GREATER JUNEAU CHARTER COMMISSION
R.R. 1, Box 1416
Juneau, Alaska
99801

AGENDA

Date: January 7, 1969

CALL TO ORDER

ROLL CALL

MINUTES
Sept. 17, 1968
Oct. 8
Oct. 15
Oct. 29
Nov. 7

Public Hearings: Douglas, Nov. 19
Auke Bay, Nov. 21

CORRESPONDENCE

REPORTS

STYLE AND DRAFTING

Minutes of the meeting of the Greater Juneau Charter Commission
Held January 7, 1969
Meeting #35 (Special)

Chairman Pat Loken called the special meeting to order of the Greater Juneau Charter Commission in the Borough Offices at 8 o'clock p.m. on January 7, 1969. The following roll was taken:

Present	Absent
Ron Saroff	Don Craddick (excused)
Larry Parker	Allan Engstrom (excused)
Mike Grummett	
Guy Russo	
Don Halsted	
Greg Machyowsky	
Virginia Kline	
Jim DeHart	
Pat Loken	

Minutes presented and corrected as follows:

September 17, 1968:

Page 3 in two places the word "law" is spelled with an "s".

Minutes approved as corrected.

October 8, 1968:

The last two sentences of point three on page 1 were questioned by Mr. Machyowsky and he wondered if these were correct statements of what the bonding attorney advised. Chairman Loken said they did point out the fact that state law requires a vote on revenue bonds. Mr. Machyowsky said if no one else felt it was an erroneous statement, he would withdraw the correction.

Page 2, point five - typographical error "... happened to bring this up at their meeting ..."
Point six -- the first phrase "unless authorized", after the word "contracted" should be stricken.
Two lines up, the word "loans" is misspelled.

Item 22, at the end of the first line, the word should be "bonds".

Page 11, point 81, the sentence in the middle of the paragraph, beginning, "There is another provision in the same article of the Constitution which authorizes, etc ..." Strike that sentence and replace with the following: "There is another provision in the same article of the Constitution which authorizes this kind of debt, only refers to it as debt incurred in anticipation of revenues, not taxes." (Making the meaning of what was being pointed out clearer.)

Paragraph 101, correct second sentence, "Mr. Machyowsky stated it raises a Constitutional question, etc. ..." -- strike that

sentence, and substitute therefor: Mr. Machyowsky stated it raises a drafting question of whether we are authorizing something without giving formal requirements." And add the following: "In addition, the previously discussed Constitutional question remains."

Mrs. Kline questioned the spelling of Mr. Machyowsky's name, to which he answered he preferred it with a "y" (however, the secretary is still not sure of the correct spelling and where the "y" goes).

Minutes adopted as corrected.

October 15, 1968:

Page 8, paragraph 32, fifth line down, "reducing the quorum by one-half" should read: "reducing the quorum by one-half of a vote".

Minutes approved as corrected.

October 29, 1968:

Page 2, paragraph 2, third sentence, the word "alternative" should have an "s" on it.

Page 4, paragraph 12, fourth line, should be "the bonds" instead of "tax bonds".

Page 10, first paragraph, fifth line up from botton should be "reaffirm" rather than "refirm".

Minutes approved as corrected.

November 7, 1968: Approved as submitted.

Chairman Loken said there were two sets of minutes of public hearings and asked if the commission wished to accept or approve these minutes. (There was discussion between Mr. Machyowsky, Chairman Loken and the secretary as to how the minutes were transcribed and whether or not they are verbatim.)

*** Mrs. Kline moved the minutes of public hearings be approved.

*** There being no objection to approving these minutes the motion carried.

Minutes of Douglas hearing of November 19, 1968:

Mr. Machyowsky felt it necessary that a note be added to these minutes that they are not verbatim statements -- that these are summaries of the remarks of the speakers and not in all cases verbatim remarks.

There being no further remarks, the minutes were accepted as submitted.

November 21, 1968, at Auke Bay Elementary School:

> Page 7, toward the bottom of what Mr. Saroff is saying, "no" should be changed to "not"; in the last line the word "be" should be inserted between "would" and "equipment".
>
> Paragraph 2, the first three words should be "for better or for worse".

Accepted as corrected.

Chairman Loken called for Mr. Saroff's report.

Mr. Saroff advised the commission that while in New York he took copies of the municipal borrowing article to two main firms; first to Mr. Paul Tracy with the municipal bond division of the First National City Bank of New York and asked him to look at the article and give the market opinion on it. He actually deals with selling municipal bonds, etc. The way it stands right now, he is going to send a letter based upon his reading of the article, but his snap judgment was that the article looked okay to him. The second individual was a partner of a well-known Wall Street bond house known as Reed, Hoyt, Washburn & McCarthy, which does bond work all over the country. He had a very close look at it from a legal, bond counsel point of view and he also saw no problems with the article. He is willing to give us a formal opinion but if so he wants us to give him a copy of the Constitutional minutes, House Bil 134, and also a copy of the case Lean v. Ketchikan. Both were asked if the article looks okay to them, and because of our home rule characteristics up here, do we have to have all that is now in it. In general their attitude was keep it as it is. (There was no cost involved.)

Chairman Loken stated she had a letter from Dick Forrest asking for another public hearing after we have completed the final charter and it is ready for the vote. She called for any other correspondence.

Mr. Machyowsky pointed out that letters had also been received from Mrs. Vivian Hegg and Mr. Jim Rhodes; Chairman Loken agreed, and said also from Wood, King, Dawson, Love & Sabking.

Chairman Loken then directed that the style and drafting committee report continue.

Mr. Saroff, as a point of procedure, stated that he was not at the last meeting, but he understands that the commission as a whole went over the style and drafting draft paragraph by paragraph, sentence by sentence and word by word and accomplished a total of six pages. He did not feel this was a very sensible procedure and it would seem the sensible way would be to read the draft before the meeting and then present their views and comments at the following meeting.

Chairman Loken said she would to defer to advice of Mrs. Kline in view of the fact that she (Chairman Loken) had not seen the draft until tonight and will have to spend some time looking it over.

Mrs. Kline thought that each charter commission member should read his copy of the report, compare it with the original and see if he has any objections; if so, bring them to the following meeting.

Chairman Loken stated that she would assume this should have been presented as they have been presented before, and that is read right through with no comment at all except clarification, which is what has been done with every other draft, then come back the following meeting with comments.

Mrs. Kline pointed out that it was not new contents, and that this was a committee decision, feeling that it should go over the report at the meeting.

Mr. Machyowsky inquired as to how many articles or what articles are covered in the report.

Mrs. Kline thought six, but they had been renumbered -- Article II, Assembly; Article III, Executive; Article IV, Legislation; Article V, Elections; Article VI, Initiative and Referendum; and Article VII, Recall.

Mr. Saroff stated he was a member of the style and drafting committee and there were three on the committee. Two had a meeting and did work which he presumes is valid and would be brought before the commission; presuming this is the way it works. He asked confirmation, stating they had a few more articles to go.

Chairman Loken said we certainly could not wait for the third member. She asked the permission of the charter commission to refer the charter, from style and drafting viewpoint only, to Mr. Av Gross.

Mr. Russo objected.

Chairman Loken said she would like a motion to this effect, whereupon
*** Mr. Saroff moved that Av Gross be retained to assist the style and drafting committee in finishing the style and drafting work.

Chairman Loken explained that we are short one attorney now, and she had been unable to get any other member of the charter commission with legal background who has the time to go over this with the committee, which leaves the committee without any legal assistance.

Motion seconded by Mr. Grummett.

Mr. Machyowsky felt terms of compensation should be determined. If our original schedule is to be met, it would be more expeditious to have this staff help.

There was considerable discussion between Mr. Machyowsky and Mr. Saroff as to the help to be rendered and the manner it is to be handled, the necessity or desirability of summarization of changes, etc.

Chairman Loken stated that if the approval of the commission is received to ask Mr. Gross to work with the style and drafting committee, they, with suggestions from the commission, can work out an efficient way to accomplish the desired end.

There was considerable discussion as to whether or not the idea of referring this task to an attorney or a firm of attorneys was necessary and practical; how the determination of which person or firm should be contacted is to be made; whether or not the bar association should be contacted; the time element involved in getting style and drafting committee work accomplished, etc.,etc.

The following motions were made in this regard:

*** Mr. Russo moved to amend the motion to change the name from Gross to Doug Gregg.

Seconded by Mr. Parker.

For	Against
Halsted	Machyowsky
Russo	Grummett
Parker	Kline
	Saroff
	DeHart
	Loken

*** Motion fails. (Amendment thereto.)

Vote now taken on original motion:

For	Against
Machyowsky	Kline
Grummett	Halsted
Saroff	DeHart
Loken	Russo
	Parker

*** Motion fails.

*** Mr. Machyowsky moved to retain an attorney from every law firm in town to prepare and submit a proposed legal form for the charter.

Seconded by Mr. DeHart.

For	Against
Machyowsky	Kline
Grummett	Saroff
DeHart	Halsted
Parker	Russo
Loken	

*** Motion fails.

*** Mr. Machyowsky moved to retain Mr. Gregg. Mr. Russo pointed out that that motion had been made and defeated.

*** Mr. Machyowsky moved we retain Mr. Gregg's firm, or in the alternative, Mr. Gross.

Seconded by Mr. DeHart.

For	Against
Machyowsky	Kline
Grummett	Saroff
DeHart	Halsted
Loken	Russo
	Parker

*** Motion fails.

There was considerable discussion among the members in regard to the foregoing motions and the method of solving the present impasse.

*** Mrs. Kline then moved that the commission review the style and drafting report in conjunction with the draft that was presented at the public hearings on their own time and come back next week with any changes, objections, or questions.

Seconded by Mr. Saroff.

Mr. Machyowsky pointed out that there were also all the public hearing suggestions that had to be reviewed by the members.

For	Against
Machyowsky	Halsted
Grummett	
Kline	
Saroff	
DeHart	
Russo	
Parker	
Loken	

*** Motion carried.

Chairman Loken advised that she felt it best if style and drafting got through with their report before any changes were presented to avoid any duplication of effort; in other words to keep suggestions from the committee as a whole on changes just slightly behind the style and drafting report. Mrs. Kline expressed the feeling that it would be well to have discussion on the style and drafting report and substantive changes at the same time.

*** Mr. Saroff moved that the meeting adjourn.

Seconded by Mr. Halsted.

Mr. Machyowsky asked who would now chair the style and drafting committee and asked if Mrs. Kline would do so, to which she agreed.

*** There being on objection to the motion on the floor, the meeting adjourned at 9:20 p.m.

Respectfully submitted,
Pat Cunningham
Pat Cunningham

Minutes of meeting of Greater Juneau Charter Commission
Held January 14, 1969

Chairman Pat Loken called the meeting of the Greater Juneau Charter Commission to order at 8 o'clock p.m. on January 14, 1969, at the offices of the Greater Juneau Borough. The following roll call was taken:

Present	Absent
Ron Saroff Guy Russo Jim DeHart Don Halsted Greg Machyowsky Virginia Kline Mike Grummett Don Craddick (who wished the record to show he was out of town at the time the last meeting was held) Pat Loken	Larry Parker (excused) (Allan Engstrom's name was not called, but it is believed he was out of town and excused.)

Chairman Loken called for any correspondence; none presented.

Chairman Loken called for comments on the minutes of the public hearing of December 11, 1968. The following comments were made:

Machyowsky spelled with a "y".
Page 3 -- the word "incumbent" is erroneously spelled "encumbent" in several places
Page 5 - in the 9th line up from the bottom of Mrs. Crosby's remarks, the word "go" should be inserted ("just went to go back ..."
Page 6 -- Again in Mrs. Crosby's, down toward the bottom she mentions "assembly" and more probably means "legislature" -- tenth line up from that paragraph.

Mr. Machyowsky requested that approval of the foregoing minutes of the public hearing of December 11, 1968, be held off until all commission members had read them.

Chairman Loken said the item on tonight's agenda was the presentation for adoption of the style and drafting report, and requested Mrs. Kline to continue with it. Chairman Loken further stated that because a considerable amount of time in the past few months has been spent in discussing the policy decisions in the charter, she would like to hold discussion down to direct motions from the floor.

Mrs. Kline again moved adoption of the style and drafting committee report in its entirety.

Seconded by Mr. Saroff.

Mrs. Kline requested the commission to go back to Article I, Section1,

since the committee has now approved the name of the municipality. The committee has officially endorsed the name of the municipality as "The City and Borough of Juneau, Alaska", and the sections can now be renumbered showing Section 1, Name of Municipality; Section 2, Powers; Section 3, Construction; and Section 4, Intergovernmental Relations.

*** Mr. Russo moved the name be changed to "The Greater City of Juneau"

Chairman Loken said that it had come up many times as to whether it is a legal policy question or not, and in her opinion she does not feel that any of the legal arguments have been clear enough to warrant a name based strictly on legal sense.

Mr. Machyowsky stated that he thought consideration tonight was to be from a strictly style and drafting point of view and at a future meeting amendments to policy.

Chairman Loken replied in the negative, stating that the two would go hand in hand. This is the committee recommendation and once the members have seen the committee recommendations and have other policy changes or amendments, etc. because of public hearings or some other reason, now is also the time to make any other motions with regard to the charter. If there is something the members are not prepared to present right now they can be considered at a future meeting. The style and drafting committee has made an effort not to change any policy decisions which have been made already.

There was further discussion as to how tonight's committee report was to be handled and what type of action would be undertaken as to policy or substantive changes, wording, etc.

Mr. Craddick seconded Mr. Russo's motion in regard to the name of the municipality.

Mr. Craddick asked Mr. Russo for the reason to remove the words "and Borough" from the name as proposed by style and drafting, and Mr. Russo replied he did not think it was necessary, and that if the committee thought the word "Borough" was necessary, then he feels that the word "Douglas" should also be included -- the city and borough are included but the third entity is lost.

Chairman Loken called upon the committee to clarify their selection of the name.

Mrs. Kline stated that this name had been tentatively agreed upon by the commission several months ago and the committee saw no reason to change it, based on the discussions at the time and the vote at the time.

Mr. Grummett inquired if it was important in regard to bonding that the word "borough" be left in; Mr. Saroff replied yes.

Mr. Russo disagreed, saying again we are going to go into municipalities; that the City of Douglas is the healthiest entity of the three and he feels that auditors auditing the books of the three would find that

the borough and the city are not too hot, but Douglas operates in the black.

*** Mr. Halsted moved to amend the motion to delete the word "Greater"

Seconded by Mr. Machyowsky.

By way of explanation, Mr. Halsted said he felt this word was misused and a useless term to put in the title which has to be used over and over thousands of times.

The following vote was taken on the amendment:

For	Against
Halsted	Saroff
Machyowsky	Russo
Kline	DeHart
	Grummett
	Craddick
	Loken

* Motion on amendment fails.

The following vote was taken on the original motion (made by Mr. Russo).

For	Against
Russo	Saroff
Halsted	DeHart
	Machyowsky
	Kline
	Grummett
	Craddick
	Loken

*** Motion fails.

*** Mr. Russo moved to call the city, in honor of Senator Bartlett, "Bartlettville".

Motion failed for lack of a second.

There being no further motions or discussion, the chairman requested continuation of the committee report.

Mrs. Kline said the commission had already covered Sections 2, 3 and 4.

Mr. Machyowsky read Section 2 and commented that Mr. Henri, at the public hearing, suggested that we should limit this even more and say "not prohibited to home rule unified governments", which might require the state legislature when it applies laws to cities and boroughs to specifically include us as a different category or it might create

a legal problem which would have to be tested in the courts because they probably would not go to the trouble of making a special category for [illegible] governments. Mr. Henri is of the opinion that in order to preserve home rule powers we should not apply both city and borough law to ourselves. (Mr. Machyowsky did not care to make a motion for amendment of this section, nor did any other member, and there was no further comment or discussion on it.)

Mr. Russo asked the chairman what happens to Section 1 of Article I and the chairman replied that it stands as written. Mr. Russo stated he would like to have a roll call on that because he wished to go on record as opposing it. Chairman Loken explained there would have to be a motion to change it, and if there is no motion to change it, the consensus is that it stay as it is.

Mr. Craddick said he felt any member who felt strongly opposed to any adopted section, as Mr. Russo obviously does in regard to Section 1 of Article I, should have the right to express such opposition for the record. He further pointed out in regard to Section 1 that it was somewhat different from the other sections in that the commission had not officially agreed upon a name and voted upon a name.

** Mr. Saroff moved that Section 1 of Article I be adopted as shown on the committee draft.

Seconded by Mr. Craddick. There being no discussion the following vote was taken:

For	Against
Saroff	Russo
DeHart	Halsted
Machyowsky	
Kline	
Grummett	
Craddick	
Loken	

*** Motion carried.

Mr. Halsted took exception to sentence one of Section 3 (Article I), as being substantially different than what was originally written. The present statement does not say in whose favor the powers shall be liberally construed. The statement originally read, "The powers of the municipality under this charter shall be construed liberally in favor of the municipality."

Mr. Craddick expressed his view as an attorney that this is included in many charters, constitutions, etc., and it means liberally construed in favor of the governmental entity.

*** Mr. Halsted moved to strike the sentence (being the first sentence of Section 3, Construction, of Article I).

Seconded by Mr. Saroff.

Mr. Craddick said that with the sentence in the court is in effect instructed that if there is in the court's mind an ambiguity as to whether or not a municipality may perform a function it wishes to perform, the powers will be construed liberally and if the ambiguity can reasonably be resolved in favor of the municipality doing what it wants to do, then the court should say it can do so. Mr. Halsted felt Section 2 was concise enough and further clarification was unnecessary.

The following vote was taken on the motion:

For	Against
Halsted	Saroff Russo DeHart Machyowsky Kline Grummett Craddick Loken

*** Motion fails.

** Mr. Halsted moved to add the phrase "in favor of the municipality".

Seconded by Mr. Saroff .

For	Against
Russo DeHart Halsted	Saroff Machyowsky Kline Grummett Craddick Loken

*** Motion fails.

Mr. Halsted moved to change Section 4 by changing the word "states" to "the State", and in explanation stated that this had been discussed before as being a constitutional question and that the local government has no right to deal with other states.

Seconded by Mr. Machyowsky, also expressing the opinion that the language of the Constitution should be followed.

For	Against
Saroff Russo DeHart Halsted Machyowsky Kline Grummett	

Craddick
Loken

*** Motion carried.

It was determined that the word "State" should be capitalized.

The members then directed their attention to Article II: Assembly.

*** Mr. Russo moved to change the word "assembly" to "council". (Chairman Loken pointed out that this would hold throughout the entire draft and charter if adopted.)

Seconded by Mr. Halsted.

Mr. Russo explained that he felt that a municipality should have a mayor and council members, and not assembly and chairman. Mr. Craddick was of the opinion that the word assembly connotes something larger than a city council and that we have a municipal government that is larger in scope than the City of Juneau.

For	Against
Russo	DeHart
Halsted	Kline
Machyowsky	Grummett
	Craddick
	Saroff
	Loken

*** Motion fails.

Mrs. Kline pointed out that at the last meeting the following was added to Section 3, Article II (page 2): "at the time of their election and during their term."

*** Mr. Craddick moved to delete Section 3(c) in its entirety (at the top of page 3).

Seconded by Mrs. Kline, who pointed out that it came up in public hearings as to whether or not teachers, volunteer firemen, etc., would be prohibited from holding municipal office by this subsection, to which Mr. Craddick replied that there was no doubt in his mind that anyone receiving any portion of their salary from the municipality would be disqualified from running or holding office. Mr. Machyowsky felt the commission ought to state its intent on the matter. Mr. DeHart expressed fear that the office might be misused with the elimination of this provision. Mr. Craddick conceded that this was a possibility, but he was willing to take the chance that this type of person would not be elected. Mr. Saroff's view was that there would be a definite conflict of interests for these people who would, in effect, be sitting in judgment of the budget and administrative policies which would have a direct effect on them, which is an untenable situation. (Mr. Saroff cited the example of Nick Begich.)

Mr. Halsted expressed his view that the basic premise in the whole government is to be non-partisan, and he would find that any person engaging in partisan politics at the state or national level would taint the local government by his presence with a dual office.

There being no further discussion, the following vote was taken:

For	Against
Kline	Halsted
Craddick	Machyowsky
Loken	Grummett
	Saroff
	Russo
	DeHart

*** Motion fails.

*** Mr. Craddick moved that Section 3(c) be amended so that the words "other compensated municipal office or employment or", are eliminated.

Seconded by Mrs. Kline.

There being no discussion on the motion, the following vote was taken:

For	Against
Kline	Halsted
Craddick	Machyowsky
Loken	Grummett
	Saroff
	Russo
	DeHart

*** Motion fails.

Mr. Machyowsky moved that Section 3(c) be amended by the addition of the following words after the word "employment": "other than as a teacher in the school system".

Seconded by Mr. Saroff.

Mr. Craddick questioned the necessity of the phrase "in the school system" and it was decided that this phrase was unnecessary.

There being no further discussion, the following vote was taken:

For	Against
Russo	Saroff
Machyowsky	DeHart
Kline	Halsted
Craddick	Grummett
Loken	

*** Motion fails.

Mr. Machyowsky moved amendment of Section 3(c) by adding, after the word "assembly", the phrase: "or serves".

Seconded by Mr. Saroff.

Mr. Machyowsky explained that this is a technical amendment raised at one of the public hearings, namely that a man may be elected and not serve and he may take a municipal job instead of serving the position; unlikely but possible. A man might be elected to office, he might not serve any or all, or just part of the term; he may quit in the middle of the term. At the suggestion of Mrs. Kline, the motion was amended to add the phrase "while serving on the assembly" after the words "political office", and the remainder of the sentence deleted, to which Mr. Saroff, who seconded the motion, agreed.

The following vote was taken:

For	Against
Saroff	
Russo	
DeHart	
Halsted	
Machyowsky	
Kline	
Grummett	
Craddick	
Loken	

*** Motion carries unanimously.

Mr. Craddick wished clarification of the point that passage of this section as is will mean that teachers and volunteer firemen, etc., will not be able to sit on the assembly, which might raise quite abit of controversy; and wished to know if this is the intent of the members. It was pointed out by several members that this was definitely their intent and is reflected in the foregoing votes on the various motions on the subject. There was some discussion as to the actual status of a volunteer fireman.

Mrs. Kline called to the attention of the commission members not present at the last meeting that the phrase "completion of the official canvass of votes and", was deleted from Section 4(d) and Section 5. The members were requested to review Section 6(b). Section 7(a) was revised to read: "The assembly shall declare by resolution of forfeiture upon which he shall not vote, that an assemblyman has forfeited his office if he has:" at the last meeting; also that subsection (1) at the top of page 5 was changed by deleting the phrase "at any time during his term of office"; subsection (3) the word "thereby" was deleted as was the word "the"; subsection (4) the word "regular" was inserted between "consecutive" and "meetings".

*** Mrs. Kline moved to amend the committee report with the foregoing enumerated changes.

Seconded by Mr. Machyowsky.

Mr. Saroff felt Section 7(a)(4) was meaningless in that the assembly would in all probability excuse any absences when members are out of town. He thought the section should be deleted and that it should be left up to the assembly; or if we mean this, then say if he misses three regular meeting he's out.

*** Mr. Saroff moved to amend Section 7(a)(4) to read as follows:

(At this point there was some discussion as to Mr. Saroff's proposed amendment to Section 7(a)(4), but upon objection from Mr. Halsted in regard to subsection (1), it was decided that Mrs. Kline's original motion would have to be taken a point at a time.)

*** Mrs. Kline moved to delete the phrase "at any time during his term of office" from Section 7(a)(1).

Seconded by Mr. Saroff.

In explanation of the motion, Mrs. Kline said the words are not necessary.

The following vote was taken:

For	Against
Saroff	Halsted
Russo	
DeHart	
Machyowsky	
Kline	
Grummett	
Craddick	
Loken	

*** Motion carries.

Mr. Halsted moved to change the word "Lacked" (past tense) to "Lacks" (present tense). It was pointed out that by deleting the word "has" at the end of subsection (a), and changing the first word of subsections (1) (to Lacks), (2) (to Violates), (3) (to Is), and (4) (to Fails), appears to be more desirable wording. There being no objection it was
*** changed.

No objection was expressed to changing subsection (3) by deleting the words "thereby" and "the".

*** Mr. Saroff moved that Section 7(a)(4) be amended to read: "Fails to attend three consecutive regular meetings of the assembly unless excused by the assembly for medical reasons."

Seconded by Mr. Craddick.

Mr. Russo pointed out that the charter calls for at least one regular meeting a month but the assembly could set four regular meeting a month

and if the first three weeks the man is out on vacation he is through. It was his opinion that this was unfair. Mr. Halsted wished to encourage the members to leave it as it is expressing the view that it is a tool which allows the assembly to prune off dead wood who just did not come, rather than penalize a person who had some legitimate reason for being out of town.

The following vote was taken:

For	Against
Saroff	Halsted
Machyowsky	Russo
	DeHart
	Kline
	Grummett
	Craddick
	Loken

*** Motion fails.

*** Mr. Halsted moved to include the word "regular" between the words "consecutive" and "meetings" (in view of the fact that Mr. Saroff's foregoing motion failed).

There being no objection the motion was adopted.

Mrs. Kline said that at the last meeting the following phrase was added to Section 7(c): "to all persons involved in the hearing." (page 6). The committee had not made any changes in (d) or (e) (also on page 6).

Mr. Craddick advised the members that he had a recent experience in regard to costs of preparing the record on appeal, which gave him cause to wonder if Section 7(e) might not cause problems. There was discussion among members in regard to these costs, possibility of prorating, etc., but no amendments were proposed.

*** Mr. Craddick moved to delete Section 8(d).

Seconded by Mr. Saroff.

Mr. Machyowsky pointed out that inspite of the specific objections to this, it was a fairly common provision in charters, and provides a nice gesture to release persons incarcerated for minor infractions.

The following vote was taken:

For	Against
Saroff	Machyowsky
Russo	
DeHart	
Halsted	
Kline	

Grummett
Craddick
Loken

*** Motion carries.

*** Mr. Craddick moved to amend Section 9 by adding the words "and exercise the powers" in the second sentence, after "He shall perform the duties".

Seconded by Mr. Halsted.

*** There being no objection the motion passed by unanimous consent.

Mrs. Kline then went through Section 10, Section 11, Section 12 ...

*** Mr. Halsted moved to strike Section 11 in its entirety.

Seconded by Mrs. Kline.

*** There being no objection the section was withdrawn by unanimous consent. The succeeding sections are to be renumbered accordingly.

* Mrs. Kline moved to amend Section 11 by deleting the work "Clerk" in the title, and the words "the municipal clerk" in the body, and include the word "and" before "members".
Seconded by Mr. Saroff.

(It was pointed out that this is in line with suggestions made by Mr. Lehfeldt at the public hearing, and his intent and reasons were explained.)

The following roll was taken:

For	Against
Saroff	
Russo	
DeHart	
Halsted	
Machyowsky	
Kline	
Grummett	
Craddick	
Loken	

*** Motion unanimously carries.

Mr. Halsted questioned the origin of this section, pointing out that this section concerns itself with appointment and the old section it was apparently taken from dealt with compensation. Mr. Saroff explained that what the committee had done, in addition to changing language and deleting extraneous material, was also reorganize for purposes of clarity. Mrs. Kline advised Mr. Halsted that it can be found on page 7, Section 2.11, Powers, subsection (e), of the original article as adopted.

Mr. Halsted wished to point out that a great deal of material had been removed from the old Section 2.11. Mrs. Kline stated it was the feeling of the committee, keeping in mind that this is a restricting document rather than enabling document, that these things were a surplusage of wording, that the assembly has the power to do these things without putting them in the charter. Mr. Halsted felt he would have to reserve judgment for further study.

Mrs. Kline then continued with Section 12.

*** Mr. Machyowsky moved that the word "public" be inserted after the word "formal" in the last line of Section 12, Restrictions of Appointment and Removal.

Seconded by Mr. Saroff.

Mr. Craddick said that at the public hearings it was brought out that there was something objectionable in this section, and Mr. Machyowsky replied that it was the exception which could be the subject of another motion eliminating the exception entirely -- not permit the assembly to remove any employee.

There being no objection to inserting the word "public" in the place designated, it was so adopted.

Mr. Craddick moved that Section 12, Restriction on Appointment and Removal, be eliminated.

Seconded by Mr. Saroff.

By way of explanation, Chairman Loken stated that the motion is to remove this section in its entirety so that the assembly may not directly appoint or remove a municipal employee, it would have to go through the administrator. Mr. Saroff said he felt it is taken for granted that the assembly's power of inquiry is unimpeded, however, and that it has the right to investigate its own administration. Mr. Halsted expressed the opinion that the intent of this was to preclude any order hiring and firing on the part of the assembly and in this intent he agreed, and he would be inclined to remove the exception rather than the whole.

*** Mr. Halsted moved to amend the motion by putting a period after the word "administration" and deleting the remainder of Section 12.

Seconded by Mr. Craddick.

The following vote was called:

For	Against
Saroff	
Russo	
DeHart	

Halsted	Machyowsky
Grummett	Kline
Craddick	
Loken	

*** Motion to amend carried.

*** Mr. Craddick then requested to withdraw his original motion with consent of the second. There being no objection the motion was so withdrawn.

*** Mr. Machyowsky moved to amend Section 12 by addition of the following sentence: "No assemblyman may give administrative orders to any subordinate to the City Manager either publicly or privately."

Mr. Craddick seconded the motion for purposes of discussion.

Mr. Machyowsky explained that this is in the Juneau City Charter and in his opinion this section does not make clear that they couldn't give orders. (He quoted from the Juneau Charter.) Mr. Craddick felt if you put this in you knock out their effective power of investigation.

After considerable discussion among the members about the subject of Mr. Machyowsky's motion and the provisions in the Juneau City Charter in the same regard, it was decided by Mr. Machyowsky to amend his motion by preceding the sentence with the phrase, "Except for the purposes of inquiry", to re-word the next part to read, "may give orders on administrative matters", and delete the word "City". Therefore, the motion as amended is as follows: "Except for the purposes of inquiry, no assemblyman may give orders on administrative matters to any subordinate to the Manager either publicly or privately."

The following vote was taken:

For	Against
Russo	Saroff
DeHart	
Halsted	
Machyowsky	
Kline	
Grummett	
Craddick	
Loken	

*** Motion carried.

Mr. Saroff called to the attention of Mr. Craddick and Mr. Machyowsky the first sentence of Section 12 (which he read), stating that we do mean them to direct the appointment of the City Manager -- would this be in conflict; because it is stated elsewhere that there shall be a manager and the assembly shall appoint the manager.

Mr. Craddick suggested preceding the first sentence of the section with the words: "Except as otherwise provided in this charter,".

There being no objection, Mr. Craddick's suggestion was adopted.

Mrs. Kline asked if there was any objection to changing the title of Section 12 to "Restrictions". There being no objection the suggestion was adopted.

Mrs. Kline continued with Section 13, Meetings.

*** Mr. Halsted moved to delete Section 13(f)(3) in its entirety.

Seconded by Mr. Machyowsky.

Mr. DeHart expressed disagreement with the theory that a vote had to be cast because these men are elected to vote on matters presented, pointing out that at times technical questions arise when an assemblyman might want to leave the vote up to those more qualified than himself. Mr. Saroff said that with the phrase "unless excused therefrom by the affirmative vote of all remaining members", an assemblyman is allowed not to vote, which would serve as a safety valve.

The following roll was taken:

For	Against
DeHart	Saroff
Halsted	Russo
Machyowsky	Kline
	Crummett
	Craddick
	Loken

*** Motion fails.

Mrs. Kline completed Section 13 and went on to Section 14.

Mr. Halsted questioned where the section on hearings and other procedures could presently be found, and Mrs. Kline advised that it was to be moved to the "definitions" section as more appropriately belonging there.

Mr. Machyowsky expressed some concern on the provision for emergency meetings, Section 13(c) and the fact that no notice is required, pointing out that this was brought out at public hearings.

*** Mr. Halsted moved to add to Section 14, Boards, subsection (c), the following (replace period with comma): "except that the personnel board may determine all questions as required or prescribed by such personnel and merit system regulations as the assembly may by ordinance adopt."

Mr. Craddick pointed out that the board does not hire or fire directly.

Mr. Halsted said if personnel rules are set up to protect the rights of employees from summary dismissal, etc., and the employee appeals to the personnel board which presumably would have jurisdiction, then it would consider the case and direct reinstatement or whatever.

Motion seconded by Mr. Craddick.

