same character as those covered by CBJ 41.05.015(a)(1).

41.05.030 Unlawful intimidation or retaliation.

It shall be a prohibited discriminatory practice for a person, directly or indirectly, to discriminate, coerce, intimidate, threaten, interfere with, or retaliate against a person because the person has:

- (1) opposed any practice made unlawful by this chapter; or
- (2) exercised the person's rights, or encouraged another to exercise his or her rights under this chapter.

41.05.035 Aiding, abetting, or coercing a violation.

It is unlawful for any person to aid, abet, incite, compel, or coerce the doing of an act forbidden under this chapter or to attempt to do so.

41.05.040 Cause of action.

(a) A person aggrieved by a discriminatory practice prohibited under this chapter may, within 300 days of any violation of this chapter, petition in court to enjoin a violation of this chapter or seek remedy for a violation.

(b) Remedy may include such relief as the court deems just and proper, and may include one or more of the following:

- (1) requiring training concerning discriminatory practices;
- (2) an accommodation for a person with a disability;
- (3) removal of or changes to a personnel record;
- (4) posting of signs;
- (5) back pay;
- (6) the hiring, reinstatement, or upgrading of an employee with or without back pay;
- (7) the payment of front pay for a period of not more than one year if hiring, reinstatement, or upgrading of an employee is inappropriate because a vacancy does not exist, the employer's discriminatory practice rendered the employee incapable of returning to work, or the relationship between the employer and employee has so deteriorated as to make working conditions intolerable;

- (8) restoration to membership in a labor organization;
 - (9) admission to or participation in an apprenticeship training program, on-the-job training program, or other retraining program;
 - (10) restoration of seniority;
 - (11) the sale, lease, or rental of the housing accommodation to the aggrieved person if it is still available, or the sale, lease, or rental of a like accommodation owned by the respondent if one is still available, or the sale, lease, or rental of the next vacancy in a like accommodation, owned by the respondent; and
 - (12) actual damages incurred as a result of the unlawful practice or violation.
- (c) An order for back pay or front pay under (b)(5)-(7) of this section must be reduced by the amount the employee could have earned or could earn by making reasonably diligent efforts to obtain similar employment.

41.05.045 Definitions.

For purposes of this chapter:

Disability means, with respect to a person:

- (1) a physical or mental impairment which substantially limits one or more of a person's major life activities;
- (2) a record of having such impairment; or
- (3) being regarded as having such an impairment. "Disability" does not include current, illegal use of or addiction to a controlled substance in violation of applicable state law. However, a person may be considered to be disabled if that person:
 - (A) has successfully completed a supervised drug rehabilitation program, and
 - (i) is no longer engaging in the illegal use of a controlled substance;
 - (ii) is not currently addicted to a controlled substance; or
 - (iii) has otherwise been rehabilitated successfully and is no longer engaging in use of a controlled substance and is not currently addicted;
 - (B) is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or

(C) Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

Employer includes any person who employs four or more persons exclusive of that person's parents, spouse or children.

Employment agency includes any person undertaking for compensation to procure opportunities to work or to procure, recruit, refer or place employees.

Familial status means marital status, changes in marital status, pregnancy, or parenthood.

Financial institution means bank, banking organization, mortgage company, insurance company, investment company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of or as agent of any of these.

Gender identity means a person's gender-related self-identity appearance, expression, or behavior, regardless of the person's assigned sex at birth. A person's gender identity may be shown by evidence of medical history, care or treatment of the gender identity, consistent and uniform assertion of the gender identity, or other evidence that the gender identity is sincerely held, core to a person's gender-related self-identity, and not being asserted for an improper purpose.

Gender expression means the external appearance of one's gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Housing for older persons means housing:

- (1) provided under any state or federal program that the Secretary of the United States Department of Housing and Urban Development has determined is specifically designed and operated to assist elderly persons;
- (2) intended for, and solely occupied by, persons 55 years of age or older; or
- (3) intended and operated for occupancy by at least one person 55 years of age or older per unit.
- (4)

Individual means one or more individuals.

Labor organization includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.

National origin includes ancestry.

Person includes one or more individuals, partnerships, associations, unincorporated organizations, corporations, mutual companies, joint-stock companies, legal representatives, trusts, trustees, trustees in bankruptcy, and receivers.

Place of public accommodation means all places or businesses offering or holding out to the general public services or facilities for the comfort, health and safety of the general public, including public places providing food, shelter, recreation and amusement.

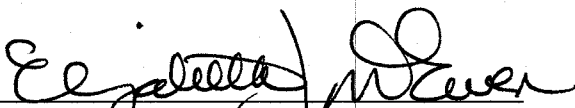
Sexual orientation means actual or perceived heterosexuality, homosexuality, bisexuality, or asexuality.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 22nd day of August, 2016.


Kendell D. Koelsch, Mayor

Attest:


Elizabeth J. McEwen, Deputy Clerk