The following vote was taken:

For	Against
Russo	Saroff
DeHart	Grummett
Halsted	
Machyowsky	
Kline	
Craddick	
Loken	

*** Motion carries.

Mr. Machyowsky wished to make technical changes to sections previously covered:

Moved and asked unanimous consent to change Section 3(c) by replacing the word "shall" with "may" -- no objection.

*** Moved and asked unanimous consent to change Section 4(c) by adding a phrase to the first sentence so that the first sentence reads: "No assemblyman other than an incumbent mayor may be a candidate for mayor unless he first resigns his office on the assembly."

Mr. Halsted objected saying it would not cover the situation where an assemblyman, whose term of office was concurrent with the mayor's term of office, wanted to run for the office of mayor. Mrs. Kline suggested this be referred to style and drafting, whereupon

*** Mr. Machyowsky withdrew this motion with no objection.

Mr. Machyowsky questioned Section 7(a)(3), and asked if it was the intent of the commission that any conviction be during a term of office or could it have been previous to commencement of a term of office. After considerable discussion the members decided it meant during the term and that the use of the phrase "Is convicted" is clear enough and does state that intent.

Mr. Halsted moved to adjourn.

Motion seconded by Mr. Russo.

Mr. Saroff objected to the motion and the following roll was taken:

For	Against
Russo	Saroff
DeHart	
Halsted	

Machyowsky	Grummett
Kline	Craddick
	Loken

Mr. Machyowsky changed his vote from "yes" to "no" before announcement of the vote.

*** Motion fails.

Mrs. Kline went on to Article III, Executive, and stated that the style and drafting committee has no further amendments to what the commission has now.

Mr. Halsted expressed the opinion that the commission was moving through so fast it was difficult to digest the sections and requested that they be taken a little slower.

Mrs. Loken ruled that unless there were further objections from members they would move ahead with Article III.

*** Mr. Machyowsky moved that Section 2, Qualifications, be amended by deleting the phrase,"with particular reference to his education, training, and experience as a professional municipal administrator", and substitute therefor, "and shall be a professional municipal administrator."

Seconded by Mr. Saroff with the intent of getting the motion on the floor, who then explained that he would vote against the motion for the reason that it would exclude many persons well qualified but who have not had a manager's job before, citing specifically engineers, members of the ICMA. Mr. Machyowsky pointed out that when you are talking about who is going to run your operation you are talking about the biggest item in the success or failure of the municipal government. There was considerable discussion among the members as to the desirability of this requirement, how prospective managers get their start in the field, the risk of the job becoming a political plum without a similar requirement, etc., after which the following vote was taken:

For	Against
Machyowsky	Saroff
	Russo
	DeHart
	Halsted
	Kline
	Grummett
	Craddick
Motion fails.	Loken

Mr. Halsted stated that the commission had previously enacted that the manager had to reside in the area during his tenure in office and pointed out that the provision was missing in this draft. Mrs. Kline replied that due to the type of locality the committee felt it would be impossible for him to live elsewhere and it would be unnecessary to be included in the charter.

*** Mr. Halsted moved that Section 3, Suspension or Removal, be amended by requiring a vote of 2/3 -- or six.

Seconded by Mr. Saroff. The following roll was taken:

For	Against
Russo	Saroff
DeHart	Kline
Halsted	Grummett
Machyowsky	Craddick
Loken	

*** Motion fails.

Mr. Halsted moved that Section 4, Acting Manager, be amended by changing the second to last sentence to read: "The assembly shall replace the acting manager with a permanent manager within a reasonable time and in no case shall an acting manager serve for more than one year."

Seconded by Mr. Saroff. The following vote was taken:

For	Against
Russo	Saroff
DeHart	Kline
Halsted	Grummett
Machyowsky	
Craddick	
Loken	

*** Motion carries.

Article III was completed without further amendment.

Mr. Craddick moved to adjourn; seconded by Mr. Grummett.

Mr. Saroff objected to adjournment, and the following roll was called:

For	Against
Russo	Saroff
DeHart	Halsted
Kline	Machyowsky
Grummett	Loken
Craddick	

*** Motion fails.

Mrs. Kline re-read the sentence just adopted and felt it should be re-worded as follows: "The assembly shall replace the acting manager with a permanent manager within a reasonable time and in no case may he serve as acting manager for more than one year." There was no objection.

Mrs. Kline continued with Article IV, Legislation.

*** Mr. Halsted moved to amend Section 5(f) by adding the phrase, "at such reasonable price as the assembly may direct," after the word "public".

Seconded by Mr. Saroff.

*** There was no objection to the motion.

*** Mr. Craddick moved to amend Section 4(b) by requiring the affirmative votes of six assembly members, rather than seven, because of the tight definition of the word "emergency".

Seconded by Mr. Saroff. The following roll was called:

For	Against
Saroff	Halsted
Russo	Machyowsky
DeHart	Kline
Grummett	
Craddick	
Loken	

*** Motion carries.

Mr. Halsted moved to adjourn; seconded by Mr. Russo; to which Mr. Saroff objected; whereupon the following roll was called:

For	Against
Russo	Saroff
Halsted	DeHart
Kline	Machyowsky
	Grummett
	Craddick
	Loken

*** Motion fails.

Mr. Halsted said he felt Section 5, Code of Technical Regulations, is a very miserable document but he has not had time to go over it.

*** Mr. Saroff moved and asked unanimous consent that on page 17, Section 5, second sentence and the last sentence, the last phrase be changed to "at such reasonable price as the assembly may direct", to conform. Chairman Loken asked that the motion cover the entire *** draft in this regard. There being no objection the motion passed.

Mrs. Kline expressed the opinion that the committee had changed the foregoing phrase (at such reasonable price as the assembly may direct) to just "at a reasonable price". Mr. Craddick pointed out that then the assembly would be required to charge something, but with the former language it could be free. There was discussion on this point but the members decided to leave the language as just adopted.

*** Mr. Machyowsky moved to amend Section 2, Actions by Ordinance, page 14, by striking the wording of subsection (e) and substituting therefor: "establish a formal procedure for acquisition of lands or rights in lands or disposal of lands or rights in lands;"

Seconded by Mr. Saroff.

Mr. Machyowsky explained that this language was provided to him by Mr. Berrier and that both Mr. Berrier and Mr. Henri brought up that this provision requiring an ordinance for this purpose may be too cumbersome. (Mr. Machyowsky read from Mr. Henri's statement presented at the public hearing expressing his opinion in this regard.)

Mr. Saroff commented that though he had seconded the motion he could not endorse it strongly enough because what is in now is very cumbersome, but the language propounded by Mr. Machyowsky should have two critical additions, namely in setting up procedures for sale and acquisition with notice and provisions for competitive sale or leasing. After further discussion the following wording was agreed upon for the motion: "establish procedures for acquisition and disposal of lands or rights in lands, including but not limited to requirements for public notice and competitive bidding."

*** There being no objection to the motion it carried unanimously.

*** Mr. Machyowsky moved and asked unanimous consent to amend the second to the last sentence of Section 7, Forfeiture of Office, subsection (b), to read: "The assemblyman (singular) may demand a public hearing by the assembly (last three words added) and notice of ..."

*** There being no objection the motion carried unanimously.

Mr. Halsted stated it was not clear to him when the assemblyman could demand such a hearing, and also whether this hearing was to be held before or after the resolution of forfeiture is acted upon. Mr. Craddick explained that the resolution would not be passed until after there is a hearing and that notice of the hearing will be given. The second sentence says the hearing can be public if the man effected wants it to be. There was considerable discussion as to interpretation of this subsection.

*** Mr. Craddick moved that the second sentence of subsection (b) Notice, of Section 7, Forfeiture of Office, be changed to read: The assemblyman may demand a public hearing by the assembly on the resolution prior to its adoption," .

Seconded by Mr. Saroff. There being no objection the motion passed
*** unanimously. There were no further amendments to Article IV.

*** Mr. Craddick moved to adjourn.

Seconded by Mrs. Kline. There being no objection, the meeting
*** adjourned at 11:50 p.m.

Respectfully submitted,
Pat Cunningham
Pat Cunningham

Special Meeting of Greater Juneau Charter Commission
Held January 16, 1969

Chairman Pat Loken called the special meeting of the Greater Juneau Charter Commission to order at 8 o'clock p.m., January 16, 1969, in the offices of the Greater Juneau Borough, 210 Admiral Way, Juneau, Alaska. The following roll call was taken:

Present	Absent
Virginia Kline	Larry Parker (excused)
Greg Machyowsky (late)	Guy Busso
Mike Grummett	Allan Engstrom (excused)
Don Halsted	
Don Craddick	
Ron Saroff	
Jim DeHart	
Pat Loken	

Chairman Loken said she had one piece of correspondence which was written to Mr. Saroff from Reed, Hoyt, Washburn & McCarthy, returning the charter left by Mr. Saroff, thanking him and offering future advice if desired by the charter commission. There being no other correspondence, no minutes, or business, Mrs. Kline was requested to continue with the style and drafting committee report.

Two items which had been referred back to style and drafting were taken up first. Page 3, Section 4(c), Multiple Office. (Mrs. Kline read the first sentence and suggested the addition of the following: "or unless his term ends concurrently with that of an incumbent mayor.")

*** Mr. Saroff moved that Section 4(c) be amended to read: "No assemblyman other than an incumbent mayor may be a candidate for mayor unless he first resigns his office on the assembly, or unless his term ends concurrently with that of an incumbent mayor."

Seconded by Mr. Grummett.

The following roll was taken on the motion:

For	Against
Halsted	
Kline	
Grummett	
Craddick	
Saroff	
DeHart	
Loken	

*** Motion unanimously carried.

The second item referred back to the committee was Section 6(b) on page 4. Mrs. Kline stated that the committee was not able to determine why the referral had been made and they could not find the problem. In view of the fact that the minutes of the meeting of December 17, 1968, had not yet been prepared, the secretary tried

to recall what had preceded the referral and advised that it appeared that the original section was almost impossible to understand and even though it had been redrafted, when read at the meeting those present felt it still needed additional work and polishing.

/ Mr. Machyowsky arrived /

Mr. Halsted said when working through this section independently he has the word "dangling" penciled in next to the sentence "The vacancy shall be filled by a qualified person to serve until the next regular election." He also felt there was something amiss in the entire paragraph. Mr. Saroff pointed out that the key words are "qualified person". Mrs. Kline stated that the intention is that a qualified person is a person who meets the qualifications as set out in Section 3 of this article. Mr. Halsted pointed out that this covers three different cases and in each case there is this thing about filling the vacancies with a qualified person, and suggested that that the section start saying that any vacancy occurring shall be filled with qualified persons, referring back to a section, then define the three cases without using that phrase over and over again. No motion was presented on this point.

*** Mrs. Kline moved that the word "less" be replaced with the word "fewer" in the last sentence of Section 6(b).

Seconded by Mr. Saroff.

*** No objections; motion unanimously carried.

Mr. Halsted directed attention to page 11, subsection (c) of Section 14, Board. At the last meeting, the following was added to the sentence which is Subsection (c): "except that the personnel board may determine all questions as required or prescribed by such personnel and merit system regulations as the assembly may by ordinance adopt." He felt the phrases "and merit system" and "by ordinance" should be deleted to conform to what is presently being used. Mrs. Kline made further modification to the additional wording, whereupon

*** Mr. Saroff moved the addition to subsection (c) of Section 14, Boards, read as follows: "except that the personnel board may determine all questions as required by the personnel regulations adopted by the assembly."

Mrs. Kline seconded the motion.

**** No objection; motion unanimously carried.

The consideration of Article V, Elections, was then commenced. The members were advised that the style and drafting committee had added two sentences to the end of Section 1 to make it conform with other requirements: "At least thirty days published notice shall be given of a regular election. The notice shall state the purposes of the election."

*** Mr. Saroff moved and asked unanimous consent for the foregoing addition.

Seconded by Mr. Machyowsky.

*** No objection; motion unanimously carried.

Mrs. Kline said the wording of Section 2 had been changed to conform with the wording added, i.e. rather than "No less than thirty days ..." it is now "At least thirty days ...", and then cross out "prior to a special election". With these changes, the second sentence of Section 2 now reads: "At least thirty days published notice shall be given of a special election."

*** Mr. Saroff moved adoption of the foregoing change.

Mr. Machyowsky seconded the motion.

*** No objection; unanimously carried.

*** Mrs. Kline moved that the word "State" be deleted from Section 3, Qualification of Voters, subsection (3) under subsection (a), so that it would read: "able to speak or read the English language as prescribed by law".

Seconded by Mr. Machyowsky.

*** No objection; carried unanimously.

Mr. Grummett asked the opinion of the style and drafting committee in regard to Mr. Henri's remarks concerning Section 3(b) which he made at public hearings, to which Mr. Saroff replied that he felt the section undesirable and would favor deletion of it.

*** Mrs. Kline moved to delete Section 3(b).

Seconded by Mr. Saroff.

(Mr. Machyowsky read extensively from the statement submitted by Mr. Henri which concludes with his suggestion that this subsection be stricken from the charter.)

The following vote was taken:

For	Against
Kline	Halsted
Machyowsky	DeHart
Grummett	
Craddick	
Saroff	
Loken	

*** Motion carried.

Subsection (c) under Section 3 is now relettered (b), and Mrs. Kline moved that the last two words "by electors" be deleted from the sentence so it would read: "The assembly shall provide by ordinance for absentee voting."

Seconded by Mr. Saroff.

*** No objection; motion carried.

*** Mr. Saroff moved that the number of qualified voters on a nominating petition be increased from twenty-five to fifty in Section 4, Nominations.

Seconded by Mr. Craddick.

Mr. DeHart questioned the object of this increase, to which Mr. Saroff replied that he felt anyone who seriously wanted to run should be motivated enough to do just a little bit of work to get himself on the ballot. Mr. DeHart expressed the opinion that it was true anyone could probably go out and get the fifty signatures if he just wanted to do it, but he could not see any object in it; and Mr. Machyowsky agreed with Mr. DeHart's viewpoint, and further pointed out that in this municipality well qualified people frequently will not run because they are not politicians who want to go around trying to sign up voters and this throws a needless roadblock in the way.

The following vote was taken on the motion:

For	Against
Grummett	Halsted
Craddick	Kline
Saroff	Machyowsky
	DeHart
	Loken

*** Motion fails.

No discussion or amendment to Section 5.

*** Mrs. Kline moved to change the beginning of the first sentence of Section 6 to: "Candidates who receive the ..."

Mr. Halsted said these are designated seats. Mr. Saroff said that was all right and it could be "Candidates who receive" because it is possible to have one election by district, in one case an election by district, and in an at large we have two ties in one election, then this language would be adequate. Mr. Halsted reiterated that this section speaks of a candidate for a specific seat or office, to which Mr. Saroff replied that everything was a specific seat in the charter.

Chairman Loken announced that the motion fails for a lack of second.

Mr. Craddick said it could stay as shown in the draft as long as it is understood by commission members that that is what the committee draft means, and that eliminating of the words "for each designated seat" does not alter our concept.

*** Mrs. Kline moved to replace the words "for each designated seat", so the first sentence of Section 6 would read: "The candidate for each designated seat who receives the greatest number of votes shall be declared elected." (This is the wording in the draft presented to the public.)

Seconded by Mr. Halsted.

*** No discussion, no objection, motion carried unanimously.

In regard to Section 7, Mrs. Kline posed the question, if by having wording which says the six individual election districts shall be of equal population, are we putting ourselves in an impossible position. There was considerable discussion among the members in regard to this, with objection being voiced by Mr. Halsted to the committee's removal of the words "insofar as possible"; Mr. Saroff pointing out that the concern is it will be taken literally and that people will challenge elections, etc. Mr. Machyowsky stated that he thought the Supreme Court used the phrase "substantially equal population".

*** Mr. Saroff moved that the word "substantially" be added to the last sentence of Section 7, so that the last phrase of that sentence will read: "... and substantially equal population among different districts."

Seconded by Mr. Halsted.

*** No objection; motion carried unanimously.

Mr. Craddick asked the reason why geographic and economic conditions were left out, expressing the view that by doing this, we may prejudice the right of districting body to use these considerations. Mr. Saroff felt by adding the qualifying word "substantially" we have left flexibility. Mr. Halsted said he thought the phrase "homogeneity of interests" also should have been left in the section, but Mr. Saroff said it was deleted because it is practically meaningless due to the various definitions that could be applied to it.

*** Mr. Craddick moved that the concept of geographic-economic considerations also be included in this section.

Seconded by Mr. Halsted.

There was further explanation of the motion by Mr. Craddick and discussion between members as to these terms and whether or not they are desirable, necessary, etc.

For	Against
Halsted	Machyowsky
Kline	Saroff
Grummett	DeHart
Craddick	Loken

Motion fails.

Mr. Craddick wanted to put on record whether the commission means this phrase to exclude geographical and economic considerations in drawing up these districts. Mr. Saroff replied that this is a home rule charter and anything not said in it specifically, any restriction not imposed, the municipality has a right to do it. Here, in regard to districts, we say there are at least three necessary items, i.e. clarity of boundaries, compactness of area and substantially equal population. Mr. Craddick said since his motion failed, he would go on record as supporting ~~to~~ what Mr. Saroff has just said, and he wanted an understanding from the commissior because districting will come up in the future and will be subject to close scrutiny, and he wanted to know what the future direction is. Chairman Loken said she wanted to go on record as still not in favor of districting. Mr. Craddick continued by stating he felt future commissions are going to deal with this problem and are entitled to know what we mean by this phrase. Mr. Saroff then, for the purposes of clarification and the record, stated: "The intent of the Charter Commission, in Section 7 of Article V, is that in any districting the minimum requirements are that there shall be clarity of boundaries, boundaries will be clear and understandable; that the areas, geographically, will be compact as opposed to gerrymandered or spread all over the place without any justification; and there will be substantially equal population among different districts, insofar as possible the population will be as close to mathematically equal as can reasonably be done. That is the understanding now. These are the three minimum restrictions we establish upon any apportionment." Chairman Loken called for any objection to the foregoing statement of understanding as stated by Mr. Saroff. Mr. Halsted objected stating that his understanding of this section as written is that these would be the overriding rules for the commission to follow to the exclusion of any other considerations if there was a conflict. Mr. Saroff said these minimums have to be met above all. Mr. Craddick said from a standpoint of a legal interpretation he would have to agree with Mr. Halsted, but since this is the document we are going to be stuck with in the future, he would endorse as his interpretation what Mr. Saroff has stated as the intent. There were no further objections from members nor amendments, however there was some further discussion among them as to these three requirements, whether or not this would prohibit or allow additional requirements, etc.

*** Mrs. Kline moved that the word "different" be deleted at the end of the section.

Seconded by Mr. Saroff. No objection; carried unanimously.

Consideration of the draft continued with Section 8.

*** Mrs. Kline moved that the words "by ordinance" be added after the word "assembly" in the second line.

Seconded by Mr. Craddick.

Mrs. Kline explained that she felt this is an issue of sufficient magnitude that there should be adequate publication and opportunity

for public hearings.

Mr. Saroff said the effort has been to set the major criteria, equal population, etc., and to make this in effect a ministerial function, taking it out of politics, sofaras possible. He could not see where this is a case for public hearing. He also pointed out that this would be covered in the newspaper. Mrs. Kline stated there is going to have to be some justification on the phrase "substantially equal", because obviously the assembly can't have each district equal and there should be some explanation as to why the lines are drawn where they are. Mr. Craddick pointed out that if the motion passes it would mean that the assembly does it by ordinance, but if the assembly can't act and a commission does it, they don't have to act by ordinance.

The following vote was taken:

For	Against
Halsted	Grummett
Kline	Craddick
Machyowsky	Saroff
DeHart	Loken

*** Motion fails.

Mrs. Kline moved that the word "thereafter" be deleted in the middle of the second sentence of Section 8, so the sentence would read: "Should the assembly fail to agree on an apportionment within ninety days, it shall immediately appoint three qualified voters as a reapportionment commission and shall provide for compensation and expenses."

Mr. Grummett stated that this exact word had been discussed at a previous meeting, because of the timing and sequence. Mrs. Kline said it was not in the original. Mr. Halsted said that the second mention of ninety days does not say ninety days from what and the original terminology was "within the time limit specified above". Mr. Saroff felt the word "thereafter" made it very clear and should stay as is.

Mr. Machyowsky seconded the motion stating he did not feel the word added anything, with which Mr. Craddick agreed. Upon further explanation by Mr. Machyowsky, Mr. Saroff withdrew his objection.
The vote was as follows:

For	Against
Kline	Halsted
Machyowsky	
Grummett	
Craddick	
Saroff	
DeHart	
Loken	

*** Motion carried.

*** Mr. Craddick moved that the second "thereafter", in about the middle of the paragraph, be replaced with the words "following appointment", so the sentence would read: "Within ninety days following appointment, the reapportionment commission shall ..."

*** Seconded by Mr. Saroff. No objection; motion carried.

*** Mr. Halsted moved to replace the words "within ninety days" in line five with "within the time limit specified above". Mr. Craddick suggested "within said ninety days", and Mr. Halsted agreed. Mr. Mackowsky objected to the word "said"; Mr. Kline suggested "the", Mr. Saroff suggested striking the phrase "within ninety days" in the fifth line, stating that would take care of the problem. All
*** members agreed and it was so adopted.

*** Mrs. Kline moved to delete the phrase "The decision of a majority of reapportionment commission" in the fifth line up from the bottom of section 8(a), so the two sentences would be combined as follows: "The decision of a majority of the reapportionment commission shall be final and shall be effective upon presentation to the assembly."

*** Seconded by Mr. Saroff. No objection; motion carried.

Mrs. Kline moved to change the word "preceding" with "decision" in the last sentence, and also to change 180 days to 90, as being the intent of the original, and then eliminate the word "reapportionment" at the end of the sentence. The sentence would then read: "A reapportionment decision shall not affect an election held within ninety days of the effective date of the decision." (She explained the basis of her motion to the members.)

Mr. Craddick seconded the motion. No objection; motion carried
*** unanimously.

Mr. Halsted requested to go back to Article IV, Section 5 (page 17), and proposed an amendment which be passed out to commission members. He stated that a code of technical regulations is separate, bound, and can be purchased at a book store. What he has tried to accomplish is to tell the assembly that they do not have to publish this book or read the whole thing at their hearings, or provide one with every copy of the ordinance, but that they do have to make them available at a reasonable cost. His proposal would replace the entire section 5. Mr. Craddick asked about amendment provisions, pointing out that about the second half of the style and drafting version had been left out. Mr. Halsted asked what this second half does, and Chairman Loken replied it made provision for the amended sections to be available. There was considerable further discussion among the members with extensive explanation by Mr. Halsted of his section.

*** Mr. Halsted moved the adoption of his section in place of the one in the style and drafting report, with the amendments proposed through the foregoing discussion rewording the last sentence as follows: "The requirements provided in Section 5 of this article shall apply except that the code of technical regulations need not be published, [redacted] included with copies of the ordinance required at the public hearing, or read at the public hearing." The word

"municipal" deleted before the word "clerk" as consistently done in the entire charter; and the word "the" deleted in front of "code".

*** There being no objection the motion as amended carried unanimously.

The attention of the commission was then directed to consideration of Article VI, Initiative and Referendum. There were no amendments proposed to Sections 1 through 8.

Chairman Loken pointed out that public hearings brought criticism of Section 9. Mr. Machyowsky said that one suggestion was that a petition could only be withdrawn if the number of signatures withdrawing brings the number ~~required~~ below the percentage required on a petition. There was discussion among the members as to the various methods of handling the problems with this section, i.e. signers on a petition having to physically withdraw their signatures, the possibility of intimidation to force withdrawal of signatures, with the general feeling that three people should not be allowed to "wash out" a valid petition.

*** Mr. Halsted then moved to strike Section 9 in its entirety.

Motion seconded by Mrs. Kline.

The merits of the motion were discussed between members of the commission, pointing out that Section 10 still allows withdrawal of signatures, etc.

The following vote was taken:

For	Against
Halsted	
Kline	
Machyowsky	
Grummett	
Craddick	
Saroff	
DeHart	
Loken	

*** Motion unanimously carried. The remaining sections are to be renumbered.

There was no amendment to Section 9, Withdrawal of Signature.

*** Mr. Saroff moved that Section 10, Action on Petitions, (b) be changed to read " ... and not later than sixty days from the last day ..."

Seconded by Mrs. Kline. No objection; motion carried.

* Mrs. Kline, as a committee recommendation, moved the addition of a sentence to the end of Section 10(b) as follows: "The notice of election shall contain at least a summary of the proposed initiative or referred measure."

*** Seconded by Mr. Saroff; no objection and motion unanimously carried.

Mrs. Kline moved that Section 10(b) be further amended to change the words"vote of the municipality" to just "election", so the sentence would start: "The election on a proposed initiative ..."

*** Seconded by Mr. Saroff. No objection; motion carried unanimously.

No change to subsection (c). The consideration of Section 11 received no change.

*** Mr. Machyowsky moved and asked unanimous consent that the title of Section 12 be changed to Suspension of Measures Referred. There being *** no objection, the motion unanimously carried.

*** Mr. Saroff moved and asked unanimous consent to remove the word "referred" from the first part of Section 12(a), so the sentence would start out: "When a measure has not ..." There being no objection, the motion unanimously carried

Mrs. Kline pointed out that subsection (2) under Section 12(a) is to be excised because of the elimination of Section 9.

*** Mr. Saroff moved that in Section 12(b) a period be placed after the word "measures" and the balance of the sentence deleted because this merely partially defines emergency again, which is clearly and adequately covered in definitions. After discussion there was no objection and the motion passed unanimously.

Mr. Halsted suggested that Section 12(a), the last sentence,"The suspension shall terminate when", continue on in prose and eliminate subs (1) and (2), with which all members agreed.

*** Mr. Halsted moved to change "one year" to two years, in Section 13, Effect of Election, subsection (a).

*** Motion failed for lack of a second.

Mr. Machyoswky stated that Mr. Henri had a comment on this section and read same.

*** Mr. Craddick moved that the words "Except in an emergency" be added at the beginning of Section 13(a).

*** Motion failed for lack of a second. (The members seemed to feel that in a bona fide emergency this section could be overcome.)

/ Mr. Craddick left the meeting /

*** Mr. Halsted, referring back to Article IV, Legislation, Section 4, Emergency Ordinances, and moved the addition of the following at the end of subsection (a): "or to adopt or revise any zoning ordinance or map."

Seconded by Mrs. Kline.

Mr. Saroff was of the opinion that the definition of public emergency covered it and this is not needed. He then read the definition,

and Mr. Halsted withdrew his motion.

*** In the third line of subsection (a) Mr. Halsted moved to strike the phrase "or general welfare", feeling that the three terms "public peace, health and safety" very well cover the fields in which the assembly might reasonably act.

Seconded by Mr. DeHart. An objection was voiced by Mr. Saroff.

The following roll was taken:

For	Against
Halsted	Saroff
Kline	
Machyowsky	
Grummett	
DeHart	
Loken	

*** Motion carried.

*** Mr. Saroff moved that in Section 4(a) the following words be stricken: "affecting the immediate preservation of the public peace, health, and safety," After discussion between Mr. Machyowsky and Mr. Saroff in regard to the definition of emergency as applied to this section, Mr. Saroff modified his motion so that the first part of the sentence would be stricken and the first sentence of subsection (a) would be: "The assembly may adopt emergency ordinances..."

Seconded by Mrs. Kline.

The following vote was taken:

For	Against
Kline	Halsted
Machyowsky	Loken
Grummett	
Saroff	
DeHart	

*** Motion fails. (Only the words "or general welfare" have been deleted.)

Article VII, Recall, was then considered. There were no amendments or changes to Sections 1 through 9.

*** Mr. Halsted moved and asked unanimous consent to strike Section 10.

*** Seconded by Mr. Saroff. No objection; section 10 struck; the remaining sections are to be renumbered accordingly.

*** Mrs. Kline moved and asked unanimous consent to remove the word "municipal" before "clerk" in Section 10, Withdrawal of Signature.

*** There was no objection to the motion.

(referring to Section 11, Election) Mr. Halsted asked why there was not a minimum -- before there was a "not less than nor more than". Chairman Loken said in this section the feeling was that you did not keep a person hanging for sixty days, but rather got the thing over as quickly as possible.

Mrs. Kline pointed out that in Article V, Elections, it is stated that at least 30 days published notice had to be given; this one says the election has to be held within 30 days. Mr. Saroff said this was deliberately done. Mr. Halsted referred ahead to Section 13 where it is stated: "Procedures for conducting a recall election shall be those of a regular election.", but Mr. Machyowsky pointed out that when it met the preceding night, the style and drafting committee excised this section feeling that it was not necessary since it is a special election being held and basic rules for special elections are set forth in the elections article. The problem is that the election is required within 30 days of submission of a sufficient petition to the governing body, but a special election requires 30 days' notice under the elections article. He suggested that the time period be set up to 45 days in this section. Mr. Saroff stated he felt it ought to be the policy that it should be as fast as possible.

*** Mr. Saroff moved that the period of days in Section 11(a) be changed to read "forty days".

Seconded by Mrs. Kline. No objection; motion carried unanimously

*** Mr. Saroff moved that Section 13, Election Procedure, be eliminated.

*** Motion seconded by Mrs. Kline. No objection; motion carried unanimously.

The remaining sections are to be renumbered accordingly.

Mr. Machyowsky commented that Mr. Henri had comments in regard to Section 14, Subsequent Recall, and he read them from Mr. Henri's statement which he presented to commission members at the public hearing. Mr. Machyowsky also pointed out that Mr. Henri felt Section 11, Election, subsection (b) should be clarified by adding, "If a vacancy occurs in the office held by the person to be recalled ..." It was the opinion of the members that this sentence was sufficiently clear. Mr. Machyowsky also brought up Mr. Henri's comments on Section 2, Grounds, of Article VII, Recall. It was Mr. Grummett's opinion that anything we tried to do to this section would make it worse, with which all members agreed. Mr. Machyowsky wished to note for the record that there is some question under the Constitution whether recall is exclusively the prerogative of the legislature to act on. In other words, the Constitution has a provision which says the procedures for recall of public officials shall be prescribed by the legislature. This has been interpreted by some attorneys to mean that a home rule municipality would not have authority to prescribe its own recall procedures, including grounds. Mr. Saroff felt we were setting up policies here, and procedures are the methods.

Mr. Machyowsky said he was just bringing this up so the record would show that the commission was aware of this question. Mr. Halsted felt it important that it be here in this document available to the general public, with which members agreed.

*** Mr. DeHart moved to adjourn.

Seconded by Mr. Halsted; objection by Mr. Saroff.

For	Against
Halsted	Kline
DeHart	Machyowsky
	Grummett
	Saroff
	Loken

*** Motion fails.

*** Mrs. Kline moved that the meeting adjourn no later than 11:30 p.m. unless there is unanimous consent to continue. Chairman Loken said this was a change in the by-laws.

Mr. Saroff objected.

* Motion failed for lack of a second.

The next article for consideration was Article VIII, Financial Procedures, dated January 10, 1969 (page 3).

*** Mrs. Kline moved in subsection (a) of Section 3 that the word "all" be inserted between "and" and "proposed" in the last line.

*** Seconded by Mr. Saroff. No objection; motion unanimously carried.

Mr. Machyowsky suggested deleting "for all purposes" and substitute therefor "for all proposed expenditures". Mr. Saroff said he would object and the reason is that the education function is included.

In regard to Section 4, Mr. Machyowsky said a suggestion was made that it should be twelve years rather than five and thought it might be stated "for at least five years". (No motion proposed.)

*** Mr. Saroff moved to strike the word "general" before the word "summary" in Sections 6(a) and (b).

*** There being no objection, the motion carried unanimously.

*** Mr. Saroff moved to strike the word "general" before the word "summary" in Section 4(a)(2); and further that the word be struck anywhere it appears in the draft.

*** No objection; motion carried unanimously.

In regard to Section 7, Chairman Loken asked if there was any particular

reason why the adoption was by February 15 and yet the mill rate is not until May 1. Mr. Saroff replied that it is adopted at that date because of the school problem.

*** To conform with an earlier change, Mr. Halsted moved to strike the phrase "or general welfare" in Section 10, subsection (b).

*** Seconded by Mr. Kline. No objection; motion carried unanimously.

Mrs. Kline pointed out that the word "unencumbered" was misspelled in Section 12 -- several places.

Mr. Saroff wished to point out that Mr. Lehfeldt had questioned what happened in the event of a surplus, and this is covered in Section 12.

Mr. Machyowsky said that in Section 13 the phrase should be changed from "no payment shall" to "no payment may"; in the second sentence of the section also.

Chairman Loken questioned if you can obligate funds for a future fiscal year, to which Mr. Saroff replied that it is done in capital improvements all the time as well as other kinds of contracts, such as a continuing obligation for an urban renewal project, etc. There was discussion on this point between Mrs. Loken and Mr. Saroff.

Mrs. Kline questioned Section 13(a): By saying "no obligation incurred" are we not prohibiting anything but a one-year contract and perhaps limiting them too much. Mr. Halsted pointed out that if you go on to Section 13(c) anything goes. Mr. Machyowsky was of the opinion that Section 13(a) really means any obligation incurred in that fiscal year, with which there was general agreement.

Mr. Machyowsky stated that at the public hearings, George Davidson suggested provision be made for competitive bidding and that this is an important point particularly for purchasing and capital improvements. He suggested that the style and drafting committee be requested to prepare a proposed provision on this point.

Mr. Halsted asked if we should go deeper into the contractural buying, because there is absolutely no limit and he felt it would be well to provide that what can't be paid for in two years, for example, would have to be submitted to the voters. Mrs. Kline pointed out that sub-section (c) requires these things be done by ordinance which means public hearing and also makes it liable for a referendum. Mr. Halsted felt this was clumsy protection for the voters. There was considerable discussion between Mr. Halsted and Mr. Machyowsky citing various examples in Juneau and Douglas.

This completed Article VIII. The next article for consideration was Article IX, Municipal Borrowing, dated January 13, 1969 (page 37).

4/

10.3

In Section 2, General Obligation Bonds, subsection (a) Mrs. Kline moved to change the word "thereon" to "on the question".

Motion seconded by Mr. Saroff; objection by Mr. Halsted. The following roll was taken:

For	Against
Kline	Halsted
Crummett	
Machyowsky	
Saroff	
DeHart	
Loken	

*** Motion carried.

*** Mr. Halsted moved to strike the term "ad valoren tax" and substitute "taxes" in Section 2(b), so they are not hamstrung to one source of revenue.

Seconded by Mrs. Kline.

Mr. Saroff said this is fully covered on the following page in the balance of subsection (b). Mr. Saroff pointed out that this article is one that the style and drafting committee has changed least of any article; first because of the care necessary, and second, because this has been reviewed by two different firms of bond attorneys and they find it acceptable. Mrs. Kline further pointed out that this article was written by bond people and the article is in to make municipal bonds marketable.

The following vote was taken:

For	Against
Halsted	Kline
	Machyowsky
	Crummett
	Saroff
	DeHart
	Loken

*** Motion fails.

10.4

In regard to Section 3, Mrs. Kline said that Mr. Henri statement says that these should not be voted on. Mr. Saroff felt he (Mr. Henri) is wrong because otherwise you can't sell them.

*** Mrs. Kline moved that the word "thereon" in the last sentence of Section 3 also be changed to "on the question".

Seconded by Mr. Saroff, requesting that this change hold throughout the charter.

*** No objection; motion carried unanimously.

There were no amendments proposed to Sections 4 through.

Mr. Saroff felt there should be a provision similar to subsection (h) on page 46 in regard to bond anticipation notes. There was considerable discussion between Mr. Saroff and Mr. Machtowsky in regard to the need for such a section. Mr. Machtowsky felt the need for additional study on his part. Mr. Saroff suggested it be referred to style and drafting to draft a provision.

*** Mrs. Kline moved that the phrase "within one year of" be inserted between "or" and "the" in the last line of Section (1) on page 47 (second to thelast sentence).

Seconded by Mr. Saroff. No objection; motion carried unanimously.

*** Mr. Saroff moved to adjourn.

Seconded by Mr. Crummett.

*** No objection; meeting adjourned at 11:30 p.m.

Respectfully submitted,

Pat Cunningham
Pat Cunningham

Minutes of the Meeting of the Greater Juneau Charter Commission
Held January 21, 1969

The meeting of the Greater Juneau Charter Commission of January 21, 1969, was called to order at 8 o'clock p.m. in the offices of the Greater Juneau Borough, with Acting Chairman Ron Saroff presiding and the following members responding to roll call:

Present	Absent
Virginia Kline	
Greg Machyowsky	Allan Engstrom (excused)
Mike Grummett	
Don Craddick	
Jim DeHart	
Guy Russo	
Larry Parker	
Pat Loken (late)	
Don Halsted (late)	

Mr. Craddick commented thathe felt it ought to be stated it doesn't mean anything whether a member's absence is excused or not, with which Mr. Saroff agreed.

Acting Chairman Saroff said he had no communications for the commission, and there were none presented by the members, therefore the style and drafting committee report would continue, commencing with Article X, Service Areas, on page 48, dated January 13, 1969. XI

Mrs. Kline, chairman of the style and drafting committee, started with Section 1 of Article X, then to Section 2.

In regard to Section 2, Voluntary Establishment, Mr. Grummett recalled that at the public hearings the Civic Affairs Committee of the Chamber of Commerce mentioned the fact that they thought they needed more notification, and asked if the committee had considered this or if the feeling was that when the assembly reached this point could take care of that sort of contingency on their own. Mrs. Kline replied that the style and drafting committee did not discuss it because it would have been a substantive change.

Mr. Machyowsky said that in the public hearing materials there is a letter from Mrs. Carl Hegg proposing additional protection be put in the charter regarding service areas' formation, such as a mandatory report as to feasibility of it and a mailed notice to everybody in the proposed service area informing them of the proposal to establish it.

Chairman Saroff stated that policy changes can be brought up at this meeting. Mr. Grummett advised he had nothing to offer at this time, nor did Mr. Machyowsky, and consideration of the draft continued.

+++ Mrs. Kline moved that whenever the phrase "or general welfare" appears in the overall phrase "affecting the immediate preservation of the public pease, health, safety, or general welfare", throughout the charter, be deleted and the word "or" be inserted between "health" and"safety".

Mr. Craddick seconded the motion for purposes of discussion.

Mr. Craddick asked Mrs. Kline if the term "public emergency" would not suffice since there is a definition of "emergency" in the charter; to which Mrs. Kline replied that at the last meeting there were two votes, one on striking "or general welfare" and the second vote was to strike the rest of that since we have our definition of public emergency, however the second vote was defeated. There was some discussion between Mr. Craddick and Mrs. Kline as to whether or not this second motion and vote did or did not fail, Mr. Craddick being of the opinion that it passed and Mrs. Kline taking the opposite view. The chairman ruled it was a useless discussion without the facts saying it could be voted on now. Mr. Craddick preferred to have the explanatory language
*** deleted, whereupon Mrs. Kline said she would withdraw her motion.

+++ Mr. Craddick moved that Section 3, Mandatory Establishment (page 49), be amended by removing from it "affecting the immediate preservation of the public peace, health, safety, or general welfare of the municipality", and as a further part of the motion, so that the phrase "public emergency" appears consistently throughout, on page 26 of the report, Section 12(b), read: "The provisions of (a) of this section do not apply to measures to meet public emergencies."

Seconded by Mrs. Kline, who pointed out that similar language is on page 16, Section 4, Emergency Ordinances.

Mr. Craddick amended his motion to strike from that, "affecting the immediate preservation of the public peace, health, safety, or general welfare". It was suggested that the definition of "emergency" be read to refresh the members' memories. It is: "Emergency means a sudden unexpected happening, unforeseen occurrence or condition resulting in a relatively permanent condition of insufficiency of service or of facilities, resulting in social disturbance or distress. Emergency does not mean mere expediency, convenience or best interest."

Mr. Craddick stated that the definition of emergency just read does not limit the application of emergency ordinances to any particular type of situation, but it does drastically limit in any situation the circumstances under which emergency ordinances can be promulgated.

Mr. Russo's opinion was that this definition gives the assembly a large amount of latitude, more than anything else we have had so far.

Mr. Craddick said he had proposed the definition justread and his purpose was not to restrict any subject but to definitely and drastically curtail the circumstances under which an emergency ordinance could be passed.

Mr. Machyowsky suggested the commission could reconsider the definition when we get to that part in the charter.

Mrs. Kline felt the only way to limit the assembly any more would be to delete any reference to emergency action at all.

The following vote was taken on the motion:

For	Against
Kline	

Craddick
Machyowsky
Grummett
DeHart
Russo
Parker
Saroff

*** Motion unanimously carried.

/ Mr. Halsted arrived / 11.4

Mr. Saroff said the chair would like to suggest additional language to Section 5, pointing out that it had been called to his attention that taxes could be raised in a service area for service area functions but could be used by the assembly throughout the whole area in that there is no restriction or provision to make sure that funds raised in a service area for service area purposes are used in that service area. He suggested adding the following language: "Taxes and other revenues levied on a service area basis only may be expended on functions which render services to the service area only." This would be added to Section 5, Financing.

+++ Mrs. Kline moved that the foregoing concept be included under Section 5 provided that style and drafting can re-word it as appropriate.

Motion seconded by Mr. Halsted.

Mr. Craddick asked why this concept was not covered by the phrase "to finance the services", which is presently in Section 5. Mr. Saroff replied that this does not say anything about using those funds for other purposes as well. Mr. Craddick said if the members felt the section needed clarification it should be voted upon, but his interpretation of the section makes it quite clear that the only reason for levying these taxes, assessments or other charges within a service area is to finance the services and that revenues raised therefrom can only be used to finances the services. There was discussion among the members as to whether this additional language was desirable or necessary. Mr. Craddick felt the commission's statement of intent on the record that the funds are to be used only on functions rendered to the service area would be sufficient, with which Mr. Saroff agreed. Mr. Halsted said it must be very clear to people working with this document and he suggested the addition to the end of the sentence of Section 5: "... and funds thereby raised shall not be used for any purpose outside the service area."

Mr. Parker asked if this is an amendment to the original motion. The chair ruled that either a vote would be taken on the first motion or it should be withdrawn.

Mrs. Kline withdrew the motion.

+++ Mr. Halsted then moved that Section 5, Financing, be revised to read: "The assembly may levy taxes, assessments, or other charges within service areas to finance the services and funds thereby raised shall not be used for any purpose outside the service area."

Seconded by Mr. Parker.

The following roll was taken:

For	Against
Kline	Russo
Machyowsky	
Grummett	
Craddick	
Halsted	
DeHart	
Parker	
Saroff	

*** Motion carried.

Mrs. Kline asked if there was any chance that this could mean that you could go from service area to service area, since it is plural in the first half of the sentence. She suggested it be changed to "within a service area".

There being no objection the foregoing suggestion was adopted.

This concluded this article, and the commission went on to Article XII, Local Improvement Districts.

/ Mrs. Loken arrived and requested to participate as a commission member rather than as chairman, and Mr. Saroff agreed. /

+++ Before leaving Article X, Mr. Halsted wished to propose an amendment to Section 2, Voluntary Establishment, (b), by changing the first full sentence at the top of page 49 (The petition shall contain signatures of at least twenty-five qualified voters residing in the service area or proposed service area.), to read : "The petition shall contain signatures of no less than 10% or twenty-five of the qualified voters residing in the proposed service area, whichever is the lesser."

Motion seconded by Mr. Craddick

Mr. Halsted explained that the purpose is to eliminate the possibility of a service area which contained so few people that twenty-five was a ridiculous requirement, or actually contained less than twenty-five qualified voters, and also cited the example of an entirely commercial or industrial area with no resident voters. Mrs. Loken commented that when you set up a figure such as 10%, then someone has to establish the exact number of qualified voters in that district which is difficult to do.

The following vote was taken on the motion:

For	Against
Machyowsky	Kline
Craddick	Grummett

Halsted	Saroff
DeHart	
Russo	
Parker	
Loken	

*** Motion carried.

Mr. Craddick pointed out that on page 34, Section 10(b) of Article VIII, to conform with previous changes, the sentence referring to emergency should read: "Upon declaration by the assembly that a public emergency exists and describing the emergency in clear and specific terms, the assembly may make emergency appropriations."

Mrs. Kline then continued with Article XI, sections 1, 2 and 3.

+++ In regard to Section 4, Protests, Mr. Halsted said there was somewhat of a question here as to what 50% is of, and he moved the substitution of the following language: "If protests as to the necessity for any local improvement are made by owners of benefitted real property which will bear 50% or more of that portion of the estimated cost of the improvement which will be borne by owners of private benefitted real property, the improvement shall not proceed until the protests have been reduced so that the real property of those still protesting shall not bear 50% of the said estimated cost of the improvement; provided, however, that the assembly may authorize the improvement by an affirmative vote of seven members."

Motion seconded by Mr. Machyowsky.

After extensive explanation by Mr. Halsted and discussion among the members, particularly in regard to the word "private" in the motion, Mr. Halsted agreed to withdraw the word "private" from the suggested language, with consent of second. (Secretary's note: Neither my notes nor the tape make it clear as to whether or not the word "necessity" was left or changed back to "establishment", because of discussion among members with each other, however I think it is the intent to make this change also.)

After further discussion, the following vote was taken:

For	Against
Machyowsky	Kline
Grummett	Saroff
Craddick	
Halsted	
DeHart	
Russo	
Parker	
Loken	

*** Motion carries.

12.5

There was discussion between Mr. Craddick and Mr. Parker as to the sixty day time limit set forth in Section 5. Mr. Craddick said he would like to have an indication of intent from the body that even the protests envisioned under Section 4 are covered by the sixty day limitation of Section 5. This should be clarified, either by a statement of intent or put it in the charter.

Mr. Saroff stated that his understanding of this is that we are looking at stages,. and limitation of actions is after you go on through other things. In other words you are going through the sections in time, so presumably you are not going to get to Section 5 unless 50% of the number of those protesting have been reduced below 50%. Mr. Craddick said that the reference does not seem to go from authorization but rather something called "the formation of the assessment roll". Mr. Machyowsky said it seemed to him that you could not confirm the special assessment roll until the district was established. Mrs. Kline said that special assessment rolls are not mentioned anywhere else and asked if the term ought not be defined. Mr. Machyowsky replied he thought it was clear that the standard procedure is being followed here. He also pointed out that Mr. Henri suggested eliminating this procedure entirely and let it be established by ordinance which would give the public enough of an opportunity to determine what safeguards should be put into the procedure.

12.6

In Section 6, Lien, Mr. Craddick moved the addition of the words "and payable" in the second to last sentence, so it would read: "The assessment is due and payable at the time levied, and when delinquent bears the interest and penalty as the assembly prescribes by ordinance."

Motion seconded by Mr. Halsted.

*** The being no objection, the motion carried unanimously.

12.7

+++ Mr. Craddick moved that the words "from special assessments" be deleted from the last portion of Section 7, Property Liable, so that last part would read: "... shall be liable for the cost of local improvements unless specifically exempted by ordinance."

Seconded by Mrs. Kline.

*** No objection to the motion and it carried unanimously.

12.8

+++ Mr. Craddick moved the addition of the words "or bonds have been authorized" in Section 8, Expenditures Prior to Improvement, so the section would read: "No expenditure shall be made unless funds are available or bonds have been authorized to finance the costs."

Seconded by Mr. Halsted.

There was lengthy discussion among the members in regard to possible engineering, administrative and legal expenditures that might be incurred prior to approval of the improvement; the advisability of replacing this section with the provision presented to the public (which was Section 9 on page 32) ; the source of payment of these preliminary costs, etc.

The following vote was taken on Mr. Craddick's motion:

For	Against
Kline	Machyowsky
Grummett	Saroff
Craddick	
Halsted	
DeHart	
Russo	
Parker	
Loken	

*** Motion carried.

+++ Mrs. Loken moved that Section 8 be stricken from the committee draft.

Seconded by Mr. Machyoswky

The following was the vote on the motion:

For	Against
Machyowsky	Kline
Grummett	Craddick
Parker	Halsted
Loken	DeHart
	Russo
	Saroff

*** Motion failed.

+++ Mr. Parker moved that Section 8 on page 52 of the committee draft be replaced with Section 9 on page 32 of the draft which went to the public.

Seconded by Mr. Craddick.

Here again there was considerable discussion among the members as to the source for payment of administrative, legal or engineering expenditures incurred, with many opinions being voiced, after which the following vote was taken:

For	Against
Kline	Saroff
Machyowsky	
Grummett	
Craddick	
Halsted	
DeHart	
Russo	
Parker	
Loken	

*** Motion carried.

+++ Mr. Machyowsky moved that the newly adopted Section 8 be amended by adding the words "notes or other evidence of indebtedness" be added after the word "bond" in the last phrase.

Mr. Craddick suggested that it be amended by changing the wording as follows in the last phrase: "... shall be made unless funds are available or have been authorized to finance the costs thereof." Mr. Machyowsky accepted this amendment. 12.8

Motion seconded by Mr. Craddick. The vote was as follows:

For	Against
Kline	Halsted
Machyowsky	
Grummett	
Craddick	
Russo	
DeHart	
Parker	
Loken	
Saroff	

Motion carried.

+++ Mr. Craddick proposed a motion to add a sentence to Section 9: (Secretary's Note: Mr. Craddick said Section 9, however he no doubt meant Section 8 which was Section 9 in the draft which went to the public.) "The expenditures made before funds for improvements are available shall be repaid to the source thereof from improvement funds which become available," 12.8

Motion seconded by Mr. Grummett.

There was no discussion and the following roll was taken:

For	Against
Kline	
Machyowsky	
Craddick	
Grummett	
Halsted	
DeHart	
Russo	
Parker	
Loken	
Saroff	

Motion carried unanimously.

+++ Mrs. Kline moved that a style and drafting committee change be approved, which is changing the words "other than" to "except" in the newly adopted Section 8, first sentence, so it will read: "No expenditure,

except for administrative, engineering, and legal work ..."

*** There being no objection, the motion carried unanimously.

Mrs. Kline stated that at public hearing it had been brought out that planning should be added to engineering, legal, administrative, and
+++ she moved the addition of this word to Section 8, after "administrative".

Mr. Machyowsky seconded the motion.

*** There was no objection and the motion unanimously carried.

+++ Mr. Machyowsky moved to restore a provision which had been included in the draft presented at public hearings to Section 1, Purpose, Article XI, page 51, by striking the period and adding: "and to provide for the payment of all or any part of the cost of the improvement out of the proceeds of such special assessments."

Seconded by Mr. Craddick. The vote was as follows:

For	Against
Kline	Saroff
Machyowsky	Grummett
Craddick	
Halsted	
DeHart	
Russo	
Parker	
Loken	

*** Motion carried.

The commission then moved on to Article XII, Public Schools, dated January 10, 1969, page 54.

+++ Mrs. Kline pointed out that previously subsections have not had titles and moved that the title headings of subsection (a), (b) and (c) be deleted also where found in this article.

*** There being no objection the motion to remove subsection title headings in the article was unanimously carried.

Mr. Craddick also pointed out that the phrase "Alaska Statutes" should not be underlined, and this was also adopted by unanimous consent.

Mr. Craddick questioned whether or not the phrase in Section 1, "Title XIV, Alaska Statutes", conflicts at all with the phrase "by State law" in Section 4, Powers. There was considerable discussion on this point between Mr. Saroff, Mr. Craddick and Mr. Machyowsky and it was generally agreed that the Section 1 terminology was preferred, whereupon

+++ Mrs. Loken moved to delete the words "by State law" from Section 4 and substitute therefor "Title XIV, Alaska Statutes".

Motion seconded by Mr. Parker. There being no objection the change was
*** unanimously adopted.

+++ Mrs. Loken moved to add the words "school board" before the word "budget" in Section 5, Budget, subsection (a), at the top of page 56.

Motion seconded by Mr. Grummett.

There was discussion among the members as to the budget being discussed in this section, i.e. superintendent's budget or school board budget, and the procedure followed, etc.

+++ Mr. Craddick moved to add to the motion so the words "approval and" would be added before the word "submission", also in this last sentence of subsection (a), Section 5. Mrs. Loken said she would adopt the amendment with the approval of the second and the commission. The chairman announced that the motion up for vote is to change the last sentence of subsection (a), Section 5, page 56 to read: "The board shall hold a public hearing on the school board budget before approval and submission to the assembly for final action."

13.6

The vote was as follows:

For	Against
Kline	
Machyowsky	
Grummett	
Craddick	
Halsted	
DeHart	
Russo	
Parker	
Loken	
Saroff	

*** Amended motion unanimously carried.

There was discussion among the members concerning the subsections which had been deleted from the draft presented to the public, under Section 5. Mr. Machyowsky pointed out that most of these items were covered by Title XIV or specifically spelled out elsewhere in the charter.

+++ Mrs. Kline moved that subsection (d) from the public hearing draft (page 73) be added as subsection (d) in this draft, which reads: "meet at least once a month, with meetings open to the public".

Seconded by Mr. Halsted.

*** There was no objection and the motion was unanimously carried.

+++ The members discussed the subject of public meetings to a further extent, whereupon Mr. Russo moved the addition of a section to be entitled "Section 5, ~~XXXXX~~ Meetings" which will read: All meetings shall be conducted as provided for the assembly in Article II, Section 13, subsection (d)."

13.5

Seconded by Mrs. Loken.

The following vote was taken:

For	Against
Kline	
Machyowsky	
Grummett	
Craddick	
Halsted	
DeHart	
Russo	
Parker	
Loken	
Saroff	

*** Motion unanimously carried. The following sections are to be renumbered accordingly.

+++ Mrs. Loken moved to delete the last six words from Section 8, Capital Improvements, subsection (c), so that the last sentence of subsection (c) would read: "The assembly committee and board shall meet together at least four times a year at public meetings."

13.8

Seconded by Mr. Craddick. The following roll was called:

For	Against
Kline	Craddick
Machyowsky	Halsted
Grummett	DeHart
Russo	Saroff
Parker	
Loken	

*** Motion carried.

+++ Mr. Halsted moved the revision of Section 9, School Maintenance, as follows: "The board shall provide custodial services for school buildings. The assembly shall provide for routine maintenance, all major rehabilitation, all construction, and major repair of school buildings."

13.9

Seconded by Mr. DeHart. The following roll was called:

For	Against
Kline	Craddick
Machyowsky	
Grummett	
Halsted	
DeHart	
Russo	
Parker	
Loken	
Saroff	

***

Mr. Machyowsky asked if the intent of this entire provision as amended is to permit the assembly to determine whether or not major rehabilitation, routine maintenance, construction and major repair will be handled by it or by the school board. Mr. Craddick said emphatically no and Mr. Saroff re-read the amended section which was just adopted.

+++ Mr. Machyowsky moved that Section 9 be deleted.

Mr. Craddick seconded the motion.

Mr. Machyowsky explained the purpose was to leave it up to the governing body to determine by ordinance, and further that this is covered in Title 7, but that Title 7 is not incorporated.

The vote was as follows:

For	Against
Machyowsky	Kline
	Grummett
	Craddick
	Halsted
	DeHart
	Russo
	Parker
	Loken
	Saroff

*** Motion failed.

13.8

+++ Mr. Parker moved that in Section 8, subsection (c), provision be made that the minutes of the school board meetings will reflect the business carried on at such meetings. Wording such as: "Minutes of the school board meetings shall reflect the business carried on at such meetings."

Seconded by Mr. Halsted. The following roll was taken:

For	Against
Kline	
Machyowsky	
Grummett	
Craddick	
Halsted	
DeHart	
Russo	
Parker	
Loken	
Saroff	

Motion unanimously carried.

13.7

+++ Mr. Craddick, referring to new Section 7, Administration of Budget, moved that the last sentence be deleted.

*** The motion failed for lack of a second.

Mrs. Kline stated that on page 56, Section 7, Administration of Budget, the first sentence should read: "No payment may be made ..." (rather than "shall"), and this change should also be made in the following sentence.

There being no objection the foregoing suggestion was adopted.

Mr. Saroff referred back to Article II, Section 13, Meetings, subsection (d) and expressed his opinion that the phrase "would adversely affect the finances of the municipality" in regard to subject matter for an executive session is out of order. There was discussion among the members on this matter, with particular emphasis on abuse of executive sessions, etc.

3.12(d)

+++ Mr. Craddick moved that the following words be eliminated from subsection (d), Section 13, Article II: "adversely affect the finances of the municipality or would".

Mr. DeHart seconded the motion.

There was further discussion among the members with specific examples being cited by former assemblymen on the commission, etc.

The vote on the motion was as follows:

For	Against
Machyowsky	Kline
Grummett	Halsted
Craddick	Russo
DeHart	Parker
Saroff	Loken

*** Motion fails.

10.8

+++ Mrs. Kline moved amendment to Article IX, Municipal Borrowing, Section 9, Miscellaneous Provision, page 46 of the style and drafting report dated January 13, 1969, by the addition to subsection (h) or a new subsection following (h), as follows: "No person who provides financial advice to the municipality in connection with the issuance of notes may provide assistance for the sale of said notes."

Mrs. Loken seconded the motion.

The following vote was taken:

For	Against
Kline	
Machyowsky	
Grummett	
Craddick	
Halsted	
DeHart	
Russo	
Parker	
Loken	
Saroff	

*** Motion unanimously carried, and it was decided that this should be a new subsection (i), and that the following subsections should be relettered accordingly.

+++ Mr. Craddick moved to adopt the Preamble which had accompanied the committee draft as the preamble to the charter.

Mrs. Kline seconded the motion and moved to amend the motion by inserting the word "Douglas" between "Juneau" and "area" in the first line.

There being no objection, the amendment to the motion was adopted.

+++ Mr. Halsted moved to strike the word "Greater" from the first sentence.

Seconded by Mr. Craddick, objected to by Mrs. Loken. The vote was as follows:

For	Against
Kline	Machyowsky
Halsted	Grummett
DeHart	Craddick
Russo	Loken
Parker	Saroff

*** Motion failed.

+++ Mrs. Loken moved that the word Greater not be capitalized.

*** No objection was voiced, and the motion was adopted.

+++ Mr. Halsted moved to strike the words: "in order to provide for local government more responsive, efficient, and relevant to the needs of the people".

The motion was seconded by Mr. Russo.

For	Against
Halsted	Kline
Russo	Machyowsky
	Grummett
	Craddick
	DeHart
	Parker
	Loken
	Saroff

*** Motion failed.

The vote on the main motion to adopt the preamble was as follows:

For	Against
Kline	Halsted
Machyowsky	Russo
Grummett	
Craddick	
DeHart	
Parker	
Loken	
Saroff	

Motion carried, preamble as amended adopted.

+++ Mrs. Kline moved there be a new Article I to be entitled Name and Boundaries; just take Section 1 out of Article I. Section 2 of this new article would be the boundaries provision as slightly revised which is in the miscellaneous provisions.

The motion was seconded by Mrs. Loken.

The vote on the motion was:

For	Against
Kline	
Machyowsky	
Grummett	
Craddick	
Halsted	
DeHart	
Russo	
Parker	
Loken	
Saroff	

Motion carried and the following articles are to renumbered accordingly.

Mr. Russo gave notice of reconsideration of the foregoing motion for the next regular meeting.

There was discussion among members as to when the charter will be ready to go to public vote.

Mr. Machyowsky stated that he indicated if the provision respecting school maintenance and repair were deleted, that it would be controlled by local ordinance. He wish to correct himself for the record, and said if deleted it would be controlled by the provisions of Title 7, because Title XIV makes reference to Title 7.

+++ Mr. Halsted moved to adjourn.

*** There being no objection, the meeting adjourned at 11:30 p.m. The next meeting will be held next Tuesday, January 28, 1969.

Respectfully submitted,

Pat Cunningham

Minutes of the meeting of the Greater Juneau Charter Commission
Held January 28, 1969

The meeting of the Greater Juneau Charter Commission was called to order at 8 o'clock p.m. on January 28, 1969, at the offices of the Greater Juneau Borough. Chairman Loken presided and the following roll call was taken:

Present	Absent
Parker	Russo (excused)
Kline	
Machyowsky	
Grummett	
Halsted	
Saroff	
Craddick	
Engstrom	
DeHart	
Loken	

It was noted that a quorum was present

Chairman Loken presented minutes of the meeting of December 17, 1968, but all members had not received their copies.

Mr. Halsted moved that consideration of the minutes be withheld until everyone had a copy, to which Mr. Saroff objected stating that many corrections could be made now.

Chairman Loken ruled that the commission would make corrections now and withhold approval until a later date. Corrections as follows:

Mr. Saroff was excused from the meeting of 12/17/68.

Page 3, correct spelling to Lein (vs. Ketchikan).

Mr. Parker was traveling on 12/17/68 and unable to attend.

Mrs. Kline commenced with consideration of Article I, Powers, Name and Boundaries, and continued through because this had been considered at the previous meetings.

Mr. Parker stated that we had a notice of reconsideration given by Mr. Russo who was not present at this meeting , and Chairman Loken stated it could be brought up by anyone, not necessarily the person giving notice.

+++ Mr. Craddick moved that the commission adopt Article I.

The motion was seconded by Mr. Grummett.

Mrs. Kline said that Mr. Machyowsky had suggested that the phrase "with the name" be changed to "known as" in Section 1 of Article I.

** There being no objection, the suggestion was adopted, and there being no objection to acceptance of Article I, it was adopted by unanimous consent.

Mr. Halsted expressed the desire the propose amendments to articles already considered and accepted by the commission, to which Chairman Loken replied that they would go ahead tonight and a meeting would be called in the future particularly for consideration of amendments, after consideration of the style and drafting committee report in its entirety. Mr. Craddick pointed out that one member of the commission would be leaving before the next meeting, and though individual members may feel there should be additional amendments or changes, he could not see why actual acceptance of the Charter should be deferred, at the risk of continuous review. Chairman Loken agreed with Mr. Craddick but it was decided to follow Mrs. Kline's suggestion to see how far the commission would get at this meeting.

The commission undertook consideration of Article XIV, Charter Amendment, and Mr. Saroff pointed out that this material was previously in the miscellaneous article and had been lifted from miscellaneous to an article of its own, because the style and drafting committee felt the subject matter was of enough importance to warrant this. Mr. Craddick had put the article together and stated there were no substantive changes made with the possible exception of one, and that is in Section 4(d) where the number of votes to propose amendments was set at six which he thought at the time he wrote it would be conforming to the number of votes required on the assembly.

It was noted that Section 1 did not have a title. It was also noted that the article reference in Section 3 should be to Article VII.

+++ In regard to Section 4(d), Mr. Saroff moved that the number of votes be changed from six to five, and the change in wording from "no less than" to "at least", so the middle phrase will read: "by a vote of at least five of its membership".

Motion seconded by Mrs. Kline.

Mr. Craddick explained that he felt six was a better number because it is the number required in the assembly and further, the charter commission itself is elected on the same basis as the assembly.

The vote on the motion was as follows:

For	Against
DeHart	Machyowsky
Kline	Halsted
Grummett	Craddick
Saroff	Parker
Engstrom	
Loken	

Motion carried (6 yes; 4 no).

+++ Mr. Machyowsky moved that Section 4(c) be amended by adding to the last sentence, "as provided for meetings of the assembly under Article II, Section 14(d)." **529**

Seconded by Mr. Halsted

The vote on the motion was as follows:

For	Against
Machyowsky	DeHart
Halsted	Kline
	Grummett
	Saroff
	Craddick
	Engstrom
	Parker
	Loken

*** Motion failed (8 no; 2 yes).

Mr. Machyowsky said as long as the intent was clear that meetings are to be open to the public and the public is to have an opportunity to be heard and there will be no executive sessions intended.

In Section 5(a), Mrs. Kline suggested that the phrase "No later than" be changed to "At least". There was no objection and the suggested change was adopted.

There was discussion among the members concerning the provision in Section 5(b) that the full text of each amendment was to be included on the ballot, with general feeling that this could be a very costly thing particularly with extensive or lengthy amendments. Mr. Craddick felt a statement of intent by the commission that if a revision is contemplated, then the simple proposition "for the revision" or "against the revision" would be sufficient in the ballot but the whole revision would have to be in the notice.

+++ Mrs. Kline moved that the words "include the full text of each proposed amendment and" be deleted from the third sentence of subsection (b), so the sentence would read: "The ballot shall provide the voters a choice to vote 'For the amendment' or 'Against the amendment'.

Motion seconded by Mr. Saroff.

It was Mr. Parker's opinion that by deleting these words the sentence no longer provides that each amendment will be voted upon.

The roll was as follows:

For	Against
Kline	DeHart
	Machyowsky
	Grummett
	Halsted
	Saroff
	Craddick
	Engstrom
	Parker
	Loken

*** Motion failed (9 no; 1 yes).

4 Mr. Machyowsky moved the sentence be amended to read: "The ballot shall include the full text of, or a summary of, each proposed amendment and provide the voters a choice on each proposed amendment to vote 'For the amendment' or 'Against the amendment'."

Seconded by Mr. Saroff.

The vote was as follows:

For	Against
DeHart	Saroff
Kline	Engstrom
Machyowsky	Parker
(Grummett)	Loken
(Halsted)	
(Craddick)	

Mr. Craddick stated that he would like to make clear that his definition of a summary is not just a title, it is one which lets the people know what the amendment is, and Mr. Machyowsky agreed that it might be a problem. Mr. Parker expressed the opinion that every part must be set forth which has been changed and that must become a part of the ballot, otherwise you don't have a specific ballot. There was further discussion among the members, some expressing a desire to change their vote. In view of the fact that the vote had not yet been announced because discussion commenced immediately following the voting, Mr. Engstrom pointed out that votes could be changed, whereupon Chairman Loken called for any change in votes, which resulted in Mr. Craddick, Mr. Halsted and Mr. Grummett changing their "yes" votes to "no" votes.

*** The motion was then reported to have failed, 7 no to 3 yes.

+++ In Section 5(c), Mrs. Kline moved to change the last words from "of election results" to "of the election".

*** There was no objection and the motion carried unanimously.

There was discussion among the members as to Section 6 and whether or not it should be a subsection under Section 5, Election, and Mr. Craddick pointed out that its placement here was because it would apply to all elections whereas Section 5 deals with one subject and that is elections on amendments.

+++ Mr. Halsted moved to strike Section 6 and to put a similar section in the Elections article stating: "All elections required by this charter shall be paid for by the municipality."

Seconded by Mrs. Kline.

The vote was as follows:

For	Against
DeHart	Kline
Halsted	Machyowsky
	Grummett
	Saroff
	Craddick
	Engstrom
	Parker
	Loken

*** Motion failed, 8 no to two yes.

+++ Mr. Engstrom moved to strike Section 6.

Mrs. Kline seconded the motion.

In explanation of the motion, Mr. Engstrom stated he could see no necessity to have it in because the municipality would pay for all elections required by the charter.

The vote was:

For	Against
DeHart	Craddick
Kline	
Machyowsky	
Grummett	
Halsted	
Saroff	
Engstrom	
Parker	
Loken	

*** Motion passed 9 yes to 1 no.

There was considerable discussion among the members in regard to the procedure of placing on the ballot every ten years whether or not a charter commission should be called to revise the charter; Mr. Engstrom expressing the opinion that this was too limiting; and Mr. Saroff pointed out that it was automatic this way. Members also discussed the terms "revision" and "amendment".

+++ Mr. Halsted moved to strike the word "revision" wherever it occurs.

Seconded by Mr. Saroff. The motion was discussed extensively, whereupon

+++ Mr. Craddick moved to amend the motion by setting out the words to be deleted as follows: Section 1, strike "and revisions"; Section 4(a), strike "or revise" and place the word "or" between "review"and "amend"; Section 4(d), strike "or revisions".

Mr. Saroff seconded the amendment to the motion.

The vote was as follows:

For	Against
DeHart	Kline
Machyowsky	Parker
Grummett	
Halsted	
Saroff	
Craddick	
Engstrom	
Loken	

*** Motion carried, 8 yes to two no.

Mr. Craddick stated that it had been suggested that we have a section or provision attempting to spell out whether or not a revision would have to be set forth on a ballot and he thought this idea should be discarded because the chances of it ever coming up are practically nil. Mr. Parker pointed out that if the municipality wants to change this particular section later, this can be done by amendment.

The consideration of Article XV, General Provisions, was then commenced.

Mr. Craddick moved that the words "a substantial" and "or corporation" be deleted from subsection (b), Section 15.1.

Seconded by Mr. Grummett.

*** There was no objection and the changes were made.

+++ Mr. Craddick moved the last part of Section 15.2(a) be changed to read: "... because of race, sex, color, political or religious affiliation, or national origin."

Seconded by Mr. Saroff.

*** There was no objection and the motion was adopted.

Mr. Halsted felt subsection (c) ought to include persons receiving something of value, with which all members agreed, and with no objection the wording was changed to "No person may offer, give or receive any money, service, ..."

+++ Mr. Craddick moved to strike the word "to" in Section 4 after the word "subscribe".

Seconded by Mr. Machyowsky.

No objection so unanimously carried.

+++ Mr. Parker moved that the words "and takes office" be added to Section 5 after the word "qualifies".

Seconded by Mrs. Kline.

*** There was no objection and the words were added.

+++ Mr. Halsted felt the section meaningless and moved to strike Section 5.

Seconded by Mr. Engstrom.

Mr. Craddick pointed out that some of these people might be bonded and if they left without fulfilling their function to the damage of the municipality you could collect on the bond. Mr. Parker said this section was placed in here with the opposite thought -- to empower the person who remained there after termination to give him the opportunity to carry on his duties serving the municipality.

*** Mr. Halsted stated he would withdraw the motion, and there being no objection, it was withdrawn.

+++ Mr. Machyowsky moved and asked unanimous consent that the word "resignation" be added to Section 5 after the word "death".

Mr. Saroff objected.

The vote was as follows:

For	Against
Machyowsky	DeHart
Engstrom	Kline
	Grummett
	Halsted
	Saroff
	Craddick
	Parker
	Loken

*** Motion failed, 8 no to 2 yes.

There was discussion among the members as to whether or not an officer could resign and under what circumstances, and also application of a bond on those who did resign without someone to take their place. Mr. Engstrom pointed out that about the only appointed officer would be the manager and if it is written into his two year contract that he cannot resign, no one would take the job under those circumstances.

+++ Mr. Parker moved reconsideration of the foregoing motion.

Seconded by Mr. Saroff. There was no objection to reconsideration and the vote on the motion was as follows:

For	Against
DeHart Kline Machyowsky Grummett Saroff Craddick Engstrom Parker Loken	Halsted

*** Motion passed, 9 yes to 1 no.

15.6

+++ Mr. Craddick moved for acceptance of an amended Section 7, which is entitled "Municipal Proceedings", which was presented in writing to each member.

Motion seconded by Mr. Saroff. After presentation of this amended section there was considerable discussion in regard to a municipal court, the validity of same, the fact that powers of judiciary have been placed in the Supreme Court, the authority of the municipality to set up a court system if it desires, etc. Mr. Machyowsky read the appropriate provision from Article IV, Section 1 of the Alaska Constitution. Mr. DeHart questioned the necessity of having the section in at all, and Mr. Saroff replied that there would be administrative proceedings with hearings conducted by the assembly and the charter should assure that there are orderly procedures set up for these hearings and that people involved will have all their constitutional rights, etc. Mr. Craddick amended his motion to delete the words "civil, criminal and" to which the membership consented. Mr. Saroff at this point withdrew his second, whereupon Mr. Engstrom seconded the motion as amended by its proposer.

The vote on the motion was as follows:

For	Against
DeHart	Saroff
Kline	
Machyowsky	
Grummett	
Halsted	
Craddick	
Engstrom	
Parker	
Loken	

*** Motion carried 9 yes to 1 no.

+++ Mrs. Kline moved to change the first part of the sentence by putting the phrase "by ordinance" right behind the word "assembly" and by deleting the colon before the word "establish".

*** There was no objection and the motion carried unanimously, therefore Section 7, Municipal Proceedings, now reads as follows: "The assembly by ordinance shall establish procedures governing administrative proceedings in which legal rights, duties, privileges or penalties of persons are to be determined; insure fair and equal treatment of all persons involved in such proceedings; and provide for the conduct of such proceedings in an orderly and uniform manner."

Mr. Parker moved that Section 8 be stricken from the charter.

Seconded by Mr. Craddick.

There was extensive discussion among members in connection with this motion. Mr. Halsted made a comparison between the constitution and the charter wording, frequently finding only a word or two difference, and commented that this only added volume not weight to our charter. Mr. Saroff objected to removing the whole section, preferring to vote on each specific change. Mr. Engstrom felt everything covered here was covered in two other documents (state and federal constitutions), with which Mr. Craddick concurred.

The vote on the motion to strick Section 8 was as follows:

For	Against
DeHart	Kline
Grummett	Machyowsky
Halsted	Saroff
Craddick	
Engstrom	
Parker	
Loken	

*** Motion carried, 7 yes to 3 no.

+ Mr. Saroff moved that subsection (c) of Article VIII be included as part of this charter, as (a).

Seconded by Mr. Machyowsky.

After discussion among the members, the following vote was taken:

Against	For
DeHart	Kline
Grummett	Machyowsky
~~MAXSKAM~~	Saroff
Craddick	Halsted
Engstrom	
Parker	
Loken	

*** Motion failed, 6 no to 4 yes.

+++ Mr. Saroff moved that subsection (e) be added to the charter as subsection (a).

Seconded by Mrs. Kline.

Mr. Machyowsky stated that this subsection expands upon the existing constitutional guarantee which would be permissible if the local government wants to do it, whereas the other sections are simply a reminder to the governing body that any ordinance affecting the local area the charter would have to be considered and it would prevent a person having to go to court under the federal constitution under the Civil Rights Act to establish his rights under the charter. It would impede an undesirable action in this area by a governing body.

Mr. Engstrom pointed out that as far as this subsection goes, it seems to be an extension on the Constitution in the sense of against a clear and imminent danger and would affect such things as the comic book laws and dirty movie laws, and make it more difficult under this test for a municipality to govern this sort of thing than under the constitutional protections as they now exist. Mr. Saroff stated that we had meaningful home rule to govern ourselves on the local level, and the citizens do have the wisdom to extend constitutional guarantees if they want to. Mr. Craddick agreed with both Mr. Engstrom and Mr. Saroff, but felt if this provision were adopted that we are to all intents and purposes writing out any practical possibility of the municipality being able to govern obsenity, pornography, subversion, sedition, etc. He wished the municipality to have the ability to establish standards and enforce them. Mr. Machyowsky did not feel the provision went that far as to scope. Mr. Saroff felt it was very reasonable to insist that the municipality prove that someone is being harmed in some way by a book or a movie, as an example, not just that they don't like it.

After the foregoing discussion, which is in summary, the following vote was taken:

For	Against
DeHart	Grummett
Kline	Halsted
Machyowsky	Craddick
Saroff	Engstrom
	Parker
	Loken

*** The motion failed, 6 no to 4 yes.

+++ Mr. Saroff moved that subsection (d) be added to the charter and made section (a).

Motion seconded by Mrs. Kline.

Mr. Grummett reiterates his opinion that baccalaureate services and prayers before meetings not be discontinued, and further questioning future effect on something like the Pledge of Allegiance which has the phrase "under God", pointing out that Mr. Henri's comments also contained this last reference.

The vote on the motion was as follows:

For	Against
Kline	DeHart
Machyowsky	Grummett
Halsted	Craddick
Saroff	Engstrom
Loken	Parker

*** Motion failed, 5 yes and 5 no.

+++ Mr. Saroff moved that subsection (f) be made subsection (a) and inserted in the charter.

Seconded by Mr. Machyowsky.

Mr. Engstrom felt this subsection was in a "grey" area, where the others have extended existing consitutional rights, he did not think this one really does, quoting from the subsection in regard to public buildings, facilities or property being available to all groups. He felt this was covered by existing constitutional provisions. Mr. Halsted stated that parallel language in the state Constitution is: "The right of the people peacefully to assemble and to petition the government shall never be abridged." Mr. Engstrom said there is state law in regard to discrimination.

The vote was as follows:

For	Against
Kline	DeHart
Machyowsky	Grummett
Halsted	Craddick
Saroff	Engstrom
	Parker
	Loken

*** Motion failed, 6 no to 4 yes.

+++ Mr. Saroff moved that subsection (g) be reinserted in the charter and be section (a).

Seconded by Mr. Machyowsky.

Mr. Craddick felt that the first sentence was already covered by state and federal constitutions, and that the second sentence was covered by previous charter provisions in regard to fair and equal treatment, etc. Mr. Machyowsky again stated that he was in favor of it on the general grounds of it being a reminder to the municipality.

The vote was:

For	Against
Kline	DeHart
Machyowsky	Grummett
Saroff	Halsted
	Craddick
	Engstrom
	Parker
	Loken

Motion failed, 7 no to 3 yes.

+++ Mr. Saroff moved that subsection 8 be inserted in the charter as

subsection (a) with the following amendment -- involving 3 months or $250.
(Secretary's note: The shorthand minutes and the tape both indicate that Mr. Saroff said subsection "8", however it is felt he meant subsection (h).)

Chairman Loken requested a clarification of the term "indigent", to which Mr. Craddick replied that an indigent is defined by court decision and Supreme Court rule as a person who at the time charged does not have sufficient financial reserves available to him, either in the bank, so to speak, or reasonable prospects to obtain a loan for it -- in other words, he simply cannot raise finances.
Mr. Craddick went on to explain that legislation is being introduced whereby a person who comes into money within a reasonable time after he has received the services will be called upon to pay back.

Mr. Craddick suggested the language "90 days imprisonment or more, or a fine of $250 or more", with which Mr. Saroff agreed.

After further discussion the vote was as follows:

For	Against
Kline	DeHart
(Machyowsky)	Grummett
Saroff	Halsted
Craddick	Engstrom
Parker	Loken

Mr. Machyowsky changed his vote from "yes" to "no" and gave notice of reconsideration.

*** Motion failed, 6 yes to 4 no.

+++ Mr. Kline moved that there be a new Section 8 called "Criminal Prosecutions" and that it read as appears on Mr. Craddick's draft, Section 8(h): "In all criminal prosecutions the accused shall have the right to a speedy and public trial by a judge or, if he so demands, by jury. The assembly shall provide for defense services to indigent defendants who by law are required to have such services made available to them."

Seconded by Mr. Craddick.

Mr. Engstrom objected because it covered the same subject matter as the last amendment which failed and is under reconsideration.
Mr. Kline felt there was a rather crucial difference in the second sentence which incorporates state requirements. Chairman Loken agreed with Mrs. Kline and ruled the motion in order.

At the conclusion of the further discussion, the vote was taken as follows:

For	Against
Kline	DeHart
Machyowsky	Grummett

Saroff	Halsted
Craddick	Engstrom
Parker	Loken

*** Motion failed, five yes to five no.

3.18

The commission next considered the section on Ombudsman, which would now be Section 8.

+++ Mr. Engstrom moved to strike the second sentence and leave it up to the assembly to determine the normal powers and duties of an ombudsman if they wanted one, without limiting the power of investigation.

Seconded by Mr. Grummett.

Mr. Halsted stated that the whole concept of the ombudsman is investigative and recommendation operation and he, traditionally, has no power other than the power of airing the issues in public. Mr. Halsted further felt that the term "ombudsman" is obscure and questioned if a definition would be in order. Mr. DeHart expressed the opinion that by using the word "may" establish, the section was unnecessary; if it was stated that the assembly shall establish the job there would be some object having it in there. Mr. Machyowsky explained that it was primarily for a legal reason that it should be included in the charter itself.

The vote was as follows:

For	Against
DeHart	Craddick
Kline	
Machyowsky	
Grummett	
Halsted	
Saroff	
Engstrom	
Parker	
Loken	

*** Motion carried, 9 yes to 1 no.

+++ Mr. Craddick moved to strike the words "the general governmental affairs of", in Section 9, Records to be Public.

*** Seconded by Mr. Saroff. There being no objection the words were striken.

In Section 10, Mr. Craddick suggested placing a comma after the word "supplies"and striking the word "and", to which there was no objection.

Mrs. Kline said that the style and drafting committee had been instructed to come up with a provision on competitive bidding, which was section 11. Mr. Craddick objected to this, stating it did not say for what and does not give any restrictions.

Mr. Craddick moved to strike Section 11.

Seconded by Mr. Grummett.

The vote was as follows:

For	Against
DeHart	Kline
Grummett	Machyowsky
Craddick	Halsted
	Saroff
	Engstrom
	Parker
	Loken

*** Motion failed, 7 no to 3 yes.

+++ Mr. Halsted moved to refer Section 11 back to the style and drafting committee to come up with a more meaningful section.

Mr. Craddick objected.

The motion was seconded by Mr. Engstrom.

The vote was:

For	Against
DeHart	Grummett
Kline	Saroff
Machyowsky	Craddick
Halsted	
Engstrom	
Parker	
Loken	

*** Motion carried, 7 yes to 3 no.

+++ Mr. Saroff moved that to Section 12 be added, "shall be assessed for tax purposes at full and true market value".

Seconded by Mr. Craddick.

There was considerable discussion as to the terms "full and true market value" and "fair market value", however there was no objection
*** voiced to the motion and it was adopted.

+++ Mr. Halsted moved to delete Section 12.

Seconded by Mrs. Kline.

In explanation of his motion, Mr. Halsted stated that the constitution provides that property shall be assessed as provided by law, and he cannot see why we need one here. Mr. Saroff said in reply that that applied to general law municipalities and not home rule.

Mr. Saroff said that what we are doing here is making general law apply. Mr. Machyowsky said, in reference to the constitutional provision (Assessment Standards, Article IX, Section 3) that it was for appraisal of all property assessed by the State or its political subdivisions which is interpreted very narrowly as not saying that it requires full and true value assessment. Mr. Parker pointed out that the authority rests with the assembly.

*** After further discussion among the members on these points, Mr. Halsted wished to withdraw the motion. There was no objection and it was so withdrawn.

+++ Mr. Kline moved to insert the word "real" between "all" and "property".

Seconded by Mr. Halsted.

There was discussion among the members as to personal property tax, after which Mrs. Kline wished to withdraw her motion and instead would move that the words "to be taxed" be added after the word "property".

Mr. Halsted had no objection to the foregoing.

*** There being no objection, the motion carried unanimously.

+ Mr. Parker moved to change "full and fair" to "full and true".

Seconded by Mr. Saroff.

*** There was no objection and the motion carried unanimously.

There were no amendments to Section 13, Adverse Possession.

In Section 14, Actionable Claims, the section reference should be to 15 rather than 16.

+++ In Section 15, Claims for Injuries, subsection (a), Mr. Craddick moved to replace the word "substantially" with the words "with clarity" (on page 65).

*** There was no objection and the wording was so changed.

+++ Mr. Craddick moved to strike all language after the word "damages" in subsection (d) (page 66) and to add after that word, "to persons or property."

Seconded by Mr. Saroff.

*** There was no objection and the motion carried unanimously.

In regard to Section 16, Dissolution, Chairman Loken suggested that the "by law" should be in both places, i.e."dissolved as provided by law" and "with the effect prescribed by law" and the commas eliminated. There was no objection to these suggestions.

(after the word "charter")
In Section 17, Mr. Craddick moved to replace the word "and"/with the words "or any of", in the second from the last sentence.

*** There was no objection and the words were so changed.

No amendments to Section 18.

+++ In regard to Section 19, subsection (c), Mr. Craddick moved that it read "'By law' denotes the federal and state constitutions and applicable federal and state statutues which supercede this charter."

Mr. Machyowsky suggested the wording "and state statutes applicable to home rule municipalities". Mr. Machyowsky pointed out that whenever the term "by law" has been used in the charter it has meant to incorporate the general law of the state the few times it was used. If we say it is just applicable to home rule municipalities we aren't saying anything because any law which supercedes this charter provision is applicable to home rule municipalities. The term "by law" was carefully used in the charter and means only those laws we specifically wanted to incorporate.

*** Mr. Craddick withdrew his motion, with no objection.

+++ Mr. Craddick moved addition of a subsection (i) as follows: "'State' means State of Alaska."

There was no objection and the motion carried unanimously.

+++ Mr. Craddick moved that subsection 19(e) in the style and drafting report be replaced with the following new subsection 19(e): "'Emergency' means a sudden, unforeseen occurrence or condition which results in a relatively permanent insufficiency of service or facilities substantial enough to create social disturbance or distress or to endanger the public. Emergency does not mean mere expediency, convenience or best interest."

The motion was seconded by Mr. Saroff.

*** There was no objection and the motion passed.

There was discussion among the members as to how much work remained and how many more meetings would been needed to accomplish this work. The chairman stated that some members had indicated they wanted to present certain amendments for consideration, and that all members had this opportunity. Also the minutes were not up to date and the business of approving them would have to be taken care of when they were all in. Mr. Craddick expressed the desire to finish this up as expeditiously as possible. Mr. Halsted said he had no intention of voting approval of the charter at the meeting of January 29, because he did not feel he had himself completely familiar with the last six articles.

Mr. Machyowsky moved the commission also meet the following Saturday at two p.m..

Seconded by Mr. Craddick.

Mr. Halsted objected to meeting Saturday and also stated he objected to the concept of a cut-off date, when this is done it is done and not before.

The vote on a meeting Saturday was as follows:

For	Against
Machyowsky	DeHart
Grummett	Kline
	Halsted
	Saroff
	Craddick
	Engstrom
	Parker
	Loken

*** Motion failed, 8 no to 2 yes.

+++ Mr. Engstrom moved that the next meeting (following tomorrow night, January 29) be held the following Tuesday, February 4, for the purpose of amendment of the entire charter.

Seconded by Mr. Machyowsky.

The vote was:

For	Against
DeHart	Halsted
Kline	Parker
Machyowsky	
Grummett	
Saroff	
Craddick	
Engstrom	
Loken	

*** Motion passed, 8 yes to 2 no.

Mr. Engstrom pointed out for Mr. Halsted's benefit that it was not part of the motion that it be the last meeting.

+++ Mr. Engstrom moved that the meeting adjourn.

Seconded by Mrs. Kline; objection by Mr. Saroff.

The vote to adjourn was:

for	Against
DeHart	Halsted
Kline	Saroff
Machyowsky	Craddick
Grummett	Loken
Engstrom	
Parker	

*** Motion passed, 6 yes to 4 no.

The meeting adjourned at twelve midnight.

Respectfully submitted,

Pat Cunningham

Minutes of the meeting of the Greater Juneau Charter Commission Held January 29, 1969.

The meeting of the Greater Juneau Charter Commission was called to order by Chairman Pat Loken at eight o'clock p.m. on January 29, 1969, in the offices of the Greater Juneau Borough. The following members responded to roll call:

Present	Absent
Ron Saroff (late)	
Don Halsted	Allan Engstrom
Jim DeHart	Larry Parker (excused)*
Greg Machyowsky	Guy Russo (excused)
Virginia Kline	
Mike Grummett	
Don Craddick	(* Mr. Parker arrived late in
Pat Loken	the meeting.)

There was no correspondence and no other business at hand, and the commission continued consideration of the style and drafting committee report, which commenced with Article XV (changed from Article XVI), dated January 22, 1969, page 68, Transitional Provisions. Article XVI

Mr. Craddick pointed out that it would be well to settle upon one phrase describing the municipality throughout, such as local municipal government, local government, etc.

Mrs. Kline said that the style and drafting committee had a revision to subsection (a) of section 2, which she read to the commission and they discussed it at length. After changes made by the members, the subsection now reads: If a local government has a pre-unification bonded debt, all property located within the area of the local government at the time the bonds were issued shall continue as security for the principal of and interest on the bonds for as long as they remain outstanding." (The word "continue" was changed from "remain" by a motion made by Mr. Craddick, seconded by Mr. Halsted, and unanimously carried.)

+++ Mr. Craddick moved to change the number from seven to six, in the second line of subsection (c).

Seconded by Mrs. Kline.

Mr. Craddick expressed the opinion that a vote of six is necessary for an emergency matter and spreading debt did not seem to fall in that category. Mr. DeHart did not want to see the change to six votes, nor did Mr. Halsted. The vote on the motion was as follows:

For	Against
Kline	Halsted
Craddick	DeHart
	Machyowsky
	Grummett
	Loken

* Motion failed, 5 no to 2 yes.

Mr. Craddick changed his vote and gave notice of reconsideration, thus the final vote is 6 no to 1 yes.

There was considerable discussion among the members in connection with the words "obligation" and "tax obligation" as used in subsections (b), (c) and (d).

+++ Mr. Craddick proposed an amendment to subsection (d) and moved that the words "Except for", which begin the subsection, be replaced with the words "In the absence of assembly action under". The members did not like this wording and Mr. Halsted proposed the wording "Except as provided in ...", with which Mr. Craddick agreed.

*** There was no objection and the motion carried unanimously.

+++ Mr. Machyowsky moved that the same change be made to the first part of the sentence in subsection (c), to which there was no
*** objection and this change was made also.

In subsection (d), Mr. Craddick suggested that the word "city", which appears twice, be replaced with the words "local government". There was no objection to this suggested change.

/ Mr. Saroff arrived. /

Mr. Machyowsky felt that after the word "all" in subsection (d), the words "whether bonded or otherwise" should be inserted; and further, that the second sentence which starts "Other than sewerage collection systems ...", should be another subsection lettered (e). There was no objection to these changes.

Mrs. Kline pointed out that subsection (d) covers the whole subject of debt and would more properly be placed at the beginning, or as subsection (b), and then the remaining subsections get into the specifics. This would make it necessary to reletter the succeeding subsections and the subsection reference in the new subsection (b) would be (d), and the subsection reference in the new subsection (d) would be (c).
There was no objection to the foregoing changes.

+++ Mr. Halsted moved to strike the word "property" from the last line of subsection (e) on page 68.

Seconded by Mrs. Kline.

*** There was no objection and the motion passed unanimously.

Subsection (f) was read and considered and after discussion and
+++ word changes, Mr. Saroff moved adoption of the subsection as follows: "A budgetary surplus from whatever source of a local government or service area existing on June 30, 1969, shall be credited to the area of the former local government or service area."

Seconded by Mr. Craddick.

*** There was no objection and the subsection was adopted as set forth above.

Mr. Halsted expressed favoring separate elections to choose the representatives who will be seated on the assembly and would move for adoption of this concept.

Seconded by Mr. Craddick. The vote was as follows:

For	Against
Halsted	DeHart
	Machyowsky
	Kline
	Grummett
	Craddick
	Saroff
	Loken

*** Motion failed, 7 no to 1 yes.

There was considerable discussion among the members concerning the census by the borough and the population figures, apportionment, etc., and the fact that no figures have been released as yet. Chairman Loken suggested that Mr. Halsted's map be used if the necessary information could not be obtained from the borough by the time needed, and Mr. Halsted said he would agree to this provided the population figures were removed from the map to avoid any future litigation as to their accuracy.

Mr. Saroff moved that the map of initial districting, based upon that which Mr. Halsted presented to the charter commission, be accepted.

Seconded by Mr. Grummett.

+++ As a point of order, Mr. Halsted advised the chairman that he had made a motion previous to Mr. Saroff's, which was seconded by Mr. DeHart, requesting that the Borough Chairman provide the charter commission with the figures necessary to complete the districting map as soon as possible.

*** After discussion, there was no objection to Mr. Halsted's motion and it was unanimously carried, whereupon Mr. Saroff withdrew his motion, with consent of the commission.

+++ In Section 5(a)(1), Mr. Craddick moved that the words "at large" be inserted after the word "elected".

Seconded by Mr. Saroff. There was no objection to the addition of
*** these words.

+++ In Section 5(a)(2), Mr. Halsted moved the words "for designated seats" be added at the end.

Seconded by Mr. Saroff. There was no objection and the words were added.

Mrs. Kline pointed out that at the end of subsections (1) & (2) there should be semicolons, and the first letter of all three should not be capital letters.

16.7

+++ In regard to Section 6, Mr. Craddick moved to strike all words after $300.00.

*** Seconded by Mr. Saroff. There was no objection and the words were deleted.

In Section 7, Mr. Craddick pointed out that the words "the municipalities" in the second sentence should be changed to "local governments". He then
+++ moved that the sentence be changed to read "The chief administrators of local governments to be dissolved shall submit to the assembly at its first meeting a budget for their jurisdictions." Chairman Loken felt the wording would more properly be "...submit a budget for their jurisdictions to the assembly at their first meeting."

16.310

Motion seconded by Mr. Saroff.

Mr. Machyowsky recommended amendment of the motion to delete "at their first meeting" and substitute therefor "within thirty days after their first meeting." There was no objection to the amendment and no
*** objection to the motion, which passed unanimously as amended.

+++ Mr. Craddick moved that in the last sentence (of Section 7) the words "under this subsection" be replaced by "in preparation of said budget", and that the word "unified" be stricken.

Seconded by Mr. Saroff. Mrs. Kline objects to the word "said", however there were no specific objections and the motion's vote was called. There was discussion among the members as to what costs are to be covered under this sentence. The vote was:

For	Against
Grummett	Halsted
Craddick	DeHart
	Machyowsky
	Kline
	Saroff
	Loken

*** Motion failed, 6 no to 2 yes.

+++ Mr. Halsted moved to strike the entire sentence (the last sentence of Section 7).

Seconded by Mr. Craddick. The vote was:

For	Against
Halsted	Machyowsky
DeHart	Kline
Craddick	Grummett
	Saroff
	Loken

*** Motion failed, 5 no to 3 yes.

Mr. Craddick commented that if he were the attorney for one of the local governments involved he would be able to obtain from the

municipality the cost of preparing a budget under this last sentence. Mr. Machyowsky said he was aware of this, but did not feel it would be a big problem.

Mr. Craddick suggested that this last sentence be moved up between
+++ the first sentence and the second sentence of subsection (a), and he moved that the sentence be changed to read: "Costs thereby incurred shall be a debt of the municipality."

Motion seconded by Mr. Saroff. Chairman Loken stated that the intent of the charter commission was that the only costs that will be paid by the municipality are those of the new assembly in their deliberations on the budget.

*** There was no objection to the motion and it passed unanimously.

Mr. Craddick pointed out that there are two references to municipalities in subsection (c) which should be changed to "local government", and in
+++ the last sentence of subsection (c) he moved that the words "the unified municipality" be changed to "and at the direction of the assembly."

Seconded by Mr. Saroff, who pointed out that with this change it would require authorization for the manager to inspect records. Mr. Craddick said if the interpretation of the commission is that if the word "unified" is removed from this sentence, then it means any person in the municipal office such as the manager who has the proper function of doing so if he wants to can go over and inspect records, this is fine and he would withdraw the motion, and merely move to remove the word "unified". There was no objection to withdrawal of the original motion and no objection to adoption of the motion to delete the word
*** "unified", and the word is so deleted.

The word "municipal" in Section 8, Personnel, should be changed to "local governmental", and the article reference should be to Article IV. Mr. Machyowsky noted that the part on contract rights had been deleted from this section and he discussed this with the members and advised that the manager was about the only person on a contract basis, that the manager had resigned and might possibly be replaced before unification takes effect, and if done by contract the contract would have to be honored. Mr. Craddick pointed out that the charter gives the assembly the right to fire the manager. No motions were made in regard to Section 8.

In Section 9, the article reference should be to Article XI; the word "municipalities" should be "local governments".

+++ Mr. Halsted moved that Section 10 be changed to read: "To the extent not inconsistent with this Charter, ordinances, resolutions, and orders of local governments to be dissolved shall continue in full force and effect in their respective jurisdictions until no later than July 1, 1971, when they shall expire, unless, after substantive review by the assembly, each ordinance or resolution has been expressly reaffirmed, revised, or repealed."

Motion seconded by Mr. Machyowsky.

Mr. Craddick moved to amend the motion by adding before the last sentence: "Prior to June 1, 1971,".

Mr. Saroff seconded the amendment. Mrs. Kline said if a date was going to be put in here it would have to be much earlier because an ordinance takes thirty days to be effective and the assembly will have to have time to look at all revisions, etc. There was discussion among the members as to if and what date was to be put in here. The date of March 1 was suggested to which there was no objection.

*** There was no objection to the motion or amendment and they were passed unanimously.

+++ Mr. Craddick moved that the word "amended" be added after the word "reaffirmed" (third line up, Section 10, page 71).

16.11

Seconded by Mr. Saroff. Mr. Halsted objected on the basis that any amendment whatsoever to any ordinance would exempt it from this automatic expiration. Mr. Craddick stated he had not thought of that and with consent of second, would withdraw the motion. No *** objection to withdrawal of the motion.

+++ Mr. Halsted moved to replace the word "revision" with "study" in the last sentence of Section 10.

16.11

Seconded by Mr. Craddick. After further discussion on this word change, the following vote was taken:

For	Against
Halsted	Saroff
DeHart	
Machyowsky	
Kline	
Grummett	
Craddick	
Loken	

*** Motion carried, 7 yes to 1 no.

Mr. Craddick stated that he was not sure the first sentence of Section 10 +++ complies with the mandate of the enabling legislation, which is set forth in Alaska Statute 29.85.090, and he moved that the first sentence of Section 10 be stricken in its entirety.

16.11

Motion seconded by Mr. Grummett.

Mr. Craddick explained that the reason is because what is intended to be said in this first sentence of Section 10 is mandatory anyway under the enabling legislation. Chairman Loken said only insofar as

the review is concerned but the charter states they shall expire on that date -- we have made it mandatory on the assembly to act.

*** Mr. Craddick said he would withdraw his motion. There was no objection from the commission to withdrawal of the motion.

+++ In the fourth sentence up from the bottom of Section 10 on page 71, Mr. Craddick moved that the word "or" be deleted and after the word "resolution" add the words "or order".

Seconded by Mr. Halsted.

*** There was no objection to the motion and it carried unanimously.

In Section 11 the words "the municipalities" should be changed to "local governments". Mr. Craddick suggest that the words "no later than" in the last sentence be changed to "until". There was no objection to this change. There was discussion among the members in regard to the library board and the problem created if it is abolished in that it does not have areawide jurisdiction, etc.

16.12

+++ Mr. Saroff moved that a member of the commission be appointed to investigate the fact situation concerning this and report back to the charter commission if there is a problem.

Seconded by Mr. Halsted. Mr. Craddick objected to the motion, and the vote was as follows:

For	Against
Halsted	Craddick
DeHart	Loken
Machyowsky	
Kline	
Grummett	
Saroff	

*** Motion passed, 6 yes and 2 no, and Chairman Loken requested Mr. Grummett to undertake this task.

+++ Mr. Craddick moved to add the words "In the absence of assembly action to the contrary," to the beginning of Section 11.

*** The motion failed for lack of a second.

The word "unified" should be deleted from Section 12.

16.13(c)

In Section 13(a), change "municipality" to "local government".

+++ Mr. Craddick moved that the words "pending on" be deleted and replaced with the words "and which had accrued by".

Seconded by Mr. Saroff. There being no objection, the motion

* carried unanimously.

Also in Section 13(a), Mr. Craddick suggested the word "brought" be deleted, to which there was no objection.

16.14(b)

In Section 13(b), replace "municipality" with "local government" and strike the word "unified".

16.15 In Section 14, replace "the municipalities" with "local governments", strike the word "unified".

+++ Mr. Craddick moved that Section 14 be changed by adding after the word "shall" the words "become the property of and", so the sentence will read: On July 1, 1969, all records of local governments to be dissolved shall become the property (of) and be in the control of the municipality."

16.15

*** Seconded by Mr. Saroff. There was no objection and motion carried unanimously.

+++ Mrs. Kline moved to delete Section 15.

Seconded by Mr. Halsted. The vote was:

For	Against
Halsted	Machyowsky
DeHart	
Kline	
Grummett	
Craddick	
Saroff	
Loken	

* Motion carried, 7 yes to 1 no.

16.16 In Section 15, (renumbered) Post Audit, the last sentence should read: "Costs shall be paid from assets of the former local governments."

16.17 Mr. Halsted, referring to Section 16, Penalties, was of the opinion that a general penalty should be set forth in this section rather than leaving it to the discretion of the assembly, prescribing that any violation of this charter where a penalty is not otherwise prescribed shall be subject to a fine of $300 and imprisonment not to exceed 30 days. There was considerable discussion among the members in regard to the advisability of making this a part of Section 16, however no action was taken.

/ Mr. Parker arrived. /

Article V 5.7 Mr. Machyowsky referred the attention of the commission back to Section 7, Codification, on page 18 of the style and drafting committee report. He felt the municipal code mentioned in sub-sections (a) and (b) is the code kept under (a), and requirements for codification are just giving the ordinance or resolution a number and putting it in a book. He moved that subsection (b)
+++ be replaced with: "A general codification of all municipal ordinances and resolutions shall be adopted and kept current through integration of ordinances and resolutions ~~as~~ adopted thereafter."

Motion seconded by Mr. Saroff.

Mrs. Kline suggested the word "municipal" be dropped , and rather than "adopted thereafter", use "as adopted". Mr. Machyowsky concurred.

*** There was no objection to the motion and suggested changes and it was unanimously carried.

In subsection (c) of Section 7, on this page, Mr. Halsted said the last part of the second sentence should read "... to the public at such reasonable price as the assembly may direct." (Chairman Loken agreed and advised that this change had been previously made.)

Mr. Saroff advised the Chairman that all articles of the charter had been considered and voted upon and he would like to be excused because he would be leaving the following day; he expressed his appreciation to the rest of the members and also expressed his confidence in the charter.

+++ Mrs. Kline moved that the bylaws be suspended to allow Mr. Saroff to cast his vote by proxy if he so desired on adoption of the charter.

Seconded by Mr. Grummett. Mr. Craddick stated that he would vote in favor of the motion if Mr. Saroff would agree that his proxy vote would be cast in favor of the charter despite the fact that it may be amended hereafter; Mr. Saroff agreed. Mr. Parker said in the future other members may find themselves in the same position as Mr. Saroff and would like the same courtesy extended, and what Mr. Craddick has just said in regard to Mr. Saroff would also be applicable to any others. Chairman Loken said suspension of bylaws had to be for each specific instance, not for some other period of time; however, requests for suspension of the bylaws may be made at any time. There was discussion among the members as to the necessity for Mr. Saroff to resign from the commission and how soon, and it was felt he would not have to resign for at least thirty days.

The vote on the motion was as follows:

For	Against
DeHart	Halsted
Machyowsky	
Kline	
Grummett	
Craddick	
Saroff	
Parker	
Loken	

*** Motion carried, 8 yes to 1 no.

Mr. Machyowsky moved and asked unanimous consent that there be spread on the record this commission's special commendation and thanks to Mr. Saroff for his extraordinary labors, research and informed opinions and views on the adoption of a sound charter for this area.

Chairman Loken stated that the record would so show, hearing no objection.

/ Mr. Saroff departed. /

+++ In regard to the numbering system, Mrs. Kline moved that it be returned to the way it was prior to the public hearing draft, i.e. have Article I, Section 1.1, 1.2, 1.3, etc., explaining that it helps considerably to have the article number first, then a period, then the section number in finding what you want.

Seconded by Mr. Halsted. Mr. Machyowsky objected, preferring it the way it now is. The vote was as follows:

For	Against
Halsted	Machyowsky
DeHart	
Kline	
Grummett	
Craddick	
Parker	
Loken	

*** Motion carried, 7 yes to 1 no.

Mrs. Kline had various other questions on the form for typing the final, and Chairman Loken directed her to go ahead and pick whatever looks the neatest, without objection from the commission.

Mr. Halsted wanted it noted on the record that he voted "no" in regard to the proxy vote because he has reservations about the propriety of Mr. Saroff remaining as a member of the commission, and not for any other reason. The statute (29.85.080) reads as follows: "The charter commission members shall be qualified voters and shall consist of eleven members, three of whom shall be residents elected at large in the area of the borough, and eight of whom shall be residents of and elected from the area outside cities and in the borough." He reads into that, that he shall be a resident and as soon as he moves his home he is no longer a resident. Mr. Craddick pointed out that the question of residence is a touchy legal one which may or may not be affected by many factors, not the least of which is where a person's physical presence is. Chairman Loken expressed the view that Mr. Saroff has earned this, particularly since there are probably only one or two meetings left.

In response to the chairman's call for further changes or amendments to the charter, Mr. Halsted presented to the members a written statement consisting of five major items encompassing the school board's function and relationship to the assembly, suggesting that the school board be the educational committee of the assembly. Mr. Halsted explained his proposal and expanded on each item and sub-item for the edification of the members.

+++ Mr. Halsted then moved that representation on the assembly be provided for by having an assembly composed of five school board members

as required by law plus eight other assemblymen elected from districts. (Chairman Loken pointed out that this same concept did come up at public hearings.)

For purposes of discussion, Mr. DeHart seconded the motion.

Mr. Halsted stated that his intent was that the school board members would have all the powers of assemblymen, and the assemblymen would have full power to vote on matters of school affairs which would belong to the assembly. The five members of the school board would have the sole prerogative of voting on such things as general policy for operation of schools, establishing educational policy, etc.

Mr. Craddick expressed the opinion that this would give a power bloc vote on the assembly which might not be advisable under certain circumstances.

The merits and disadvantages of the proposal were extensively discussed by the members.

+++ Mr. Parker moved that the vote on Mr. Halsted's motion be postponed until the next meeting of the commission.

Seconded by Mr. DeHart. Chairman Loken objected to postponement, and the vote to postpone was as follows:

For	Against
Halsted	Loken
DeHart	
Machyowsky	
Kline	
Grummett	
Craddick	
Parker	

*** Motion passed, 7 yes to 1 no. Consideration of Mr. Halsted's motion
*** to integrate assembly and school board postponed until next meeting.

Mrs. Kline pointed out that in Section 6(b) on page 4 of the style and drafting report, four lines up from the bottom, the section reference should be "Section 3.13(e) and Section 3.13(f)(1)". On page 6, subsection (3), it had been suggested to her that the word "complainant" be changed to "appellant" in the four places where used in this subsection. There was no objection and the word was so changed.

63

+++ In Article V, Legislation, Section 3(a), page 15, Mr. Halsted moved to replace the last phrase, after the word "substance", with the previous language as follows: "the ordinance may not be adopted until the ordinance or its amended sections have been subjected to all the procedures required for a newly introduced ordinance."

*** The motion failed for lack of a second.

64

+++ Mrs. Kline moved to amend Article V, Section 4(a), by adding after

"franchise;" the words: "to acquire or dispose of property;".

Motion seconded by Mr. Halsted;

*** There was no objection to inclusion of this wording and it was so added.

There were no other amendments to Article V, Legislation.

+++ In Article VI, Elections, Section 1, Mrs. Kline moved that the word "October" be changed to "May".

Seconded by Mr. Halsted, for purposes of discussion.

Mrs. Kline's reasons for the motion were that this would move the local election farther away from general elections, which frequently overshadow the local elections; further, the newly elected members will have six months to operate under the established budget without being hit with new budget considerations right off the bat as would happen under the present setup.

The vote was as follows:

For	Against
Halsted	
DeHart	
Machyowsky	
Kline	
Grummett	
Craddick	
Parker	
Loken	

*** Motion carried unanimously.

The passage of the above motion required a change in the transitional provisions, Section 5(a)(1), which would read "a mayor shall be elected at large to serve until May 1971;" and in subsection (b) the word "October" appears four times which will be now changed to "May" (pages 69 and 70).

On page 20, Section 6, Determination of Election Results, Mrs. Kline
+++ moved that the last sentence read: "Such determination shall be final unless a recount alters the results."

Seconded by ? (I cannot tell from the tape-secy.)

Mr. Parker pointed out that this last sentence refers to the preceding sentence in regard to breaking of a tie, not to determination of the election results, and a tie would not be broken in this manner if you had a recount and you found somebody won; in other words, the recount would come before they resorted to drawing lots.

+++ Mr. Parker moved to delete the last sentence of Section 6.

Seconded by Mr. Grummett. There was no objection and the sentence
*** was deleted.

+++ Mr. Craddick moved that the meeting adjourn.

Seconded by Mr. DeHart.

*** There was no objection and the meeting adjourned.

Respectfully submitted,

Pat Cunningham

Pat Cunningham

Minutes of the meeting of the Greater Juneau Charter Commission
Held February 4, 1969

The meeting of the Greater Juneau Charter Commission was called to order by Chairman Pat Loken at 7:30 p.m. on February 4, 1969, in the offices of the Greater Juneau Borough. The following roll call was taken:

Present	Absent
Don Halsted	
Jim DeHart	
Virginia Kline	
Don Craddick	
Guy Russo	
Allan Engstrom (late)	
Mike Grummett (late)	
Greg Machyowsky (late)	
Pat Loken	

Minutes were corrected as follows:

December 17, 1968: Top of page 5, the sentence which starts, "Mr. Engstrom and Mr. Craddick felt if it was interpreted that way it would be validated by making it plural ..." Actually what Mr. Craddick and Mr. Engstrom were saying is that it would be invalidated as far as allowing contracts with other states but it would still be valid as far as allowing a contract with the State of Alaska. It wouldn't be invalidated altogether, in other words.

No further corrections or additions to the minutes of December 17, 1968, and they are accepted as corrected.

The minutes of the meeting of January 7, 1969, were accepted as corrected at the last meeting.

January 14, 1969: There is a blank space in the third line from the top of page 4, the word "unified" should go in there. Page 18, 3rd paragraph down, "Mr. Halsted moved to amend Section 5(f) ...", insert the words "of Article III" (as it was then). A couple of paragraphs later, "Mr. Craddick moved to amend Section 4(b) ..." add the words "of Article IV" (as it was then). Page 19, 3rd paragraph up from the bottom, "Mr. Machyowsky moved ...", in the 2nd line of that sentence, amend the second to the last sentence and insert "Article II, Section 7, Forfeiture of Office."

No further corrections or additions to the minutes of January 14, 1969, and they were accepted as corrected.

Chairman Loken said she had one piece of correspondence which is a letter from Mr. Charney which she read: "Reference is made to your letter of January 30th requesting certain boundary census figures. As of this date the borough has not received the results of the special census from the federal government other than a statement regarding the preliminary figure of 12,760 persons enumerated at the special census which is subject to correction."

The members continued consideration of the style and drafting report which is on the floor for adoption.

Mrs. Kline pointed out mistakes that had been made in copying: On page 4, at the bottom of the page, the words were cutoff and the sentence finishes with the words "forfeited his office if he:". On page 18, Section 5.7(b) should read: "A general codification of all ordinances and resolutions shall be adopted and shall be kept current through integration of ordinances and resolutions as adopted." On page 51, Section 12.4, Protests, the first sentence should read: "If protests against the establishment of a local improvement district are made by owners of benefitted real property bearing fifty percent or more of that portion of the estimated cost of the improvement which will be borne by owners of benefitted real property, the local improvement district shall not be established until the protests have been reduced below fifty percent of said estimated cost of the improvement." On page 52, Section 12.8, Expenditures Prior to Improvement, should read: "No expenditure, except for administrative, planning, engineering, and legal work for any local improvement, the cost of which is to be borne by special assessments on the real property benefitted, may be made unless funds are available or have been authorized to finance the costs. Expenditres made before funds for improvements are available shall be repaid to the source thereof from improvement funds which become available."

Mr. Craddick referred to page 3, pointing out that there were references to "the mayor and other assemblymen"; therefore, to be consistent the same or a similar reference should be used on Section 7, Forfeiture of Office, subsection (a). 3.7 Article III

3.7

+++ Mrs. Kline moved that subsection (a) of Section 7 read as follows: "The assembly shall declare by resolution of forfeiture upon which he shall not vote that the mayor or any other assemblyman has forfeited his office if he:".

Motion seconded by Mr. Halsted. There was no objection to the motion
*** and it carried unanimously.

In Article V, Legislation, Section 2(e), replace the word "of" between "notice" and "competitive" with the word "and".

+++ Mrs. Kline moved to change the term of one year to six months in
6.1 Article VI, Elections, Section 1, because the election date has been moved up and also feeling that a full year is unnecessary.

Seconded by Mr. Craddick.

Mr. Halsted felt that this was intended to discourage change and he preferred to see it remain as it is.

Mr. Russo pointed out that it was useless to take a roll on the motion because there are only six members present and Mr. Halsted has indicated he would vote against the motion.

*** There was no objection and the chair ruled the motion failed.

3.4

Mrs. Kline moved that the word "each" be added to Section 4, Election and Terms of Office, (b), page 3, last sentence then to read: "Other assemblymen shall each represent an individual district and shall be elected by the qualified voters of the district."

Seconded by Mr. Craddick. There were no objections and the motion *** carried unanimously.

3.12

+++ On page 8, Section 13(b), Mrs. Kline moved to delete the second sentence, "Special meetings shall be held at the regular meeting place of the assembly.", and to change the next sentence to read: "At least twenty-four hours before the meeting written notice shall be given designating the time, place and purpose of a special meeting."

Motion seconded by Mr. Craddick.

/ Mr. Engstrom and Mr. Grummett arrived. /

There was no objection to the foregoing motion and it passed *** unanimously.

4.6

On page 13, Article IV, Section 6, Assembly Meetings, Mrs. Kline +++ moved to add the words "or make motions" to this sentence, remarking that it was brought out at public hearings that this was not clear enough that the manager could not attempt to move adoption.

Seconded by Mr. Craddick.

Mr. Engstrom felt it could be left at "The manager shall have the right to take part in the discussion of all matters coming before the assembly." -- not mentioning voting or motions, would be clear enough to exclude him from anything but discussion.

Mrs. Kline moved to amend her motion and instead of adding those three words to delete "but may not vote", placing a period after the word "assembly".

There was no objection to the amendment, which Mr. Halsted seconded.

/ Mr. Machyowsky arrived. /

*** There was no objection and the amended motion carried unanimously.

On page 52, Section 12.8, Mrs. Kline said it is not stated from where the funds are available, and could be from any source according to this. +++ She moved to strike the words "are available or" from the first sentence.

Seconded by Mr. Russo. After considerable discussion in regard to the first sentence of this section, the following vote was taken:

For	Against
Kline	Halsted
Engstrom	
Grummett	
Craddick	

DeHart
Russo
Machyowsky
Loken

*** Motion carried, 8 yes to 1 no.

+++ Mr. Craddick moved that the word "costs" at the end of the first sentence be changed to "expenditures".

*** There being no objection the change was accepted.

+++ Mr. Machyowsky moved and asked for unanimous consent to strike the words "for improvements" in the second sentence of Section 12.8.

*** There was no objection and the words were stricken.

Mr. Machyowsky said it ought to be stated on the record that the second sentence means that not only the exceptions provided for in the first sentence but the expenditures which may not be made until funds are available are to be repaid.

+++ Mr. Machyowsky then moved that the second sentence of Section 12.8 begin: "All expenditures under this section ..."

*** There were no objections, and the wording was adopted.

+++ Mr. Craddick moved to strike the word "municipal" from the title of Sections 1 and 2 of Article VI, Elections, and to add the word "municipal" in the first sentence of Section 2, so it would read: "The assembly shall provide by ordinance for specual municipal elections". In this way all three sections, 1, 2 & 3, refer to municipal elections, but the reference is in the body.

Seconded by Mrs. Kline.

*** There was no objection and the motion was adopted.

10.4

+++ Mrs. Kline moved that on page 38, Section 4, Service Area Bonds, the word "are" be changed to "is" in the line second from the bottom, and Mr. Craddick moved that the word "that" be deleted after the word "provided" in the same line.

*** Both changes were adopted unanimously.

+++ In Section 4(b), page 39, Mr. Craddick moved the addition of the words "remainder of the" before the word "municipality" in the last part of the sentence so it would read: "... majority of the qualified voters voting in the service area and in the remainder of the municipality and voting on the question at a regular or special election."

Motion seconded by Mr. Russo. The vote was as follows:

For	Against
Kline	Engstrom

Grummett	
Craddick	Machyowsky
Halsted	
DeHart	
Russo	
Loken	

*** Motion carried, 7 yes to 2 no.

It was the opinion of the commission that with this change it was clear that two tabulations would be made.

+++ In the last line on page 40 (Section 10.7(b), Mr. Halsted moved it be changed to read "Said notes shall mature on a date not later than ...'

*** There was no objection and the wording was so changed.

+++ In this same section, Mrs. Kline moved the first sentence be changed to read: "Authorization for the issuance and sale of such notes shall be by ordinance prescribing the form, ,etc."

*** There was no objection and the motion unanimously carried.

Mr. Halsted expressed his disapproval of the last part of subsection (c) of Section 10.8 in regard to renewal of bond anticipation notes,
+ and moved to delete the following from this subsection: "unless the twenty-year bond average interest rates which exist three months before the maturity date of the notes are higher than the rates which existed upon issuance of the original notes. In this case notes may be renewed in an amount one-twentieth less than the original amount."

Mr. Russo seconded the motion.

Mrs. Kline said the bond attorneys advised against this because it might encourage the assembly to play the market. It was generally felt among the members that this particular issue had been discussed previously. The vote on the motion was as follows:

For	Against
Kline	Engstrom
Halsted	Grummett
Russo	Craddick
	DeHart
	Machyowsky
	Loken

*** Motion failed, 6 no to 3 yes.

On page 47, new subsection (l) (formerly (k), Mr. Halsted expressed the opinion that the part about disaster bonds is contrary to the State Constitution. Mr. Craddick stated this subject had been discussed, and Mr. Machyowsky pointed out that it was the decision of the commission to take a chance on the legality of disaster bonds.
+ After further discussion, Mr. Halsted moved to strike subsection (l) (1)* on page 47. After questioning by Mr. Engstrom as to subsection (2), Mr. Halsted amended his motion to strike the entire subsection (l).**

subsection"el, one.")
* subsection"el".)

Mr. Machyowsky had seconded the original motion and stated that he would withdraw his second to the amended motion, whereupon Mr. Halsted withdrew the amendment and Mr. Machyowsky's second stood as to the original motion. The following vote was taken on deletion of sub-section (1)(1) (--that is, "el, one"):

For	Against
Engstrom	Kline
Halsted	Grummett
Russo	Craddick
Machyowsky	DeHart
Loken	

*** Motion failed, 5 yes to 4 no.

In regard to Section 12.1 (page 51), Mr. Halsted said the municipality has to do the tax collecting and he did not like the present wording. After considerable discussion and suggested alternatives, the only change to the section was changing the words "to collect" to "for", which was adopted without objection. There was discussion between Mr. Halsted and the chairman in regard to the wording of Section 12.2 as compared with the wording of this section in the original draft,
+++ and Mr. Halsted moved that Section 12.2 be replaced with: "The assembly by ordinance shall prescribe procedures for establishing a local improvement district and for agreements for furnishing capital improvement and the extension thereof in lieu of assessments."

Mr. Grummett seconded the motion. The vote was as follows:

For	Against
Kline	
Engstrom	
Grummett	
Craddick	
Halsted	
DeHart	
Russo	
Machyowsky	
Loken	

*** Motion carried unanimously.

+++ On page 52, Section7, Mr. Halsted moved to strike the words "unless specifically exempted' by ordinance".

At this point Mr. Craddick asked for a ruling from the chair, when the commission has specifically voted as a commission on something in the charter, may it again be raised for reconsideration at this time, which is what is being done. The chairman ruled that under parliamentary procedures this can be done.

12.7

Mr. Russo seconded the motion made by Mr. Halsted in regard to Section 7 on page 52. Mr. Engstrom objected to the motion and the following vote was taken:

For	Against
	Kline
	Engstrom
	Grummett
	Craddick
	Halsted
	DeHart
	Russo
	Machyowsky
	Loken

*** Motion failed, 9 no votes.

+++ In regard to this same section, Mr. Craddick moved to add the words "in whole or in part" after the word "exempted".

Seconded by Mr. Machyowsky. There was considerable discussion among the members in explanation of this motion and its effect or lack of effect, after which the following vote was taken:

For	Against
Kline	Engstrom
Grummett	Halsted
Craddick	DeHart
Machyowsky	Russo
Loken	

*** Motion failed, five yes to four no.

Mr. Craddick commented that the did not know why this motion failed -- whether it is because the commission wants an exemption to have to be 100% if there is any exemption at all, or if the commission is against the idea of any exemption. Mr. Engstrom replied that he would interpret when you say that you can exempt property that that gives the power to the assembly to grant a total exemption, and if they have the power to grant a total exemption, they have the power to grant anything less than total exemption.

(asking unanimous consent)

+++ Mr. Machyowsky moved/that in the second line of the Preamble, the words "to us" be struck as being unnecessary.

*** There was no objection and the words were deleted.

+++ Mr. Machyowsky moved and asked unanimous consent that the second half of the sentence, after the words "State of Alaska", be deleted and the following substituted therefor: "... in order to provide for local government responsive to the will of the people and the continuing needs of the community, do hereby ratify and establish this charter of the City and Borough of Juneau, Alaska."

Mr. Halsted seconded the motion; Mr. Russo objected, because it does not cover the citizens of the City of Douglas.

The vote was as follows:

For	Against
Kline	Craddick
Engstrom	
Grummett	
Halsted	
DeHart	
Russo	
Machyowsky	
Loken	

*** Motion carried, 8 yes to 1 no.

+++ In Article 3, Section 3, page 2, Mr. Machyowsky moved and asked unanimous consent that the words "or appointed" be inserted after the word "elected" in both places, and after the word "election".

*** There was no objection and the words were added.

+++ On page 3, Section 3.4 4(a), Mr. Machyowsky moved that (a) be deleted and rephrased as follows: "The mayor shall be elected from the municipality at large. Other assemblymen shall be residents of an individual district and shall be elected at large."

Seconded by Mr. Craddick. After further explanation of his motion by Mr. Machyowsky, the vote was as follows: (Mr. Russo objected as a point of order stating this same issue had been discussed and voted on many times before.)

For	Against
Engstrom	Kline
Craddick	Grummett
Machyowsky	Halsted
	DeHart
	Russo
	Loken

*** Motion failed, 6 no votes to 3 yes.

Mr. Halsted referred to the subject he brought up at the last meeting which was deferred to this meeting and also involves representation, and involved integrating the school board and the assembly.

+++ Mr. Halsted moved that this be adopted as a matter of principle at this time with the specific language to be worked out on or before the next meeting.

The motion was seconded by Mr. Machyowsky. For the benefit of members not present at the last meeting Mr. Halsted outlined his proposal and briefly went over last week's discussion. Mr. Craddick advised that since last week's meeting he had talked to Dan Plotnick and Hugh Macauley, both school board members, both of whom reacted favorably. He also talked to Bill Overstreet who could see numerous benefits but felt it would put an impossible burden on a person. The vote was:

For	Against
Halsted	Kline
Russo	Engstrom
Machyowsky	Grummett
	Craddick
	DeHart
	Loken

*** Motion failed, 6 no to 3 yes.

+++ Mr. Machyowsky moved to delete the words "unless the forfeiture is waived by the assembly" from Section 7(a)(2).

Seconded by Mr. DeHart.

+++ Mr. Craddick moved to amend the motion to add, before the word "violates", the words "knowingly and wilfully".

Mrs. Kline seconded the amendment.

*** There was no objection to the amendment and the words were added.

Mr. Engstrom objected to striking the last part of the sentence and the vote on the original motion was as follows:

For	Against
Kline	Engstrom
Grummett	
Craddick	
Halsted	
DeHart	
Russo	
Machyowsky	
Loken	

*** Motion carried, 8 yes to 1 no.

+++ On this same page, in subsection (b), Mr. Machyowsky moved that in the 4th line down, after the words "written notice", be inserted the words "delivered to his last known address", There was discussion among the members as to the wording and clarification thereof, and Mr. Craddick suggested the following: "...shall have received, or have had ~~xxxxxxxxxxxxx~~ delivered to his last known address, written notice ...", with which Mr. Machyowsky agreed.

*** There was no objection and the wording was so changed.

+++ On page 9, subsection (c) of Section 13, Mr. Machyowsky moved and asked unanimous consent that a sentence be added at the end as follows: "However, such reasonable notice as practical under the circumstances shall be provided."

Mr. Craddick objected.

*** The motion failed for lack of a second.

3.16(f)

Mr. Machyowsky moved that a subsection (e) be added to Section 14, Boards, as follows: "Board meetings shall be conducted as provided for the assembly in Section 3.13(d) of this article." He asked for unanimous consent.

*** There was no objection and the motion carried unanimously.

+++ Mr. Machyowsky moved and asked unanimous consent that at the end of the first sentence of Section 13(e), on the bottom of page 9, the following be added: "except that if members are required or permitted to abstain from voting on the question the quorum may be reduced by a number equal to the number abstaining." (Mr. Machyowsky read from
*** Mr. Berrier's comments on this.) Mr. Machyowsky then withdrew his initial motion and suggested perhaps permitting a lesser quorum in a case where the matter being voted on involves a conflict of interest among a number of members so you could never supply the quorum or the five votes. Mrs. Kline stated that because an abstention is an automatic "no" vote, any abstention should reduce the number of votes necessary to pass something by one-half a vote, which wouldn't have any effect unless two people were forced to abstain.

3.12(f)(1)

+++ After further discussion of this issue, Mr. Machyowsky moved and asked unanimous consent that subsection (f)(1) read as follows: "The prevailing vote of at least five members shall be required for official action by the assembly, unless otherwise provided by this Charter. The prevailing vote required shall be reduced by one-half the number of members required or permitted to abstain from voting on a question under this Charter."

Mr. Halsted objected. Mrs. Kline seconded the motion. Mr. Halsted stated he was opposed as a matter of policy to any split votes. The vote was as follows:

For	Against
Kline	Engstrom
Craddick	Grummett
Machyowsky	Halsted
	DeHart
	Russo
	Loken

*** Motion failed, 6 no to 3 yes.

+++ Mrs. Kline moved that subsections (h) and (i) of Section 10.9 be deleted.

Seconded by Mr. Craddick.

Mrs. Kline explained that she had discussed these two subsections with both Mr. Berrier and Mr. Henri, both of whom were opposed to them; Mr. Berrier commenting that subsection (i) eliminates the use of bond anticipation notes. There was further discussion among the members in regard to the motion and the feasibility of eliminating the two subsections. The vote on the motion was as follows:

For	Against
Kline	Engstrom
	Grummett
	Craddick
	Halsted
	DeHart
	Russo
	Machyowsky
	Loken

*** Motion failed, 8 no to 1 yes.

+++ Mrs. Kline moved that subsection (i) be deleted and the words "and notes" be added to subsection (h), third line, so it would read: "... may bid on the bonds or notes if offered at public sale, etc." explaining that it seemed from subsection (j) that notes are supposed to be included in (h).

*** The motion failed for lack of a second, whereupon Mrs. Kline moved
+++ to add the words "or notes" to subsection (h) on the third line: "... may bid on the bonds or notes if offered at public sale," .

Motion seconded by Mr. Craddick. There was no objection and the
*** words were so added.

+++ Mrs. Kline then moved to strike subsection (i).

Seconded by Mr. Craddick. The roll was as follows:

For	Against
Kline	Halsted
Engstrom	
Grummett	
Craddick	
DeHart	
Russo	
Machyowsky	
Loken	

*** Motion passed, 8 yes to 1 no.

It was noted that the remaining subsection would have to be renumbered.

+++ Mr. Machyowsky moved that Section 11.2 on page 48 be amended so as to include a requirement that written notice of the proposed service area be mailed property owners of record residing in the service area proposed to be established.

Seconded by Mrs. Kline.

Mr. Craddick pointed out that this can only be done by ordinance which requires publication and notice anyway which should be enough. Chairman Loken said she had talked to Mrs. Hegg who proposed this at public hearings, and she, along with several others, felt they ought to get notice in the mail. Mr. Grummett asked Mr. Machyowsky it he

intended to exclude alter, consolidate or abolish, and Mr. Machyowsky replied that he would wish to expand the motion to include establishment, alteration, consolidation and abolishment. The roll was as follows:

For	Against
Kline	Engstrom
Grummett	Craddick
Machyowsky	Halsted
	DeHart
	Russo
	Loken

*** Motion failed, 6 no to 3 yes.

Mrs. Kline stated that on page 58, Section 14.3, third line, the section reference should be to 7.9 (rather than 7.10). There was no objection to this correction.

+++ Mr. Halsted moved and asked unanimous consent to change the word "an" to "any" on page 13, Section 5(a), second sentence.

*** There was no objection.

On page 15, subsection (a) of Section 3, sixth line from the top,
+ Mr. Machyowsky moved and asked unanimous consent that the word "seven" be changed to "five".

Mr. Halsted objected. Mr. Engstrom seconded the motion.

After discussion on the motion, the following vote was taken:

For	Against
Engstrom	Kline
Grummett	Halsted
Craddick	DeHart
Machyowsky	Russo
	Loken

*** Motion failed, 5 no to 4 yes.

+++ Mr. Craddick moved to insert a definition of the word "publish" in the charter and to use the definition of "publish" which was set forth in the charter that went to public hearings.

Seconded by Mr. Russo (and Mr. Halsted).

Mr. Kline moved to amend the wording in the public hearing draft definition of "publish" or "published", to strike the words "in the manner provided by law or where there is no applicable law", and replace those words with the words, "by publishing at least once", and then strike "one or more newspapers", and replace that with "a newspaper", then put a period at the end of "municipality", and strike "and qualified by law for the publication of legal notices".

It would then read: "Publish or published: Publish or published includes the setting forth of any matter for public notice by publishing at least once in a newspaper of general circulation in the municipality."

Mrs. Kline's amendment to the motion failed for lack of a second.

The vote on the main motion was as follows:

For	Against
Grummett	Kline
Craddick	Engstrom
Halsted	Machyowsky
DeHart	
Russo	
Loken	

*** Motion carried, 6 yes to 3 no. It was noted that this would become subsection (i) on page 67, and the definition of "State" (which is now (i) would become subsection (j).

+++ In Section 12, page 8, Mr. Machyowsky moved that the words "no assemblyman" be deleted from the sentence which begins: "Except for the purpose of inquiry ...", and the following substituted: "neither the assembly nor individual assemblymen".

Mr. Russo objected; Mrs. Kline seconded the motion.

For	Against
Kline	Russo
Engstrom	
Grummett	
Craddick	
Halsted	
DeHart	
Machyowsky	
Loken	

*** Motion carried, 8 yes to 1 no.

+++ In the same section, Mr. Craddick moved that the words "publicly or privately" be inserted after the word "give", instead of where they are now.

*** Seconded by Mr. Machyowsky. There was no objection and the motion was adopted.

+++ In Article VII, page 22, Mr. Halsted moved to strike all reference to "petitioners committee" and to replace it with "petitioner".

The motion was seconded by Mr. Engstrom. The vote was as follows:

For	Against
Engstrom	Kline
Halsted	Grummett
Russo	Craddick

Machyowsky
Loken

*** Motion failed, 5 yes, 4 no.

16.12

Mr. Engstrom directed the commission's attention to Section 16.11, Boards, page 72, and advised that the City of Juneau is getting into this model cities program now and setting up citizens committees. He did not know whether this abolishing of committees would effect the citizens committee or not, whether it would be deemed to have
+++ anything to do with local government, but to cover it, he moved to add the following: "except those established under the City of Juneau model city's program or those having areawide jurisdiction." (This would be on the third line.)

Seconded by Mrs. Kline.

Mr. Russo wished to amend the motion to include the City of Douglas' BOR committee (Bureau of Outdoor Recreation), which has received $142,000 and would like to see that committee remain active until the project is completed.

Mr. Engstrom said his immediate concern is that a committee is called for under the federal program for the model cities, which may also be true of the Douglas program.

Mr. Craddick seconded Mr. Russo's amendment.

Mr. Engstrom further recommended that in addition to the above specific committees, further state "and any other established under federal programs," which would include urban renewal, libraries.

This further amendment seconded by Mrs. Kline.

The vote was as follows:

For	Against
Kline	
Engstrom	
Grummett	
Craddick	
Halsted	
DeHart	
Russo	
Machyowsky	
Loken	

*** Motion carried unanimously.

In regard to page 47 concerning disaster bonds, Mr. Craddick brought the commission's attention to the fact that the word "disaster" is
+++ not defined, and any disaster is an emergency, and he moved that on page 47, Section (h)?(1) be amended to read, "emergency bonds or notes for the preservation and rehabilitation of municipal capital

improvements".

Motion seconded by Mr. Halsted.

In general discussion it was brought out that federal requirements for disaster funds are that utilities be effected to a large degree, that emergency could relate to just one building. It was the opinion that it might be wiser to define "disaster".

The vote was as follows:

For	Against
Craddick	Kline
Machyowsky	Engstrom
	Grummett
	Halsted
	DeHart
	Russo
	Loken

*** Motion failed, 7 no to 2 yes.

+++ Mr. Russo moved to adjourn. Seconded by Mr. Engstrom. Vote as follows:

For	Against
Engstrom	Kline
Russo	Grummett
	Craddick
	Halsted
	DeHart
	Machyowsky
	Loken

*** Motion failed, 7 no to 2 yes.

+++ Mr. DeHart moved that the commission adjourn at twelve midnight.

*** Motion seconded by Mr. Russo; no objection.

9.14B

+++ Mr. Machyowsky moved and asked unanimous consent that Section 15 (.11 ?)/ on page 6 be deleted and the following substituted therefor: "Before the purchase of, or contract for any supplies, material, or equipment, or the sale of any surplus or obsolete supplies, material, or equipment, ample opportunity for competitive bidding, under such regulations, and with such exceptions, as the assembly may prescribe, shall be given; but the assembly shall not except a particular contract, purchase or sale from the requirements of competitive bidding. Every such contract or purchase exceeding an amount to be established by ordinance shall require prior approval of the assembly. The assembly by ordinance may provide for competitive bidding in other cases."

Mr. Engstrom objected. Mr. Grummett seconded the motion. **575**

Mr. Craddick expressed the opinion that such an extensive amendment should have been presented in advance in writing for consideration of the commission. He moved further consideration be carried over to the next

meeting.

Mr. Halsted seconded Mr. Craddick's motion to postpone consideration until the next meeting; Chairman Loken objected to postponement; the vote was:

For	Against
Kline	Machyowsky
Engstrom	Loken
Grummett	
Craddick	
Halsted	
DeHart	
Russo	

*** Motion to postpone carried, 7 yes to 2 no.

+++ Mr. Halsted moved that the style and drafting committee prepare a definition of the word "disaster" for consideration at the next meeting.

*** There was no objection and the motion carried unanimously.

Mrs. Kline proposed wording for Section 16.11, Boards: "After July 1, 1969, all appointed committees, commissions, and boards of local governments to be dissolved shall be abolished, except those having area wide jurisdiction and those established under the City of Juneau Model Cities Program, the City of Douglas BOR Sandy Beach recreation project, and other federal programs."

There was no objection to the foregoing wording from commission members.

+++ In Article IV, Section 3, page 12, Mr. Halsted moved that the assembly be empowered to remove the manager by a vote of six.

Seconded by Mr. Machyowsky.

The roll was as follows:

For	Against
Halsted	Kline
Russo	Engstrom
Machyowsky	Grummett
	Craddick
	DeHart
	Loken

*** Motion failed, 6 no to 3 yes.

++ On page 23, Section 5, Affidavit of Circulator, Mr. Halsted moved to strike the entire section, expressing the opinion that the affidavit is meaningless.

Seconded by Mr. Russo. The vote was:

For	Against
Halsted	Kline
DeHart	Engstrom
Russo	Grummett
Machyowsky	Craddick
	Loken

*** Motion failed, 5 no, 4 yes.

+++ Mrs. Kline moved to amend Section 4(b), page 23, to read: "Petitions shall contain or have attached to them throughout their circulation the full text of the proposed initiative or referred measure." Also to amend Section 5, page 23, the last sentence, to read: "... that each signer had an opportunity before signing to read the full text of the proposed initiative or referred measure to be reconsidered". Unanimous consent was requested for these changes. Mrs. Kline also stated that on page 22, Section 2 the last word should be "referred" (rather than reconsidered).

*** There was no objection to the foregoing changes.

+++ In Section 8, New Petition, page 24, Mr. Halsted moved to insert the words "by voters" after the word "rejected".

Seconded by Mr. Russo.

Mr. Halsted said he wanted to preclude a committee taking out a petition and then deliberately failing to get the required number of signatures for the purpose of killing the issue for a period of time. Mr. Craddick asked how it would get to the voters without sufficient signatures. Mrs. Kline felt that Section 13(b) on page 26, covers Mr. Halsted's point.

*** With no objection from the commission, Mr. Halsted withdrew his motion.

+++ Mr. Halsted then moved to strike Section 8 on page 24 in its entirety.

Seconded by Mr. Engstrom. The vote was as follows:

For	Against
Engstrom	Kline
Grummett	Craddick
Halsted	Machyowsky
DeHart	Loken
Russo	

*** Motion failed, 4 no votes, 5 yes votes.

Mr. Craddick suggested the wording for Section 8: "Failure to secure sufficient signatures on a petition which was diligently pursued ..."
+++ and moved adoption of the language.

Seconded by Mr. Halsted. Objection by Mr. Engstrom.

After general discussion, Mr. Halsted felt the phrase was misplaced and should be in the last line which would then read: "... after a petition which was diligently pursued is rejected on the same or substantially the same matter." Mr. Craddick agreed with Mr. Halsted on the placement of the phrase.

The following was the vote:

For	Against
Kline	Engstrom
Grummett	
Craddick	
Halsted	
DeHart	
Russo	
Machyowsky	
Loken	

*** Motion carried, 8 yes to 1 no.

7,8

+++ Mr. Halsted moved that the same change be made on page 29, Section 9, after the word "petition", three words from the end of the sentence. ("may not be filed sooner than six months after a petition which was diligently pursued is rejected".)

Seconded by Mr. Russo. The vote was:

For	Against
Kline	Engstrom
Grummett	
Craddick	
Halsted	
DeHart	
Russo	
Machyowsky	
Loken	

*** Motion carried, 8 yes to 1 no.

+++ Mr. Engstrom moved that the style and drafting committee provide a definition of "diligently pursue".

*** Motion failed for lack of a second.

8,15

+++ Mr. Halsted moved that on page 30, section 15, that the title be changed from "Election of Successor" to "Filling of Vacancy". Unanimous consent was requested.

Mr. Engstrom objected; Mr. Russo seconded the motion.

The vote was:

For	Against
Kline	
Engstrom	

Grummett
Craddick
Halsted
DeHart
Russo
Machyowsky
Loken

*** Motion carried unanimously.

9.2

On page 31, Article IX, Section 2(b), Mr. Halsted moved the addition of the words "to the public" at the end of the second line.

Mr. Craddick suggested that a statement of intent be made that this is what is meant, because it appears several times in the charter.

There was no objection from Mr. Halsted or other commission members that the intent of the commission is that it means to the public whenever this or similar language occurs. Chairman Loken also requested Mrs. Kline to check and make sure that one way or the other they are consistent.

Mr. Engstrom requested the commission to reconsider the language "diligently pursue", expressing the opinion that it puts an impossible burden on the officials in government to determine whether to allow a/petition to go to an election or not and making a determination whether or not the
+++ former one was diligently pursued. Mr. Engstrom moved for reconsideration.

second

Mr. Machyowsky seconded the motion.

The roll on the motion to reconsider was as follows:

For	Against
Engstrom	Kline
Grummett	Craddick
Russo	Halsted
Machyowsky	DeHart
Loken	

*** Motion failed, 5 yes, 4 no.

9.3

+++ In Article IX, Section 3, Page 31, Mr. Halsted moved to insert the words "all reserves," after the word "showing" in the third line of the section.

Motion seconded by Mr. Russo.

Mr. Craddick asked if it should also be included in Subsection (b), "Proposed expenditures shall not exceed total estimated revenues and reserves", and Mr. Halsted agreed this might be proper.

In view of the fact that another meeting is going to be held, Mrs. Kline suggested she procure opinions of accountants on this, and without
*** objection, action on this motion was postponed.

On page 32, in subsection (b) in the middle of the page, Mr. Halsted moved and asked unanimous consent to strike the last sentence -- "Appropriations for such expenditures shall be included in the budget."

Mr. Engstrom objected; Mr. Grummett seconded the motion; the vote was:

For	Against
Kline	Engstrom
Craddick	Grummett
Halsted	
DeHart	
Russo	
Machyowsky	
Loken	

*** Motion carried, 7 yes to 2 no.

Mr. Russo changed his vote and moved for reconsideration of this motion at the next meeting.

Chairman Loken announced that the next meeting would be the following Thursday night at 7:30 p.m.

Mr. Russo stated he may be in Whitehorse on Thursday unless he can get a charter out of there.

Mrs. Kline advised that City Council would be meeting on Thursday and therefore Chairman Loken stated the next meeting would be the next Tuesday (February 11, 1969), rather than Thursday.

Meeting adjourned at twelve midnight.

Respectfully submitted,
Pat Cunningham
Pat Cunningham

Minutes of the meeting of the Greater Juneau Charter Commission
Held February 11, 1969

The meeting of the Greater Juneau Charter Commission was called to order by Chairman Pat Loken on February 11, 1969, at 8 o'clock p.m. in the offices of the Greater Juneau Borough. The following roll call was taken:

Present	Absent
Mike Grummett	Larry Parker (excused)
Don Craddick	Ron Saroff (excused)
Virginia Kline	
Don Halsted	
Allan Engstrom	
Guy Russo (late)	
Pat Loken	
Greg Machyowsky (late)	
Jim DeHart	

No correspondence was presented to the meeting.

The minutes of the meeting of January 21, 1969, were distributed to be considered and accepted at a later meeting.

Consideration of the style and drafting committee report continued, and Mrs. Kline passed out a definition of the word "disaster" which had been worked out by the committee as requested by the commission at the last meeting. She advised that this had come out of a statute and is apparently the definition the State uses. The word "disaster" is used in the section on Municipal Borrowing, Article X, Section 9 (1)(1), page 47.

/ Mr. Russo arrived. /

+++ After discussion among the members on the definition presented by the style and drafting committee, Mr. Craddick moved that a different definition be adopted, as follows: "A sudden unforeseen misfortune resulting in calamitous destruction or imminent threat thereof to life or property."

Mr. Grummett seconded the motion.

1614

There was considerable discussion of this definition among the members, and it was decided to delete from the definition as proposed by Mr. Craddick the phrase "or imminent threat thereof". The vote on the motion to adopt this definition (as amended) was as follows:

For	Against
Engstrom	DeHart
Grummett	
Craddick	
Kline	
Russo	
Halsted	
Loken	

*** Motion passed, 7 yes to 1 no.

10.12

With no objection being voiced, Chairman Loken stated the definition would be ~~XX~~ inserted directly in the charter on page 47, subsection (1)(1), which would then read as follows: "disaster bonds or notes to be issued in case of a sudden unforeseen misfortune which has resulted in calamitous destruction of life or property." (The remainder of the paragraph is deleted.) Mr. Halsted objected to limiting it to restoration of public property. There was extensive discussion in regard to putting the definition in the charter rather than in the definitions section; also the disparity between the terms "life" and "municipal capital improvements". Mrs. Loken stated that originally the purpose of this section was to allow the assembly to be able to issue disaster bonds; in other words, to enable the assembly to undertake bonding under disaster conditions. Mr. Engstrom stated that the phrase "include but are not limited to", actually resulted in no limitation at all on the authorization of bonds. (It was decided to defer further discussion on this until the arrival of Mr. Machyowsky.)

+++ Mr. Halsted moved to reinsert the original provision requiring pre-registration of voters.

Motion seconded by Mrs. Kline. Mrs. Kline advised that she had discussed this with Mrs. Thelma Cutler, State Elections Chairman, who did not see any reason why the municipality couldn't use the state rolls, thus saving duplication of clerical work, etc. There was some discussion as to how this would be handled with the state and how the system would be set up and maintained.

Mr. Halsted said he felt the motion may be improper inasmuch as the original text would not accomplish this purpose because it mentions that the assembly shall prescribe in the code for the pre-registration of electors by the municipal clerk or his authorized representative.

Chairman Loken said we would vote on the concept of pre-registration at this time. The vote was as follows:

For	Against
Craddick	Engstrom
Kline	Grummett
Halsted	DeHart
	Russo
	Loken

*** Motion failed, 5 no, 3 yes.

Mr. Halsted stated that in the same general area, the original draft that went to style and drafting had three sections, 5, 6 and 7, which he does not find in the style and drafting report. One of these is a comparitive statement of the actual expenditures for the preceding fiscal year and the estimated expenditures for the fiscal year currently ending, to be put in for comparison purposes with the proposed expenditures He feels it is important to allow assemblymen to evaluate the budget.

Mrs. Kline replied that there were several things listed and then at the end it said the assembly shall provide the form of all budgets. In our listing we provided the form and felt the two were in conflict. Mr. Halsted said 1 through 4 were generally covered but the last 3 did not appear.

/ Mr. Machyowsky arrived. /

+++ Mr. Halsted moved that the concept of a comparitive statement be reinserted.

Motion seconded by Mr. Russo.

Mrs. Kline said that ordinarily budgets give/at least three figures -- the actual audited figure for an item for the year before, estimated amount of what will be spent in the present fiscal year, and the proposed amount to be spent in the next fiscal year. The same thing holds true under revenue and this would be a comparitive statement. This was in the original public hearing draft.

Chairman Loken explained that the concept is to make more clear in the draft what kind of a budget will be submitted to the assembly regardless of the fact that they also can require certain things in a budget under ordinance. The concept here specifically is for a comparitive statement to be reinserted into the charter.

The vote was as follows:

For	Against
Grummett	Engstrom
Craddick	
Machyowsky	
DeHart	
Kline	
Russo	
Halsted	
Loken	

*** Motion passed, 8 yes to 1 no. 9 to 9 to 0

Mr. Halsted suggested that 5 and 6 be combined into one statement such as: "A comparitive statement of the actual expenditures and the actual revenue for the preceding fiscal year and the estimated expenditures and estimated revenue for the fiscal year currently ending" would accomplish the concept. He said he did not go into 7 which covers separate budgets for utilities owned and operated by the municipality, on which he has mixed feelings.
There was no objection to Mr. Halsted's suggestion.

+++ On page 33, Mr. Halsted moved to strike three provisions which he said automatically adopt the budget, tax levy, and capital program in the absence of action by the assembly; specifically Section 7(a) and (b), and Section 8, the second sentence in each section.

Mr. Russo seconded the motion for purposes of discussion.

Mr. Halsted feels that in matters of this nature the assembly should necessarily be required to take a positive action to take care of each one and that this should not be something they can let happen by default. Mrs. Kline felt it would be worse to remove these provisions and the assembly did not pass a budget. After discussion the vote on the motion was:

For	Against
Halsted	Engstrom
	Grummett
	Craddick
	Machyowsky
	DeHart
	Kline
	Russo
	Loken

*** Motion failed, 8 no to 1 yes.

+++ In Section 8 (page 33), Mr. Halsted moved and asked unanimous consent to change the second "the" to "an", so the sentence would read: "The assembly by resolution shall adopt a capital program by February 15."

*** There was no objection and the motion unanimously carried.

In Section 9, Certification and Public Records, Mr. Halsted cannot understand why three copies of the budget be certified and shall be a public record.

Chairman Loken explained that in all probability the three are file copies and each much show an original certification.

Mr. Halsted did not feel there is a specific purpose for each of the
+++ three copies and moved to strike the words "Three copies of" from subsection (a) of Section 9.

Motion seconded by Mr. Machyowsky. The vote was as follows:

For	Against
Craddick	Engstrom
Machyowsky	Grummett
Kline	DeHart
Halsted	Russo
	Loken

*** Motion failed, 5 no, 4 yes.

Mr. Halsted question subsection (c) of Section 10, page 34, and Mrs. Kline advised that this was a style and drafting committee addition which felt its omission was an oversight. Mr. Halsted stated that as a point of procedure in a case where there is a substantial change, the change should require the specific approval rather than specific removal to get it out again. Mr. Halsted
+++ moved to strike Section 10(c).

Motion seconded by Mrs. Kline. The following vote was taken:

For	Against
Kline	Engstrom
Russo	Grummett
Halsted	Craddick
	Machyowsky
	DeHart
	Loken

*** Motion failed, 6 no to 3 yes.

Mr. Halsted made a comparison between the committee draft and the previously approved draft in regard to Section 12, Lapse of Appropriations and Surpluses, particularly the last sentence thereof.
+++ He moved that the original wording, or an approximation thereof, be reinserted, which is the last sentence of the original draft and reads: "The purpose of any such appropriation for a capital expenditure shall be deemed abandoned if three years pass without any expenditure from or encumbrance of the appropriation concerned."

Seconded by Mr. Grummett.

Mrs. Kline felt the reason it was removed is that it is in conflict with the six year capital improvement program. Mr. Halsted replied that we are not talking about capital improvement program but we are talking about appropriations in the budget. Chairman Loken pointed out that once it lapses it has to be reappropriated. The vote was as follows:

For	Against
Craddick	Engstrom
Halsted	Grummett
	Machyowsky
	DeHart
	Kline
	Russo
	Loken

*** Motion failed, 7 no to 2 yes.

9.11

+++ Mr. Machyowsky moved and asked unanimous consent to change the word "shall" to "may" in the last sentence of subsection (b) of Section 11, at the top of page 35.

*** There was no objection and the change was made.

3.12(a)

+++ Mr. Machyowsky moved to change Section 13(a), page 8, by substituting the word "two" for "one", so the sentence would read: "The assembly shall hold at least two regular meetings every month at such time and at such place as it may prescribe."

Mr. Craddick brought out that this had been previously extensively discussed and voted on.

Motion failed for lack of a second.

Mr. Machyowsky recommended that the phrase "and/or" be changed to one or the other, in Section 14(a), page 10, and felt that "or" was
+++ more applicable in this section. He moved that "and/Or" be deleted where it appears in Section 14(a) and that the word "or" be substituted therefor.

*** There was no objection to the change.

There was discussion among the members as to the intent of the section in the school board article dealing with what is to be provided by the board and what is to be provided by the assembly, as set out in
+++ Section 13.9, and Mr. Halsted moved that the second sentence read: "The assembly shall provide maintenance, rehabilitation, repair and construction of school buildings."

Seconded by Mr. Machyowsky. The vote was as follows:

For	Against
Engstrom	
Grummett	
Craddick	
Machyowsky	
DeHart	
Kline	
Russo	
Halsted	
Loken	

*** Motion unanimously carried.

Mrs. Kline pointed out that on page 20, Section 4, second sentence, the word "may" should be substituted for "shall". No objection to this change.

Mrs. Kline also pointed out that on page 21, Section 7 appears three times (twice in subsection (a) and once in (b)), and it should be Section 6.7. No objection to this change.

+++ Mrs. Kline moved that Section 6.3(a), at the top of page 15, be amended to allow the assembly to reject a motion by adding the word "rejected" before the word "deferred", so the first complete sentence would read: "Upon presentation, an ordinance shall be rejected, deferred, referred to committee, or accepted as being introduced."

*** There was no objection and the motion unanimously carried.

+++ In Section 13.1, page 54, Mr. Machyowsky moved and asked unanimous consent to change "Title 14" to "by law". Mr. Craddick voiced an objection whereupon Mr. Machyowsky fully explained his reasons for the motion which included the fact that school board functions are covered under Titles 7 and 14, and that the charter provides differently than State law in some instances; he felt it would not do any harm nor change the context, but might avoid a point of argument .

The motion was seconded by Mrs. Kline.

Mr. Machyowsky said the change would also have to be made in Section 13.4. Mr. Machyowsky amended his motion to the effect that the phrase "Title 14, Alaska Statutes" in Section 13.4 be deleted and there be substituted "law consistent with", and delete the word "and".

Mr. Russo objected to the second half of the motion.

Chairman Loken called for the vote on the original motion on Section 13.1 which would change the phrase "Title 14, Alaska Statutes" to "by law" -- Mr. Machyowsky then said it should be "pursuant to law". The vote was:

For	Against
Engstrom	Craddick
Grummett	Russo
Machyowsky	Halsted
DeHart	
Kline	
Loken	

*** Motion carried, 6 yes to 3 no.

Mr. Machyowsky then moved that Section 13.4 be amended to read: "The board shall have all powers provided by law consistent with this charter, including but not limited to the following ..." (remainder of the section to stay the same).

Motion seconded by Mrs. Kline. The vote was:

For	Against
Engstrom	Grummett
Machyowsky	Craddick
DeHart	Russo
Kline	Halsted
Loken	

*** Motion failed, 5 yes, 4 no.

+++ Mr. Machyowsky moved and asked unanimous consent that the phrase "consistent with this charter" be added after "Title 14, Alaska Statutes" in Section 13.4, as suggested by Mr. Engstrom in discussion.

*** There was no objection and the motion carried unanimously.

The members discussed the use of the word "district" in Section 13.7,
+++ page 56. Mrs. Kline moved that the phrase "against the school district" be deleted.

There was no objection and the motion carried unanimously.

Mrs. Kline pointed out that on page 17, Section 5, the section reference in the middle of the page should be "Section 5.3" due to the renumbering
+++ system. She moved and asked unanimous consent to adopt this change.
*** There was no objection and the motion carried unanimously.

9.14

-1 Mr. Machyowsky moved and asked unanimous that additional language be added to Section 15.11, Competitive Bidding, page 65, as follows: "Contracts for public improvements and, whenever practicable other purchase of supplies, materials, equipment and services, except service of officers and employees of the municipality, shall be by competitive bid and award to the lowest qualified bidder. All contracts and purchases exceeding an amount to be established by ordinance shall require prior assembly approval."

+++-2 Motion seconded by Mr. Craddick, who stated he did not like that last sentence and felt a dollar amount ought to be set. He moved to replace the words "an amount to be established by ordinance", with $5,000".

Mr. Halsted seconded the amendment. The vote was as follows:

For	Against
Grummett	Engstrom
Craddick	Machyowsky
Halsted	DeHart
	Kline
	Russo
	Loken

***-2 The amendment to the motion failed, 6 no to 3 yes.

The vote on the original motion was as follows:

For	Against
Grummett	Engstrom
Craddick	Russo
Machyowsky	Halsted
DeHart	
Kline	
Loken	

***-1 Motion passed, 6 yes to 3 no.

+++ Mr. Machyowsky then moved and asked unanimous consent that the section be placed under the Financial Procedures Article, along with several others such as centralized purchasing and assessment, 15.10, 15.11 and 15.12.

*** There was no objection voiced to moving these three sections.

+++ Mr. Machyowsky then moved and asked unanimous consent that general authority be given to Mrs. Kline and Mrs. Loken to make punctuational, grammatical or minor organizational adjustments in the charter as they deem necessary for proper form.

Mr. Halsted objected to the motion. Mr. Engstrom seconded the motion. The vote was:

For	Against
Engstrom	Halsted
Grummett	
Craddick	
Machyowsky	

DeHart
Kline
Russo
Loken

*** Motion carried, 8 yes to 1 no.

9.15

+++ Mr. Machyowsky proposed acceptance of a new Section 15.12, Assessment, which would read as follows: "Real property if taxed shall be assessed for tax purposes at full and true value, which shall be the amount which the property would bring on an open market in a sale on normal payment terms between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels."

There was extensive discussion among the members on the proposal, the present method of taxation, the question of personal property taxation with particular reference to boats; it was the general feeling that the assembly should make decisions on taxation of personal property.

+++ After the foregoing discussion, Mr. Machyowsky moved to delete Section 15.12 altogether.

Mrs. Kline seconded the motion. The vote was a s follows:

For	Against
Machyowsky	Engstrom
Kline	Grummett
Loken	Craddick
	DeHart
	Russo
	Halsted

*** Motion failed, 6 no to 3 yes.

+++ Mr. Engstrom moved that Section 15.12 be amended to read: "Real property shall be assessed for tax purposes at full and true market value."

Motion seconded by Mr. Machyowsky, saying he understands the intent to be that real property need not be taxed if the governing body wishes not to, and the others agreed.

For	Against
Engstrom	Kline
Grummett	Russo
Craddick	Halsted
Machyowsky	Loken
DeHart	

* Motion failed, 5 yes, 4 no.

9.16

Mr. Machyowsky moved that Section 15.12 read as follows: "All real property to be taxed shall be assessed for tax purposes at full and true market value."

Seconded by Mr. Grummett. The vote was as follows:

For	Against
Engstrom	Kline
Grummett	Russo
Craddick	Halsted
Machyowsky	
DeHart	
Loken	

*** Motion carried, 6 yes to3 no.

Mr. Machyowsky recommended to Mrs. Kline and Mrs. Loken to renumber centralized purchasing, personnel system, ombudsman as indicated on his proposed amendments dated February 11, 1969, which was distributed to all members.

+++ Mr. Machyowsky moved to amend Section 15.19(g) by the addition of the following wording: "a grouping of expenditures on the basis of activities, services, or goods purchased."

There was no objection to the motion and it was unanimously carried.

+++ Mr. Machyowsky moved and asked unanimous consent to add a new Section 15 (page 11), to be entitled "Ordinance Violations", which would read as follows: "(a) The assembly may impose penalties not to exceed 10 days imprisonment or a fine of $500, or both, for the violation of ordinances. (b) Assembly legislation relating to alcoholism and public drunkenness shall emphasize treatment and prevention rather than imprisonment or levy of fines. To help formulate policy for this purpose, the assembly shall establish a continuing community advisory board on prevention and treatment of alcoholism." Mr. Machyowsky explained his motion extensively for the benefit of commission members and considerable discussion followed.

3.17

Mr. Halsted objected to the motion; Mr. Craddick seconded.

Mr. Engstrom requested that the question be split as to subsections (a) and (b), to which Mr. Machyowsky consented and no objection was voiced.

+++-1 Mr. Engstrom moved to change 10 days to 180 days in subsection (a).

***-1 Motion failed for lack of a second.

+++-2 Mr. Halsted moved to amend the time to 30 days.

Seconded by Mr. DeHart. Mr. Craddick objected to the amendment. The vote was as follows:

For	Against
Engstrom	Craddick
Grummett	Machyowsky

DeHart
Kline
Russo
Halsted
Loken

***-2 Motion carried, 7 yes to 2 no.

The vote on the motion to accept subsection (a) was as follows:

For	Against
Grummett	Engstrom
Craddick	Kline
Machyowsky	
DeHart	
Russo	
Halsted	
Loken	

*** Motion carried, 7 yes to 2 no.

+++ Mr. Craddick seconded Mr. Machyowsky's move to adopt subsection (b)

Mr. Machyowsky gave further explanation of this subsection after which Mr. Halsted said he was against it because it perpetuates a mandatory and continuing board.

+++-3 Mr. Machyowsky moved and asked unanimous consent that the word
***-3 "continuing" be deleted. There was no objection and the motion was unanimously carried.

Mr. Halsted's opinion is that this should be left to the assembly.

The vote on acceptance of subsection (b), with the word "continuing" deleted, was as follows:

For	Against
Grummett	Engstrom
Craddick	Kline
Machyowsky	Halsted
DeHart	
Russo	
Loken	

*** Motion carried, 6 yes to 3 no. 16.11

+++ On page 71, Section 16.10, Mr. Machyowsky moved and asked unanimous consent to add at the end of the last sentence, "to aid the assembly in adopting an integrated code."

*** There was no objection and the motion was unanimously carried.

+++ On page 48, Section 11.2, Mr. Machyowsky moved and asked unanimous consent to replace item (3) under subsection (a) and add new item (4) as follows: "(3) a maximum proposed tax levy for each service to be provided, subject to the condition that the levy may be exceeded upon subsequent approval of a higher levy by qualified voters of the

service area; (4) provision for written notice of the proposed ordinance to be mailed to property owners of record within the service area and qualified voters of the service area voting in the last regular municipal election;"

Mr. Engstrom objected. Mr. Machyowsky stated he thought it just furnished a little more protection to service areas and does not hurt a thing; further, it will satisfy a great many people who have reservations about the establishment of service areas.

There was further discussion on the proposed new subsections, after which the following vote was taken: (The motion was not seconded.)

For	Against
Grummett	Engstrom
Machyowsky	Craddick
Kline	DeHart
Halsted	Russo
	Loken

*** Motion failed, 5 no, 4 yes.

+++ Mr. Machyowsky moved and asked unanimous consent to insert a subsection (b) to Section 5 on page 20, as follows: "(b) At no time during the day of election may a person sponsor in any form of mass medium a paid advertisement which attempts to persuade another to vote for or against a candidate or question. This subsection does not restrict a person from responding to an adverse, controversial editorial, or exercising his right to equal broadcast time, under applicable federal law or regulations, when the editorial or opposing broadcast is timed so as to make a reasonable response before election day impossible."

Mr. Halsted objected; Mr. Craddick seconded the motion.

Mr. Craddick moved to amend the motion by substituting the following wording: "At no time subsequent to 6 p.m. of the day before an election ..."

Mr. Machyowsky accepted the amendment and incorporated it into his motion, with no objection from the remaining members.

After discussion on the motion, Mr. Halsted moved to delete the second sentence from the proposed subsection.

Mr. Grummett seconded Mr. Halsted's amendment, and there was no objection voiced.

Mr. Craddick moved to amend the motion by adding: "A person who violates this section shall be guilty of a misdemeanor and shall be punishable as the assembly by ordinance shall prescribe."

The vote on this amendment was as follows:

For	Against
Grummett	Engstrom
Craddick	Kline

Machyowsky	Halsted
DeHart	
Russo	
Loken	

The amendment to the motion passed, 6 yes to 3 no.

Mr. Halsted moved to amend by deleting the word "paid" and changing "a" to "an". There was no objection to this amendment.

The vote on the main motion was as follows:

For	Against
Grummett	Engstrom
Craddick	Kline
Machyowsky	Halsted
DeHart	
Russo	
Loken	

*** Motion passed, 6 yes to 3 no.

+++ On page 8, Section 10, 3.10 Mr. Machyowsky moved and asked unanimous consent to add thereto: "The assembly by ordinance may authorize a reasonable expense allowance for the mayor in the performance of his functions."

Mr. Halsted and Mr. Engstrom objected. Mr. Russo seconded the motion.

After discussion in which it was brought out that assemblymen also incur expenses, at the suggestion of Mr. Craddick, Mr. Machyowsky moved to amend his motion to simply add the word "expenses" after "compensation" in Section 10, so it would read ".. compensation and expenses ...". 3.10

Mrs. Kline objected to the amendment; Mr. Craddick seconded.

Mrs. Kline pointed out that the way it now reads, you are setting up expenses for the mayor, etc., not the repayment. Mr. Craddick suggested the wording "expense allowances". Chairman Loken called for the vote on including expenses, which was as follows:

For	Against
Grummett	Engstrom
Craddick	Machyowsky
Kline	DeHart
Russo	Halsted
	Loken

*** Motion failed, 5 no, 4 yes.

On page 61, Section 15.1(a), Mr. Machyowsky moved and asked unanimous consent to amend the first sentence as follows: "No assemblyman may vote, participate in assembly discussion, or in any way seek to persuade or influence assemblymen, on any question on which he has a substantial direct or indirect financial interest."

Mr. Engstrom objected; motion seconded by Mr. Craddick. The vote was as follows:

For	Against
Craddick	Engstrom
Machyowsky	Grummett
DeHart	Kline
	Russo
	Halsted
	Loken

*** Motion failed, 6 no, 3 yes.

3.12(d)

+++ Mr. Machyowsky moved and asked unanimous consent to add 2 sentences at the end of subsection (d), Section 13, on page 9, as follows: "The mere discussion of specific persons or finances shall not be cause for an executive session. Assemblymen who vote to authorize an executive session in violation of the provisions of this section shall be deemed to have acted in violation of the charter."

An objection was voiced by Mr. Engstrom and Mr. Craddick then seconded the motion.

+++-1 Mr. Halsted moved to delete the first sentence of the proposed addition.

Seconded by Mrs. Kline. The vote on the motion to delete the first sentence was:

For	Against
Kline	Engstrom
Russo	Grummett
Halsted	Craddick
Loken	Machyowsky
	DeHart

***-1 Motion failed, 5 no, 4 yes.

+++-2 Mr. Engstrom moved to delete the second sentence.

Seconded by Mrs. Kline.

Mr. Halsted said perhaps the penalty shold apply to any assemblyman calling for such a session rather than those who vote for it, with which others agreed.

The vote on the motion to strike the second sentence was:

For	Against
Engstrom	Craddick
Grummett	Halsted
Machyowsky	
DeHart	
Kline	
Russo	
Loken	

***-2 Motion carried, 7 yes to 2 no.

The word "specific" was deleted from the first sentence by agreement of the members after discussion.

3.12

+++-3 Mr. Craddick moved to add a sentence to follow the sentence just adopted as follows: "Assemblymen who call for an executive session in violation ov the provisions of this section shall be deemed to have acted in violation of the charter."

Seconded by Mr. Grummett. The following vote was taken:

For	Against
Grummett	Engstrom
Craddick	Kline
Machyowsky	Russo
DeHart	
Halsted	
Loken	

***-3 Motion carried, 6 yes to 3 no.

The vote on the main motion was then called, which was as follows:

For	Against
Grummett	Engstrom
Craddick	Kline
Machyowsky	Russo
DeHart	
Halsted	
Loken	

*** Motion carried, 6 yes to 3 no.

7.3

+++ Mr. Machyowsky moved to add the following to Section 3, Petition, page 22: "If the subject matter of the petition relates only to a service area, the petition shall be signed by a number of qualified voters residing within the service area equal to at least 25% of the votes cast in the service area at the preceding gubernatorial election." ; and also to add after the last sentence of Section 10, Action on Petition, subsection (a), page 25: "If the subject matter of the proposed initiative or reffered measure relates only to a service area, the measure shall be submitted only to the electorate of the service area."

7.10

Seconded by Mr. Craddick.

*** There was no objection to the addition of the foregoing and the motion passed unanimously.

7.12

+++ Mr. Machyowsky moved and asked unanimous consent that to Section 12, subsection (a)(1), page 26, be added: "... no petition is filed within 30 days after the issuance of petition papers, or".

*** There was no objection and the motion unanimously passed.

Mr. Machyowsky moved to add the following: 8.4

1. To Section 4, Petition, page 27, add: "If the petition is for recall of an official elected from a district, the petition shall be signed by a number of qualified voters residing within the district equal to at least 25% of the votes cast in the district at the preceding gubernatorial election."

2. To Section 8.13 13, Majority Required, page 30, add: "If the official ~~xxx~~ sought to be recalled is elected from a district, the vote shall be limited to the qualified voters residing within the district."

*** There was no objection to the foregoing additions.

Mr. Halsted said there had been a provision in the original draft in regard to obligations incurred in violation of the charter being void and at the end it stated that the manager could proceed forthwith to collect the indebtedness unless otherwise directed by the assembly, but that he could not find it in the committee report and wanted to know the reason it was deleted; Mr. Craddick joined in this request. Mrs. Kline located the section on page 35, Section 13(b) and said the portion deleted was: "... and the manager shall proceed forthwith to collect the indebtedness unless otherwise directed by the assembly.", which would go on the last sentence of subsection (b). 9.13

Mr. Halsted moved that the portion deleted be put back into the charter.

Motion seconded by Mr. Grummett. The vote was as follows:

For	Against
Grummett	Engstrom
Craddick	
Machyowsky	
DeHart	
Kline	
Russo	
Halsted	
Loken	

*** Motion carried, 8 yes to 1 no.

+++ Mrs. Kline moved to amend Section 14.5(b), pages 59 and 60, by replacing the last sentence thereof with the following: "The ballot shall include the full text of each proposed amendment, or if a charter commission proposes a substantially new charter, the ballot shall include a summary of the proposed amendment. The ballot shall provide the voters a choice to vote 'For the amendment' or 'Against the amendment'."

Seconded by Mr. Machyowsky. The vote was:

For	Against
Engstrom	Halsted
Grummett	
Craddick	
Machyowsky	

DeHart
Kline
Russo
Loken

*** Motion carried, 8 yes to 1 no.

+++ On page 39, Section 5, Revenue Bonds, Mrs. Kline moved amendment of the second sentence to read: "The assembly by ordinance ratified by a majority of the qualified voters voting on the question ..."

Seconded by Mr. Halsted.

Mrs. Kline stated her reasons, (1) that revenue bonds carry higher interest and we should make it as difficult as possible to go that route because it costs everyone more money; and (2) that although your property is not mortgaged to pay off revenue bonds you are in effect paying it off.

The chairman pointed out that this area had been discussed previously and called for the vote, which was as follows:

For	Against
Engstrom	Grummett
Kline	Craddick
Halsted	Machyowsky
Loken	DeHart
	Russo

*** Motion failed, 5 no, 4 yes.

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+++ Mr. Halsted moved to add the words "all reserves" in Section 3, Scope of Budget, (a), after the word "showing"; and to add "and reserves" to subsection (b) of Section 3.

Seconded by Mr. Craddick. Vote was as follows:

For	Against
Engstrom	
Grummett	
Craddick	
Machyowsky	
DeHart	
Kline	
Russo	
Halsted	
Loken	

*** Motion unanimously carried.

Mr. Craddick moved to delete the second sentence of the introductory paragraph (1) and revise the first sentence to read: "The assembly may authorize the following bonds or notes without requiring ratification

of the qualified voters;" and then (1) and (2) would be the types, and only these types if this passes.

Seconded by Mr. Halsted.

Chairman Loken said the vote would be on the policy of limiting the assembly's authority to indiscriminately authorize bonds and provide in the charter exactly what they can provide without a vote. The vote was:

For	Against
Engstrom	DeHart
Grummett	
Craddick	
Machyowsky	
Kline	
Russo	
Halsted	
Loken	

*** Motion carried, 8 yes to 1 no.

+++ Mr. Craddick moved that subsection (1) under the above read as follows: "disaster bonds or notes to be issued in case of calamity which has caused great loss for the preservation, rehabilitation or reconstruction of municipal capital improvements;"

Seconded by Mr. Grummett. The vote was:

For	Against
Grummett	Engstrom
Craddick	DeHart
Machyowsky	Kline
Russo	
Halsted	
Loken	

*** Motion carried, 6 yes to 3 no.

+++ Mr. Craddick moved that the rules be suspended so that the chairman may bring the question forward and move the question of the adoption of the charter. Mr. Halsted stated there was a motion already on the floor to adopt the draft, and Mr. Craddick replied he would like the chairman to be the one having the honor of calling the question to adopt the charter.

Mr. Machyowsky seconded, stating that as a matter of form he felt a certificate should be appended adopting and proposing the charter for the voters to become a part of the charter which all commission members would sign.

Mr. Halsted objected to approving something that has not been put in final form, and did not feel the commission was in a position to give it final approval at tonight's meeting.

The vote to suspend the rules to allow the chairman to move for adoption of the charter was as follows:

For	Against
Engstrom	
Grummett	
Craddick	
Machyowsky	
DeHart	
Kline	
Russo	
Halsted	
Loken	

*** Motion unanimously carried.

Chairman Loken stated that by the foregoing vote the bylaws were
+++ suspended and she moved that the following certificate be appended to the style and drafting committee report which is now in effect the recommended charter:

> "We, the undersigned members of the Greater Juneau Charter Commission, duly elected in accordance with Title 29, Chapter 85, Alaska Statutes, and having elected Priscilla Loken chairman, Ron Saroff vice chairman of said Charter Commission, state that the said Charter Commission has prepared the above charter and do hereby adopt and propose the charter and direct that it be filed in the office of the Borough Clerk and further direct that the charter be submitted to the qualified voters of the cities of Juneau, Douglas and the Greater Juneau Borough at a special election which shall be held in accordance with law for ratification or rejection.
>
> "In witness whereof we hereunder subscribe our names on this _____ day of February, 1969."

Mr. Engstrom seconded the motion.

Mr. Machyowsky pointed out that by the wording it does not say that everyone approves this charter, only that as required by law we adopt and propose it.

Mr. Russo stressed foregoing discussion in regard to the necessity of seeing the charter in final form before a vote can be taken.

There was discussion among the members as to when the charter would be ready in final form and when a meeting could be called for a vote. It was felt that the members should have several days to read over the finished product before another meeting is called.

Mr. Grummett moved that the next meeting be called a week from the coming Thursday, which would be February 20, 1969.

Motion seconded by Mr. Craddick.

The vote was as follows:

For	Against
Engstrom	
Grummett	
Craddick	
Machyowsky	
DeHart	
Kline	
Russo	
Halsted	
Loken	

*** Motion unanimously carried.

Mr. Halsted asked what is present status of the districting map, to which Chairman Loken replied that it was approved as part of the draft.

Mr. Machyowsky asked the chairman if she had gotten response back from the borough on the census and Chairman Loken said in a letter from the borough she was advised that they had not been given the figures yet, so it would be appropriately redistricted at the time figures are available. Mr. Halsted requested that the borough draftsman be directed to take the population figures off the original map.

Mr. Engstrom moved to adjourn; Mr. Grummett seconded the motion.

*** There was no objection and the meeting adjourned at 12:15 a.m.

Respectfully submitted,

Pat Cunningham

Pat Cunningham

Minutes of the Meeting of Greater Juneau Charter Commission
Held February 20, 1969

The meeting of the Greater Juneau Charter Commission was called to order on February 20, 1969, at 8 o'clock p.m. in the offices of the Greater Juneau Borough. Chairman Pat Loken presided and the following roll was taken:

Present	Absent
Don Halsted	Larry Parker (excused)
Guy Russo	Ron Saroff (excused)
Mike Grummett	
Don Craddick	
Jim DeHart	
Virginia Kline	
Greg Machyowsky	
Allan Engstrom	
Pat Loken	

It was noted that a quorum was present. The chairman stated there were three sets of minutes which had been distributed to the members and the following action was taken:

Minutes of the 3rd Public Hearing (date not mentioned): Accepted as presented.

Minutes of the meeting of January 21, 1969: Accepted as presented.

Minutes of the meeting of January 28, 1969:
Page 2, first line, the word "the" should be "to";
Page 8, bottom of page, the word "behind" should be "after": Accepted as corrected.

The chairman called for correspondence; none was presented. The chairman stated that she was expecting a letter from the City Council requesting that a public meeting be held at which time the commission would answer questions concerning the charter. The purpose of the meeting would be to dispel false rumors concerning the charter in clarification of specific questions which might be raised. Several members expressed agreement with this idea.

Mr. Machyowsky wished to point out that even if the charter is adopted by the commission for submission to the voters, the commission is not dissolved; at least until after the election. In the event the charter fails the law requires that the commission continue to meet to formulate a new or different charter. Naturally, the right of charter members to resign is not prohibited.

Chairman Loken recalled the motion to the floor to adopt the charter and asked members if there were any further amendments to the motion.

Mrs. Kline pointed out several small technical errors as follows:

Page 4, Section 3.6(a) remove the word "the" before "death"

Page 4, Section 3.7(a)(2), delete the phrase "unless the forfeiture is waived by the assembly"

Page 5, Section 3.7(c), underlining of duces tecum should be removed

Page 11, Section 5.3(a), fourth line up from bottom, the word "ordinances" should be singular

Page 12, Section 5.4(b), sixth line down insert the words "at least", so it reads "the affirmative votes of at least six assembly members"

Page 17, Section 7.8, second line up from the bottom, take out comma after "proceed"

Page 18, Section 7.11, third line down, "a" missing from the word "shall"

Page 20, Section 8.9, second line up from the bottom, "may" should be "shall"

Page 21, Section 8.13, should start "The vote of a majority ..."

Page 29, Section 10.8(c), second paragraph, sixth line down, change "not to exceed" to "no later than"

Page 31, Section 10.9(e), capitalize "A" of "Article"

Page 32, subsection (k), subsection (1), take out comma after "loss" in second line

Page 37, Section 13.3(b)(1), should be "lacks any qualifications"

Page 40, Section 14.2, second line, insert the word "the", so it would read: "The assembly may propose charter amendments by ordinance containing the full text"

Page 41, subsection (b), fourth line up from the bottom, Charter Commission should be capitalized

Page 47, Section 16.7(a), last line, the word "their" should be "its"

In regard to Section 16.4 (page 47), Mrs. Kline pointed out that at the assembly's meeting the previous night it was felt that since they have census figures and detailed census will be here in a day or

two, these figures should be used in developing the districting map.

Mr. Craddick asked Mr. Machyowsky the reason for the last sentence of Section 16.4. Mr. Machyowsky replied that this prohibits the governing body from taking the figures that are coming out this week and reapportioning immediately, the first time they meet. They will be elected under the districting map that will accompany the charter and they will stay under that apportionment until the decennial census in 1970 indicates whether another apportionment is required. (Mr. Machyowsky pointed out that in Section 16.4 the word "decennial" is misspelled.)

Mr. Machyowsky went on to say that at the assembly meeting of the previous day it was pointed out that the federal government in a letter of February 13, 1969, had advised the borough of the initial figures giving the population of the City of Douglas, City of Juneau and the area outside the cities, and stated that more detailed data, including presumably a breakdown by enumeration districts, would be forthcoming within a week, meaning about February 20. With this more detailed data a map can be drawn which will adjust the boundary lines if necessary of the districting map we've been working under prepared by Mr. Halsted. Possibly only minor adjustments would be necessary unless there is an attempt to conform the election precincts in our six districts under this charter with the election precincts used for State elections, which conform to the present city and borough precincts; then perhaps some noticeable change would have to be made in the boundaries. What we want to do is divorce the map from the charter; putting the instruction for the map in but divorcing the map from the charter. Otherwise, whenever the charter is handed out the districting map would have to be included in it because it has been appended to and made a part of the charter, which doesn't seem necessary after the first apportionment. This sets up the requirement that an apportionment be made, accompany the charter, be published, so the public knows what it is voting on and the permanent provisions of the charter take over for any future reapportionment.

Mrs. Kline moved for the adoption of the foregoing, and the motion was seconded by Mr. Grummett.

Mr. Halsted asked if it was the intention that the districting be done by the commission. Mr. Machyowsky replied that it would have to be approved by the commission, but it does not seem feasible for the commission to actually do it.

Chairman Loken pointed out that the commission is satisfied with the map prepared by Mr. Halsted, however the commission could possibly be criticized for not using the figures which will be available within a day or two.

The chairman felt the intent is to adopt a map which is as close as the one prepared by Mr. Halsted as the new population figures will permit. Mrs. Kline stated that Mrs. Thelma Cutler, Director of Elections, strongly urged that precinct lines be followed wherever possible. Mr. Halsted stated that on the basis of the population statistics that were available at the time, it would be very difficult or even impossible to come up with a reasonable balance in population and also follow precinct lines. This was done insofaras possible, however it was necessary to split one precinct in the heart of the city.

Mr. Berrier, who was in the audience, was invited to speak to the commission on this subject. He said this same thing had come up at the Assembly's meeting the previous evening and at Mr. Engstrom's request he had looked up the applicable statute, which is 15.10.030. This requires that the precinct boundaries established by the Secretary of State shall be the boundaries for both state and local elections. There is a further provision that changes may be made upon forty days' notice. The time element does not get major because you may issue an emergency regulation changing the state precinct. The state precinctsnormally do attempt to conform to local precincts if possible. He would most strongly urge that whoever does this check with Mrs. Cutler and work the lines so that the state precinct linescan be changed by an emergency regulation from the Secretary of State. There will probably be several precincts in each section but they have very wide bounds so they probably can be adjusted.

Mr. Machyowsky stated that under this charter we proceded as a home rule municipality and not bound by state law unless it is made specifically applicable.

Mr. Berrier pointed out that it would appear that it would be a relatively simple administrative thing to coordinate the two, because otherwise you invite statutory problems.

Mr. Machyowsky felt the administrative remedy should be pursued just to be sure, but he suggests that in preparing the map an attempt be made to follow the boundaries if at all possible.

Mr. Halsted, before voting, wanted a determination as to whether or not apportionment is a commission function. The chairman replied that we have assumed it because we can do it, and Mr. Machyowsky added that to make the charter workable, the initial apportionment would have to be completed for the first election.

Chairman Loken ask Mr. Hildebrand, who was also a member of the audience, if it would be advisable to send a telegram to Washington, D.C. in an attempt to speed up receipt of complete figures. Mr. Hildebrand replied that he did not think it would do much, because their letter was dated February 13 and it was received on the 17th. They said that the more detailed data from the census would be sent in about a week, and it is one week now. If it is in the mail now it would be three or four days in route.

There was discussion as to what the date should be, and at the suggestion of Mr. Engstrom the date was decided to be February 19, 1969, which is the date the gross figures were accepted by the borough assembly.

At the suggestion of Mrs. Kline, the word "prepared" was changed to "presented".

Chairman Loken said that with changes, the sentence now reads: "Based on the population figures shown by the special federal census presented on February 19, 1969, to the Greater Juneau Borough ..."

The following vote was taken:

For	Against
Kline	Halsted
Grummett	Engstrom
Craddick	Russo
Machyowsky	
DeHart	
Loken	

*** Motion adopted, 6 yes to 3 no.

++ Mrs. Kline moved and asked unanimous consent that all of the changes which she listed earlier in the meeting be adopted.

*** There was no objection and the motion carried unanimously.

Mr. Grummett wished to bring up for discussion a portion of the transitional section, page 46, dealing with the debts and assets of service areas; that is the service area assuming the assets and also the debts on the basis of preunification debts and assets under Section 16.2. He questioned what effect this would have on the airport since apparently a good deal of the funds to retire the airport debt are derived from revenues and fees and operation of the airport. Will there be a problem and a possibility of the loss of these revenues, in other words these revenues being funneled somewhere other than continuing to retire the debt.

Mr. Machyowsky replied that he did not think it poses a problem, because as a matter of good budgeting enterprise funds and revenues are used to retire the debt and meet other costs of operation. As a practical matter the assembly would not take these revenues and use them for another purpose. On page 34 the charter states in Section 11.15, "The assembly may levy taxes, assessments or other charges within a service area to finance the services and funds thereby raised shall not be used for any purpose outside of the service area." This would assure that the airport funds will be used for the airport service in that service area. Mr. Machyowsky went into further explanation pointing out specific items in the charter to support his conclusions.

Mr. Grummett moved to add to Section 16.2(b): "except that revenue produced from facilities constructed from bond funds shall be applied toward retirement of said bonds."

There was considerable discussion among the members in regard to this proposal, and Mr. Grummett invited comment from Mr. Doug Stark who was in the audience. Mr. Stark said he thought it was a valid point and had been mentioned to him as an objection to unification that this was not in the charter. He felt if there is no problem in adding this safety clause it would meet an objection that might be brought up at the last minute which could influence votes.

Mr. Machyowsky stated that there is not a provision in the financial article which states in effect that revenues from enterprises shall be used solely for the enterprises. Possibly that is what should be put in the charter, because that is what is usually meant. Mr. Machyowsky invited comment from Mr. Dupere in the audience if he felt this addition would be advisable. Mr. Dupere stated that this is one of the omissions of the charter.

Mr. Craddick asked Mr. Grummett if he would amend his motion so it would be net revenue, then he would second it. Mr. Grummett said this was agreeable to him, and Mr. Craddick seconded the motion.

Mr. Machyowsky suggested the word "except" not be used because it is used once in the sentence already, just to make it a separate sentence starting with "Net". All members agreed with this change.

Mr. Halsted said if this was a continuing thing, it does not belong in Transitional, and the chairman pointed out that it belongs in both financial and transitional because preunification debt is not discussed elsewhere. This will require another motion. The vote was as follows:

For	Against
Grummett	Halsted
Craddick	Engstrom
Machyowsky	Kline
	DeHart
	Russo
	Loken

*** Motion failed, 6 no to 3 yes.

Mr. Engstrom questioned the use of the word "value" in Section 16.2(e) and expressed the opinion that the term "fair market value" would be more interpretive than just "value". The members discussed this
+++ point extensively, at the conclusion of which Mr. Engstrom moved to change the word "value" to "fair market value".

The motion failed for lack of a second.

On page 4, Section 3.6(a), Mr. Halsted said his records show that it should read: "The office of an assemblyman including the mayor ..." Mr. Engstrom said he felt this went back to the original styling and drafting where and attempt was made to indicate that the mayor was just another assemblyman. No motion was made on this point.

Mr. Halsted said that on page 6, Section 3.12, the phrase should be "publicly or privately", and this change was made without objection.

On page 19, Section 8.1, second line, Mr. Halsted pointed out that the word "recall" is misspelled; and in section 8.3, fourth line from the bottom of the first paragraph, the word "address" is misspelled.

On page 20, Section 8.1, Election, (a), Mr. Halsted said that here we are calling for an election on a recall petition and specify that this shall be a special election. In case there should happen to be
+++ a regular election in the specified period, he moved that the words "a special" be deleted and "an" be substituted.

Motion seconded by Mr. Engstrom, who pointed out that it is not necessary to designate it as a special election when you have a time period after the certification of the petition within which the election has to be held. The vote was as follows:

For	Against
Halsted	
Engstrom	
Kline	
Grummett	
Craddick	
Machyowsky	
DeHart	
Russo	
Loken	

*** Motion unanimously carried.

Page 23, Section 9.5, in the fifth line, Mr. Halsted pointed out that the word should be "explanation"; page 30, Section 10.9(b), a line of typing has been omitted as follows: "... or coupons shall cease to be such officer before the delivery of such bonds"; on page 44, Section 15.14(c), the word "statutes" is misspelled.

Chairman Loken stated that the omitted language on page 30 pointed out by Mr. Halsted should be covered in a motion since it is not in
+++ the charter we are adopting. Mr. Halsted moved that the words be reinserted.

Seconded by Mr. Craddick. There being no objection the motion was
*** unanimously carried.

Mrs. Kline brought to the members' attention a portion of the transitional article on page 48, Section 16.12, and after reading it, pointed out that it applied before the general election date was changed from October to May. She had discussed this with Mr. Berrier and he suggests adding the wording: "until the first election following the expiration of their term." Mr. Berrier added that their term will expire in October and there won't be
+++ an election until the following May. Mrs. Kline moved to amend the section by inserting the following words: "until the first election following expiration of their terms"

Seconded by Mr. Halsted.

Upon suggestion of Mr. Machyowsky, Mrs. Kline amended her motion so it would be: "until the first regular municipal election following expiration of their term." Mr. Halsted concurred with the amendment.

*** There was no objection and the motion as amended carried unanimously.

Mr. Machyowsky felt some additional clarification was necessary in the public school section, page 37, to make it clear that the election of board members takes place at the same time as the regular municipal elections for other municipal officers. This would be in Section 13.2 and it seems to leave the question open as to whether it was intended to apply all election provisions for assemblymen to board members. Mr. Machyowsky moved to add to Section 13.2(b): "at regular municipal elections."

*** There was no objection and the motion carried unanimously.

+++ Mr. Machyowsky moved to amend the charter on page 25 by adding a new section after Section 9.15 and renumbering the remaining sections accordingly: "Section 9.16, Enterprise Funds. Revenues from an enterprise, whether established before or after July 1, 1969, shall be used solely for debt retirement, construction, acquisition, operation, maintenance, repair or capital improvement of the enterprise."

Seconded by Mr. Engstrom.

Mr. Stark asked if it was really that desirable to limit the discretion of the assembly. Citing as an example having a function competing with another utility and it can supply at half the rate. Should it be limited to half the rate or come up and be competitive and use the other half of the money for reduction of the property tax or something like that. In reply, Mr. Dupere said the enterprise funds should pay their equivalent fair tax they would pay if they were a private utility to the general fund. After that you have a big public policy argument as to whether or not charges should be cut down and lower cost of living in that area or keep charges up and reduce somebody else's taxes or subsidize another service area. Actually that policy determination is being made now. Mr. Halsted pointed out that in the operation of a utility it is desirable to build up a reserve for extension and major renovation as they come up. Mr. Berrier pointed out that this is possible under the proposed language which include capital improvement.

1 Mrs. Kline moved that the word "first" be added so it would be "...shall be first used ..." and the word "solely" be deleted.

Mr. Engstrom seconded the amendment.

Mr. Halsted objected to the amendment and the following vote was taken:

For	Against
Engstrom	Halsted
Kline	
Grummett	
Craddick	
Machyowsky	
DeHart	
Russo	
Loken	

***-1 Amendment carried, 8 yes to 1 no.

The vote on the main motion to add new Section 9.16, Enterprise Funds, was as follows:

For	Against
Halsted	
Engstrom	
Kline	
Grummett	
Craddick	
Machyowsky	
DeHart	
Russo	
Loken	

*** Motion carried unanimously.

+++ Mrs. Kline moved to change Section 9.13(c) to read: "Notwithstanding Section 9.13(a) of this article, the assembly by ordinance may authorize any contract, lease or obligation requiring payment of funds from appropriations of a later fiscal year or of more than one fiscal year."

Mr. Engstrom seconded the motion.

*** There was no objection and the motion carried unanimously.

Before the vote on the main motion on the floor, Mr. Machyowsky stated that under the law the charter commission has to prepare, adopt and submit to the voters for ratification or rejection a proposed charter. In voting on the charter the members are not voting on the question of whether or not they approve every provision in the charter but mainly on the question of fulfilling the obligation to present a charter -- not propose, just present.

+++ Chairman Loken then announced that the question on the floor is the adoption of the proposed home rule charter of the City and Borough of Juneau, Alaska, the complete motion being contained on the certificate which was made at the last meeting of February 11, 1969. (For the benefit of the members of the audience, Mrs. Loken read the certificate.)

The vote on adoption of the charter was as follows:

For	Against
Halsted	
Engstrom	
Kline	
Grummett	
Craddick	
Machyowsky	
DeHart	

Before casting his vote, Mr. Russo, noting that the chairman had a proxy vote from Mr. Saroff, asked if Mr. Parker, who is excused from tonight's meeting, would have the opportunity if he so desires to sign or not sign the charter. Mrs. Loken replied that it would be up to him inasmuch as he did not ask for proxy rights. Mr. Craddick pointed out that if there are enough votes to pass the charter it doesn't really matter, but as a matter of courtesy, it would be well to afford him the right. Mr. Russo asked if there were any objections from the members in attendance, and none were voiced. The vote continued.

Russo
Saroff (by proxy)
Loken

*** Motion carried unanimously.

Chairman Loken appointed a committee of three in case needed when the census figures come in, consisting of Don Halsted, Chairman, Virginia Kline and Don Craddick.

The meeting was then turned over to Mr. Bob Dupere who presented a statement accompanied by organizational charts, which he went over with the members, pointing out various facets of the organization. There was considerable discussion between the members and Mr. Dupere in regard to his presentation and the charts.

Mr. Halsted moved that the meeting adjourn. Mr. Grummett seconded the motion.

There was no objection and the meeting adjourned at ten o'clock p.m.

Respectfully submitted,
Pat Cunningham
Pat Cunningham

Minutes of the meeting of the Greater Juneau Charter Commission held May 13, 1969, in the offices of the Greater Juneau Borough; Meeting No. 1 of the Second Session, 8 o'clock p.m.

Chairman Loken: The meeting of the greater Juneau charter commission will come to order. Call the roll please.

Secretary:

Larry Parker	Here
Allan Engstrom	Here
Guy Russo (reported here but not in room at present)	
Mike Grummett	Here
Don Craddick	Here
Virginia Kline	(late)
Pat Loken	Here
Jim DeHart	(late)
Don Halsted (reported here but not in room at present)	
Greg Machyowsky	Here

Ch. Loken: Let the record show that there is a quorum at the table. We have four sets of minutes that I have that have not been approved as far as I can tell. The last set of minutes that was approved was January 28th. I have January 29th, February 4th, February 11th, and February 20th, and I don't know if anybody took minutes on that one short meeting we had in the other room here to okay the map; evidently not.

Secretary: I was not here.

Ch. Loken: I think Virginia did, come to think of it. The first set of minutes to be approved is January 29th. Are there any corrections or additions to the minutes of January 29th? (none offered) If not the minutes of January 29th stand approved as presented. Are the any corrections or additions to the minutes of February 4th? If not the minutes of February 4th stand approved as submitted. Are there any corrections or additions to the minutes of February 11th? If not the minutes of February 11th stand approved as submitted. Any corrections or additions to the minutes of February 20th? If not the minutes of February 20th stand approved as (corrected). Is there any correspondence? (None presented from other members.) I have some letters here. I have a letter from Ron Saroff:

> "Chairman, Greater Juneau Charter Commission; Juneau. Dear Pat: In view of the recent defeat of the charter, I am submitting my resignation effective this date (dated April 30). You will need a full Charter Commission to prepare for the second round. Let me once again thank you and all the members of the Charter Commission for their courtesy and tolerance. I remain convinced that the charter we prepared is a good one and I hope that in an effort to insure a favorable vote on unification that the charter will not be twisted or contorted to satisfy unreasonable demands of groups and individuals who fear change. The real task before the Charter

> Commission is not as much the alteration and redrafting of the charter as it is in the important job of educating the electorate and selling the charter. I wish you well in these efforts."

I have the cover letter from Mr. Craddick for the draft which has been passed out. One from the Juneau Chamber of Commerce, signed by Mr. Wells:

> "The Chamber wishes to extend to you and the members of the Charter Commission our sincere thanks and appreciation for the time and effort devoted to preparation of the charter during the past year. We realize it was a disappointment to many when the voters failed to approve the charter at the election. The board of the Chamber in discussing the situation indicated a hope that you and the commission members would be willing to continue and prepare a revised document. Please let us know if there is some way we can be helpful to the commission in this regard."

I have a copy of a letter I wrote to Mr. Daugherty asking him to submit our draft to two bond attorneys or bond brokers which he mentioned had indicated they were not in favor with the draft of the bond section. That's all of the correspondence I have at the present time.

I think the first order of business tonight ... I am going to call a five minute recess until we get our full membership.

Resumption of meeting after recess during which Mrs. Kline and Mr. DeHart arrived, with full membership.

Ch. Loken: The next order of business will be nominations for the replacement for Mr. Saroff.

Mr. Russo: Madam Chairman, before we get into that, I would say that we should revamp the whole ball of wax and with this in consideration, I move and ask unanimous consent that Mrs. Kline be appointed temporary chairman.

Mr. Machyowsky: Objection.

Ch. Loken: Thank you

Mr. Russo: Roll call.

Mr. Machyowsky: Point of order. Is this properly considered at this point?

Ch. Loken: This is not on the agenda for this present ... no.

Mr. Machyowsky: .... under the Parliamentary Rules of Procedure of

the commission are we permitted to entertain this item of business at this point?

Ch. Loken: I don't feel it is in order at the present time.

Mr. Russo: Well I feel it's in order, Madam Chairman. We are starting all over and that is exactly what the State law says in spite of the gentleman across the way. The State law says the charter commission shall begin all over again ... in plain English, Mr. Machyowsky ...

Ch. Loken: We don't have a full charter commission at the present time, Mr. Russo.

Mr. Russo: Fine ... The charter commission as such ...

Ch. Loken: The chair will rule that that motion is out of order.

Mr. Russo: I don't feel the chair has the right to rule because it effects the chair.

Ch. Loken: Would you call the roll please on the chair's ruling.

Secretary: Mr. Parker --

Mr. Parker: Let's understand the question ...

Mr. Russo: There is a motion on the table.

Ch. Loken: To stay an objection to the motion, the chair has ruled on the motion ...

Mr. Russo: That's alright -- we'll have roll call on the motion.

Ch. Loken: The roll call is on the chair's ruling.

Mr. Parker: I'm not going to vote while we are in argument. I will not vote. Somebody get ahold of this meeting and settle it down before I can ....

Ch. Loken: The chair is not recognizing the motion, Mr. Parker.

Mr. Parker: I abstain.

Secretary: Mr. Engstrom --

Mr. Engstrom: I'm not quite sure what the motion is either.

Ch. Loken: The motion was to appoint Virginia Kline as Deputy Chairman at the present time.

Mr. Russo: No ma'am; the motion was to appoint Mrs. Kline as temporary chairman.

Mr. Machyowsky: Madam Chairman, the question that has been raised is whether the item is properly considered, and the chair has ruled that it is not. I take it that the ruling of the chair is being appealed. Now shall the ruling of the chair be sustained or shall it be denied. If it is to be sustained, you vote "yes".

Mr. Russo: Mr. Machyowsky, you are putting words in the chairman's mouth because she didn't understand the original motion and she has said so. The original motion was to appoint Mrs. Kline as temporary chairman and I asked unanimous consent.

Ch. Loken: I misunderstood the word "temporary" for "deputy", however that is neither here nor there.

Mr. Machyowsky: Well, an objection was raised that this -- we want to proceed under our rules of the commission, unless my good friend, the mayor of Douglas, wants to revise those rules, too, at this point. It seems a bit premature ...

Mr. Russo: I think the whole ball of wax should be revised.

Mr. Machyowsky: Well, sir, I think that we ought to get our house keeping ...

Mr. Russo: The vote of the people -- the mandate stated that.

Mr. Machyowsky: Right. Okay, well, the ruling of the chair is being appealed. If it is to be sustained you vote "yes", if it is not to be sustained, vote "no". That is my understanding and I think that's the issue we should proceed on. I think we have to ... in view of the conditions under which we meet I think we have to run these meetings according to pretty good parliamentary procedure. So I maintain there is a motion on the floor appealing the ruling of the chair...

Ch. Loken: That's right ... thank you.

Mr. Machyowsky: ...to be sustained or to be rejected.
Ch. Loken: Call the roll please.
Secretary: Mr. Parker, do you still abstain?

Mr. Parker: Yes.

Secretary: Mr. Engstrom.

Mr. Engstrom: If Mr. Parker is allowed to abstain, I'll abstain too.

Secretary:

Mr. Russo	No
Mr. Grummett	Yes
Mr. Craddick	Yes
Mrs. Kline	No

Mrs. Loken Yes
Mr. DeHart No
Mr. Machyowsky Yes

Mr. Engstrom: Madam Chairman, I would change my abstention to a no.

Secretary: Mr. Halsted No

5 no; 4 yes; 1 abstention.

Mr. Machyowsky: Madam Chairman, I ask for a five minute recess to research the rules of order under which we proceed and parliamentary procedure on this point.

Ch. Loken: Recess for five minutes.

Resumption of meeting after recess.

Ch. Loken: To back up a little first, reading from our own bylaws, Section 4, page 4: "Any officer may be removed with or without cause by a vote of no less than eight of the full membership of the commission. An officer may not be removed unless he has received written notice that his removal will be sought. Such notice shall be sent to the officer no less than ten days prior to the meeting at which his removal may be sought."
This isn't a continuation of our proceedings ...

Mr. Russo: Madam Chairman, if you may recall, and you may get it from the minutes, my motion was to revamp the whole ball of wax, including our bylaws.

Ch. Loken: Well, our bylaws stand at the present time, Mr. Russo, and therefore Section 4 is in effect and the original motion was out of order on those grounds alone. Therefore, unless there's any other motions to change the agenda, the next item of business was the election ...

Mr. Russo: I move to adjourn.

Mr. Halsted: Second. May I see the bylaws, please.

Ch. Loken: Will you call the roll?

Mr. Russo: If you can play footsies with me I can play footsies with you at every meeting. That goes for you, too, Mr. Machyowsky.

Secretary: Mr. Parker Yes

Ch. Loken: Mr. Russo, you are going to have to work with these people for another couple of months ...

Mr. Russo: That's absolutely right ...

Ch. Loken: ... and I would recommend that you make an effort to do so, regardless of how you go about it.

Mr. Parker: May we have the roll please?

Mr. Halsted: Are we arguing while we are in the election?

Mr. Parker: I have already stated my vote and unless we start voting I don't want to hear any more out of anybody.

Secretary:		
	Mr. Engstrom	No
	Mr. Russo	Yes
	Mr. Grummett	No
	Mr. Craddick	No
	Mrs. Kline	No
	Mrs. Loken	No
	Mr. DeHart	No
	Mr. Halsted	Yes
	Mr. Machyowsky	No

Ch. Loken: Motion is not carried. The next item on the agenda is nominations for refilling the position of Mr. Saroff. Are there any nominations.

Mr. DeHart: Madam Chairman, I would like to nominate Robert Mourant.

Mr. Craddick: Was Mr. Saroff's position at large?

Ch. Loken: At large outside.

Mr. Russo: I have a question. You stated -- would you re-phrase what you stated.

Ch. Loken: When -- you mean ...

Mr. Russo: Yes -- the next order of business.

Ch. Loken: For nominations for the replacement of the position that Mr. Saroff had on the charter.

Mr. Russo: ... position. Are you speaking of the vice chairman?

Ch. Loken: No, I'm not. I'm just speaking of him as a charter commission member.

Mr. Russo: Please be explicit.

Mr. Craddick: Madam Chairman, I would like to nominate Tom Schulz.

Mr. Machyowsky: Second.

Ch. Loken: Nominations don't need a second.

Mr. Russo: Yeah ...(covered) attorney -- get the book out.

Mr. Engstrom: Madam Chairman, I nominate Bill Schmitz.

Mr. Russo: Your dead.

Ch. Loken: Are there any other nominations?

Mr. Parker: Bill Dean.

Ch. Loken: Mr. DeHart, is it still your intent to resign?

Mr. DeHart: Yes it is.

Ch. Loken: I do want to make an announcement that Mr. DeHart will be resigning so there will be another position on the charter commission, besides this one, and it is also outside.

Mr. Craddick: Larry, I never talked to Bill about this but I just heard a rumor to the effect that he was interested in being on, on one hand but on the other hand he wasn't interested if it was going to be too time consuming at the start. Did you talk to him about this?

Mr. Parker: I talked to a very close friend of his, in fact he was acting as emissary, actually, in this particular ...

Ch. Loken: I also would like to state that these people should have been contacted before their names were presented -- hate to have someone appointed and then not wish to serve. I assume that they all have been contacted.

Mr. Craddick: (To Mr. DeHart) Where would your replacement have to come from?

Mr. DeHart: Well, he'd have to ...

Mr. Parker: Same thing.

Mr. Craddick: At large -- outside?

Mr. Russo: No he's not at large, the seat is not an at large seat. It is outside of the two cities. There were three at large seats -- Mrs. Loken, Mr. Grummett and myself.

Ch. Loken: (To Mr. Craddick) Did you get a satisfactory answer from Jim?

Mr. Craddick: Well, I just can't quite recall that far back whether or not there were districts out there or whether it was just outside the city.

Mr. DeHart: Just outside the city.

Mr. Craddick: So that yours is the same as the one we are voting on now in effect.

Several agree this is true.

Ch. Loken: Are there any other nominations from the floor? (None) Anybody want to make a motion that nominations be closed?

Mr. Parker: I make a motion that nominations be closed and that we vote by secret ballot.

Mr. Craddick: I'll second the motion that nominations be closed.

Mr. Halsted: Just a minute, now. Can he split the motion when he wants to second it? You either second the motion or you don't second the motion.

Mr. Craddick: I withdraw my second.

Mr. Machyowsky: Madam Chairman, I ask that the question be divided and that this be accepted without objection.

Ch. Loken: Is there any objection to dividing the question?

Mr. Halsted: Yes.

Mr. Machyowsky: We require a vote on that, don't we?

Ch. Loken: Yes. Would you vote on dividing the question, please. The motion has been made that the nominations be closed and that it be by secret ballot. The question would be to divide it so that nominations be closed and then the second half of the motion would be in effect a separate motion asking that the ballot be secret. Call the roll.

Secretary:		
	Mr. Parker	No
	Mrs. Kline	Yes
	Mr. Engstrom	Yes
	Mr. Machyowsky	Yes
	Mr. Grummett	No
	Mr. Craddick	Yes
	Mr. Halsted	No
	Mr. DeHart	Yes
	Mr. Russo	No
	Mrs. Loken	Yes

6 yes.

Ch. Loken: The motion, then, on the floor is to close the nominations, if you wish to second that.

Mr. Craddick: I'll second the motion.

Ch. Loken: You want to make another ... well, the second half of the motion is automatically on the floor then. The motion then is that these be by secret ballot. I don't even know if we can legally do that since we are in less, I mean ...

Mr. Craddick: Well, I suppose we could waive the rules if there is any objection to it. What would that take, two-thirds?

Ch. Loken: Yeah ... I just don't know whether, since we are a public meeting, that we can go ahead and cast secret votes on it ...

Mr. Craddick: Let's take a vote right now and see if two-thirds want to doit... (covered)

Ch. Loken: All right. I just mean whether State law would prohibit in an open meeting voting by secret ballot.

Mr. Craddick: Greg?

Mr. Machyowsky: I don't know the answer to the question.

Ch. Loken: The public would be entitled to know who voted for whom. Okay, the motion on the floor is that they be by secret ballot.

Secretary: Mr. Parker

Mr. Parker: I'll withdraw the motion.

Ch. Loken: Is there any objection to withdrawal-oh, the motion hasn't been seconded.

Mr. Parker: The motion hasn't been seconded and can't be put on the floor for a ballot anyway.

Mr. Russo: A point of order -- you never voted on the first one.

Mr. Engstrom: Haven't voted on the first one yet.

Mr. Russo: You guys are all parliamentarians -- why don't you figure that one out.

Mr. Machyowsky: Madam Chairman, I am going to ask that Mr. Russo be ruled out of order. He is obviously trying, in collusion with a few of his friends here, to disrupt these proceedings and make a farce out of the charter.

Mr. Russo: No, Mr. Machyowsky, it was out of order ...(covered)

Mr. Machyowsky: Iam asking, sir, that you direct your remarks and your motions to the chair and avoid personal attacks upon me and upon any other member of the commission.
(Mr. Russo talking at the same time, cannot be understood.)
I don't think that's fair and I take personal exception to that Mr. Russo because I am trying to conduct these meetings in accordance with the rules.

Mr. Russo: You are influencing the chair with your ...

(The chairman rapped for order, and recognized Mrs. Kline.)

Mrs. Kline: Do I understand that it takes six votes?

Ch. Loken: To do what?

Mrs. Kline: To elect a replacement for Ron (Saroff), or would it be the person who receives the most votes.

Ch. Loken: It would take a majority; 134 requires a quorum on any vote.

Mrs. Kline: So probably on the first go 'round no one will get six -- then how do we go from there, drop the bottom one or ...

Mr. Craddick: That would be a good way -- just keep on dropping them off 'til we have one left.

Ch. Loken: That would have to do, since we have so many nominations ... The other motion has been withdrawn so this motion is on the floor -- well, the nominations have been closed, you don't have to vote on closing the nominations, for goodness sakes!

Mr. Craddick: So, what do we do, just vote on Robert Mourant first and ..?

Ch. Loken: Right. All those in favor of Mr. Mourant -- would you call the roll on these, please (to secretary). Does any one wish to speak for Mr. Mourant, indicate his background ...

Mr. Craddick: I don't know anything about him. Jim?

Ch. Loken: I don't either.

Mr. DeHart: Well, he works for the Department of Highways over in Douglas and his wife works for the First National Bank uptown; he has been a resident of the area for quite a number of years and has always been very interested ; he is a very solid upright citizen.

Mr. Craddick: Where does he live?

Mr. DeHart: He lives on the Loop Road, just about -- oh, a couple of miles from my place.

Mr. Craddick: And he has talked to you and expressed an interest?

Mr. DeHart: Oh yes. He very definitely would like to be on the commission. He has three children -- he's really a nice guy; I think would be an asset to the commission.

Mrs. Kline: He did run for the charter commission.

Mr. Machyowsky: Did he run for an areawide seat, may I ask?

Mrs. Kline: Bob Mourant ran for outside the city... (covered)

Mr. Machyowsky: Was he runner-up to Mr. DeHart?

Mr. DeHart: No, he was about third.

Mrs. Kline: Mr. DeHart came in first.

Mr. Machyowsky: Well, Mr. DeHart came in first, but was he runner-up to Mr. DeHart -- that means did he come second to Mr. DeHart.

Mrs. Kline: No, Saroff was -- Saroff was second and I was third.

Ch. Loken: And he was ... okay. Would anyone care to speak to Mr. Schulz' nomination?

Mr. Craddick: Well, I think we all know him ...

Ch. Loken: Is there anybody that doesn't -- would like to ask a question about him before we go on to Mr. Schmitz?

Mr. Machyowsky: Now he is qualified by residence in the district, there is no question about that.

Mr. Craddick: None that I know of ...

Mr. Machyowsky: This is not an areawide -- is this an areawide seat? (No) All right. Is he outside?

Mr. DeHart: Right, outside.

Mr. Craddick: He lives out in Thunderbird -- what is it ?

Mrs. Kline: No, Totem Park.

Mr. Parker: Now I take it for granted on an open vote, as long as we are doing it this way, that you can vote yes as many times as you want -- you can vote yes for all candidates ...
(Talking by several members at one time, cannot be understood.)
Well, you gotta make up your mind which way you're going to vote now, I mean ...

Mr. Engstrom: Vote for one -- right?

Ch. Loken: Well, then if that one doesn't ...

Mr. Parker: No, because they're not doing it that way. You see, they're not giving you the full slate and so I can vote affirmatively for every candidate.

Ch. Loken: Oh, I see what you mean. That's the only way to make it public is to vote for each one and as they drop off, just go back until we eliminate -- the process of elimination.

Ch. Loken: Okay; Mr. Schmitz; would some one like to give a little background on Mr. Schmitz? I assume he is the same Schmitz ...? (to Mrs. Kline)

Mrs. Kline: Yes.

Mr. Engstrom: Again everybody knows him.

Ch. Loken: How about Mr. Dean?

Mr. Parker: This Mr. Dean we are talking of now is a teacher in the high school, has been for many, many years. He lives out the road next to Gil Eide. He's been interested in civic affairs for a long time and has been -- has taught all of our kids quite alot of what they know about social sciences and civics, and so forth.

Ch. Loken: We'll start with the first one then. The vote is on ...

Mr. Craddick: You are going to ask each of us to vote on Mr. Mourant, then you're going to ask each of us to vote on Mr. Schulz -- I'm just asking?...

Ch. Loken: I see no other way to do it, except for ...

Mr. Craddick: ...and each of us on Mr. Schmitz and each of us on Mr. Dean, is that right?

Ch. Loken: I see no other way of doing it.

Mr. Russo: I would like to suggest that perhaps (if we had a blackboard it would be much simpler) that each assembly member be listed on the board and their first, second, third and fourth choice ... and kinda go from there. Rather than -- we can sit here and vote yes for every one of them and end up with ...

Ch. Loken: I don't have a blackboard but -- how about a marking pencil and a piece of paper.

Mr. Craddick: That's good -- just drop of the lowest one and then vote on three and then drop off the lowest one ...

Mr. Russo: Yes.

(The chairman taped pieces of paper together to make a rather large sheet and down the left side wrote the names of all charter commission members. She then made four columns and headed them, from left to right, Mourant, Schulz, Schmitz and Dean. Each commission member was requested to cast his or her vote by signifying his first, second, third and fourth choice on the first go-round; the first, second and third choice on the second go-round, etc.)

Mr. Parker: Are we going to score these up or down? Excuse me -- are we going to take the lowest score or the highest score for the major candidate?

Mrs. Kline: Lowest.

Ch. Loken: The lowest?

Mr. Parker: Okay.

The vote was as follows:

First Go-Round:	Mourant	Schulz	Schmitz	Dean
Mr. Parker	2	4	1	3
Mrs. Kline	2	4	1	3
Mr. Engstrom	3	2	1	4
Mr. Machyowsky	3	1	4	2
Mr. Grummett	3	2	1	4
Mr. Craddick	4	1	2	3
Mr. Halsted	1	3	4	2
Mr. DeHart	1	3	2	4
Mr. Russo	1	4	2	3
Mrs. Loken	3	1	2	4
	23	25	20	32

Mr. Craddick: Right. Well, Dean's off and now we vote for the three ...

Mr. Machyowsky: But that isn't the way to add it up. Add up all first choices -- have you added all first choices?

Mr. Craddick: No, it doesn't matter, Greg. The one with the least number has the most votes, in other words. And so now we drop Mr. Dean and now we're going to vote for these three and we're going to keep on 'til we get to one person left. Right?

Ch. Loken: Right.

Mr. Machyowsky: I sure can't understand the mathematics.

Mr. Craddick: It isn't mathematical at all, it is just the person with ...

(There is considerable talking among the members which is not clear.)

Mr. Halsted: Madam Chairman, I would like to have this thing kept separate, please.

Ch. Loken: Kept separate? I wasn't going to do anything else with it ...
Mr. Halsted: ... rather than using the same chart over again.

Mr. Craddick: What is your problem, Greg?

Mr. Machyowsky: The question is will the placing come out the same if you count just first place votes on all candidates. That's the normal way you choose a candidate, count the first place votes. / how many 1st, 2nd, 3rd and 4th relatively, this is proportional representation. It seems to me you'd count the first place votes. Would the figures come out the same? I don't know ...

Mr. Halsted: I guess you're an advocate of proportional representation.

(Ch. Loken points out to Mr. Machyowsky that by counting first place votes, Mr. Mourant has 3, Mr. Schulz has 3, Mr. Schmitz has 4 and Mr. Dean has none, which still drops Mr. Dean, ties Mourant and Schulz at 3 each and leaves Mr. Schmitz ahead with 4 first place votes.)

Mr. Machyowsky: Okay, in other words, the order you've given us is the order they come out with if you count just first place votes.

Ch. Loken: Yes, except that that ties these two (Mourant and Schulz), because you are talking about such small numbers. The first two got three first votes -- see what I mean?

Mr. Machyowsky: Well, then it seems to me that we should run off between the first two.

Ch. Loken: Well, there's three -- you don't have a first two, you have a first one and two that are tied.

Mr. Machyowsky: Oh, for second place -- right. Okay, fine.

(Talk among the members not understandable.)

Mr. Machyowsky: I mean, the majority rests on first votes only ...

Mr. Engstrom: Ultimately, the candidate will have to have six votes.

Mr. Craddick: They will, ultimately.

Mr. Machyowsky: When computing the finals you've got to base it just on first place vote.

Mr. Craddick: We will, ultimately ...

Mr. Engstrom: Ultimately, it could be five to five.

Mr. Craddick: That's a good question -- a good possibility.

Ch. Loken: Well, we'll just come to that when we ... nobody will be elected in that case.

The vote was as follows:

Second Go-Round:	Mourant	Schulz	Schmitz
Mr. Parker	2	3	1
Mrs. Kline	2	3	1
Mr. Engstrom	3	2	1
Mr. Machyowsky	2	1	3
Mr. Grummett	3	2	1
Mr. Craddick	3	1	2
Mr. Halsted	1	3	2
Mr. DeHart	1	3	2
Mr. Russo	1	3	2
Mrs. Loken			
	(18)	(21)	(15)

(Mrs. Kline announced the totals as "24 Mourant, 25 Schulz, 21 Schmitz", however, even though Mrs. Loken registered her votes without stating them aloud so they did not appear on the tape, it would appear from the above tabulation that the numbers had been incorrectly added or that one member's vote was registered twice. Only a total of 60 points would be possible and 54 are registered above and 6 points would be counted for Mrs. Loken's vote, however the total announced by Mrs. Kline would be 70 points.)

Mr. Craddick: So Schulz is out, right?

Mrs. Kline: yes.

Mr. Craddick: Now it is between Mourant and Schmitz.

Mr. Engstrom: Well, now we are getting our hands on this one, Pat. We just have two candidates ... vote for one or the other, you don't ....

(Considerable talking among members, none of which can be distinguished.)

Ch. Loken: Well, somebody may want to change their vote if they see how it's going ...

The vote was as follows:

Third Go-Round:	Mourant	Schmitz
Mr. Parker		1
Mrs. Kline		1
Mr. Engstrom		1
Mr. Machyowsky	1	
Mr. Grummett		1
Mr. Craddick		1
Mr. Halsted	1	
Mr. DeHart	1	
Mr. Russo	1	
Mrs. Loken		1
		6

Ch. Loken: We've got it -- six votes for Mr. Schmitz.

Mr. Craddick: Now Bill -- somebody contacted Bill, I trust, and knows he accepts, right?

Mrs. Kline: Yes.

Mr. Machyowsky: (To Mrs. Loken re vote tally sheets) Why don't you save those; I want to go over that mathematics there. I'm still confused on those 20's and 25 votes.

Mr. Craddick: Question for the chair.

Ch. Loken: Yes.

Mr. Craddick: I don't know the parliamentary procedure for Mr. DeHart. If he intends to resign, should he resign prior to the vote being taken on his replacement or should he be allowed to vote on his replacement?

Mr. DeHart: No, no ...

Ch. Loken: I would say he should resign, however ...

Mr. DeHart: I wouldn't vote on my replacement, that's for sure. Would it be in order now for me to resign so that you can elect a replacement for me?

Ch. Loken: We can either do that or we can conclude our business tonight with just this kind of business and have Mr. Schmitz here at our next meeting so that Mr. Schmitz gets to vote on the other member.

Mr. Grummett: I think that would be wise.

Ch. Loken: It gives him a chance to vote on who he is going to work with for the next ... few months.

Mr. Grummett: Good idea.

Mr. Craddick: I don't know about that -- I'm not so sure about that. There is virtue in saying that but on the other hand we were elected and I wonder if it would be proper for someone who was not elected assisting in selecting a replacement ..

(Comment by Mr. Grummett is unclear due to other conversation.)

Mr. Machyowsky: Well, Madam Chairman, the State law says that vacancies on a commission shall be filled by the majority of the remaining members. Now if in fact Mr. DeHart is going to resign at the end of tonight's meeting and in the meantime we have appointed a replacement, well, in fact I think Mr. Schmitz would be a remaining member and the question has to come up under our bylaws at the next regular meeting after the vacancy occurs ...

Mr. Halsted: Not later than ...

Mr. Machyowsky: ... unless a majority of us decide to suspend the bylaw

Ch. Loken: Two-thirds ...

Mr. Machyowsky: No, I think it is a majority.

Ch. Loken: That's right.

Mr. Machyowsky: Does it say "not later than"?

Mr. Halsted: That's my recollection ... I think it is not later than ... is it the bylaws or the law now, Greg?

Mr. Machyowsky: Well, the State law says vacancies shall be filled by a majority of the remaining members of the commission. I think our bylaws ...

Mr. Halsted: ... set the time limit.

Mr. Machyowsky: ... have a statement, yeah ... that the vacancy must be filled at the next regular meeting of the commission. If you'll wait just one more ...

Mr. Halsted: Perhaps I misread that.

Mr. Parker: This chapter, "Vacancies on the charter commission shall be filled by a majority vote of the commission. The person appointed to fill the vacancy must be a qualified voter of the same area ... must have been a qualified voter of that area for at least one year ..."

Mr. Craddick: We could move right now -- if Jim resigns now, we could go ahead right now and elect a successor if we wanted, Right? Okay. (To Mr. DeHart.) Are you going to resign tonight?

Mr. DeHart: Well, that's what I had intended to do.

Ch. Loken: It's not going to make any difference.

Mr. Craddick: If you're going to I will move for a suspension of the rules so we can go ahead and try to elect a successor tonight so we can start off ... if that's what you want.

Mr. Russo: Objection.

Mr. Craddick: Objection? You don't want it that way, Guy?

Ch. Loken: ... to a suspension of the rules.

Mr. Russo: No. We've elected ... In all fairness I didn't vote for Mr. Schmitz as number one, so I think in all fairness ... I think, now that he is a member, and he is a member of the charter commission, we elected him, he should have the right.

Ch. Loken: Would some one like to make a motion, please?

Mr. Craddick: Well, there is nothing to move on because there is no resignation; we have filled the only vacancy we have.

Mr. DeHart: I could very easily make another ... I could remedy that very easily, if that's the way you want it to work.
("No" from several members.)

Ch. Loken: Well, it really, Jim ...

Mr. Craddick: Evidently everybody wants Bill to vote so that's fine with me, I don't care one way or another, I just want to progress a little bit.

Mrs. Kline: If Jim resigns now then he won't have a chance to vote on deputy chairman; so why don't we do that first?

Ch. Loken: If there is no objection, nominations are open for appointment of deputy chairman.

Mr. Russo: I move and ask unanimous consent that Mike Grummett be appointed deputy chairman.

Ch. Loken: Is there any objection to the unanimous ...

Mr. Grummett: I'm going to decline the nomination ...

Ch. Loken: I wish these people would be contacted ahead of time, because we could go ...

Mr. Grummett: ... I haven't been contacted prior to that and if I was I would have refused it anyway. I'm not qualified in parliamentary procedure to take over the chair at any particular time.

Mr. Halsted: Madam Chairman, I would nominate Ginny Kline as deputy chairman.

Ch. Loken: Ginny Kline has been nominated as the deputy chairman. Any other nominations for deputy chairman?

Mr. Machyowsky: Madam Chairman, I nominate Don Craddick.

Ch. Loken: Don Craddick has been nominated. Are there any other nominations for deputy chairman?

Mr. Engstrom: I would move that nominations be closed.
(Several "seconds.")

Ch. Loken: Is there any objection to closing nominations? (none) Okay. Pat, could you call the roll, please. Just call out your vote.

Secretary:

Mr. Parker	Kline
Mrs. Kline	Kline
Mr. Engstrom	Craddick
Mr. Machyowsky	Craddick
Mr. Grummett	Craddick
Mr. Craddick	Craddick
Mr. Halsted	Kline
Mr. DeHart	Kline
Mr. Russo	Kline
Mrs. Loken	Craddick

Mr. Craddick: What have we got, 5-5?
(Several "yeses".)

Mr. Craddick: Ginny, do you want to be deputy chairman?

Mrs. Kline: Well, I really, as I was kicking Allan over here -- whether you want two females to be your leaders.

Ch. Loken: I don't know if this is true or not, it is not going to make any difference whether I say anything or not, but I think the fact that we have a campaign behind us, things are becoming personalities; I hate to see it happen. I think we're all being credited or -- for either our support of the charter or non-support of the charter. I wish we could come back in here the way we came at the beginning and forget what's been in the past. I don't think it showed up in this vote but I think that's the way we came here tonight and I hope that we can come back a little differently next time.

Mr. Parker: I don't think we can, Pat.

Ch. Loken: Well, I can -- I mean I think I can; I can sure try. I realize, of course, that support and non-support now is a little clearer but our aim is still a charter, regardless of how we feel, this is our only purpose here.

Mr. Craddick: Is it mandatory that we appoint a deputy chairman tonight?

Ch. Loken: Yes -- well, not tonight, no, I don't think so.

Mr. Craddick: I move that the question be deferred until the next meeting.

Mrs. Kline: Second.

Ch. Loken: Any objection to deferring the question 'til we may have another vote? (none)

Mr. DeHart: Madam Chairman, then at this time I would render my resignation and wish all of you all the luck in the world. I hope you come up with a good ...

Mr. Craddick: Don't laugh when you go out the door, Jim, it's not fair!

Mr. DeHart: It's been a pleasure and an education working with you and I have appreciated it -- all of you; I think you're all a swell bunch of people, really, and I'm not leaving with any hard feelings towards anyone. I just don't think that I'll have the time to put into it I should have. So with that I'll just let you people have at it.

Ch. Loken: Thank you, Jim. We have appreciated your time and your effort.

Mr. Parker: Thank you, Jim, very much.

Mr. Grummett: It's been good working with you, Jim.

Mr. Machyowsky: Madam Chairman, I remember so well Mr. DeHart's very conscientious work on the bond article which was one of the most difficult, perplexing articles of the charter. I think he did yeoman service in that regard.

(After hand-shaking all around, Mr. Dehart took a seat in the audience.)

Ch. Loken: We'll vote on deputy chairman, then, if there is no objection ...

Mr. Machyowsky: Oh... it's being deferred.

Ch. Loken: I said if there's no objection, it will be deferred until the next meeting.

Mr. Machyowsky: Madam chairman, in connection with Mr. DeHart's resignation, I have checked the bylaws and it says that a vacancy may be filled by election at any regular or special meeting of the commission and shall be filled no later than the first regular quorum attended meeting after the vacancy occurs. So we could do it tonight or we must do it by the next meeting.

Mr. Craddick: Madam Chairman, I move that we take up at this time the election of the replacement for Mr. DeHart.

Mr. Machyowsky: Second.

Ch. Loken: Is there any objection?

Mr. Parker: I object.

Mr. Russo: I object.

Ch. Loken: Would you call the roll, Pat?

Secretary: Mr. Parker

Mr. Craddick: The question is whether we'll try to elect tonight.

Mr. Parker: No. Right. Thanks.

Secretary: Mrs. Kline

Mrs. Kline: I'm sorry; a yes vote means what and no ...

Ch. Loken: That we'll try to find another replacement for Jim tonight.

Mrs. Kline: No.

Secretary:

Mr. Engstrom	No
Mr. Machyowsky	Yes
Mr. Grummett	No
Mr. Craddick	Yes
Mr. Halsted	Yes
Mr. Russo	No
Mrs. Loken	Yes

5 no and 4 yes,.

Ch. Loken: Okay, motion has failed.

Mr. Machyowsky: Madam Chairman, I move and ask unanimous consent that the vote for Mr. Schmitz be made unanimous.

Ch. Loken: Any objection? (none) The secretary be directed to show a unanimous ballot for Mr. Schmitz.

Mr. Craddick: I would move that the chair write letters of thanks to Messrs. Saroff and DeHart for their services to the charter commission.

Ch. Loken: Okay. I have two memos filed tonight ...

Mr. Machyowsky: Madam Chairman, I have another motion. I would ask that the bylaws be suspended to entertain Mr. Russo's motion concerning the election of a chairman of the commission if he so chooses. If he doesn't choose to pursue that I wish he would object to the motion and I'll withdraw it ...

Mr. Craddick: Temporary chairman? or a replacement chairman?

Ch. Loken: Well, you can't replace a temporary chairman -- you have a chairman.

Mr. Machyowsky: The intent of the motion is to move that the bylaws be suspended to put on the agenda, vary the order of business, put on the agenda Mr. Russo's motion and that the bylaws be suspended in that we will not have to have eight members of the commission vote for the chairman of the commission.

Mr. Craddick: I don't think I understand Guy's motion. He started out by voting a temporary chairman, then amended it to the whole ball of wax, and I just don't know what you mean, Guy.

Ch. Loken: Well, I feel ...

Mr. Russo: To re-do all our bylaws over again -- work them over and also to have a new slate of officers.

Mr. Craddick: Why don't you just leave it at a new slate of officers. There's nothing really wrong with the bylaws that I can see.

Mr. Russo: Well ...

Mr. Machyowsky: I'm going to object to considering this until we decide whether or not we want to vary the agenda and take up the question of electing a chairman.

Ch. Loken: All right.

Mr. Craddick: Well, but that's not the way you put it, Greg, I wish it was, but the motion that you propose to do this for is Guy's motion which goes to the "whole ball of wax and new officers". I can't see getting into the bylaws but the officers, fine.

Mr. Machyowsky: Very well; I withdraw the motion.

Mr. Parker: Madam Chairman, since there's a lull in the fighting at the moment, could I read into the record something I didn't realize was in here before and that has to do with Section 29.85.160, in paragraph (b) it says:

> "If the proposed charter is rejected, the charter commission shall prepare, adopt and submit a different proposed charter to the voters at the next regular borough election."

I'm trying to get this onto the floor so that I can find out whether it was amended or ...

Ch. Loken: Yes it was.

Mr. Parker: ... this is the one I read from all the time and this is why I had a little trouble.

Ch. Loken: You're talking about the regular election being amended?

Mr. Parker: Right.

Ch. Loken: Yes, that has been amended.

Mr. Parker: Fine and dandy; what was the amendment?

Mr. Machyowsky: It will be submitted at a general or a special borough election called by the assembly.

Mr. Parker: In other words, then we are in existence ad infinitum ...

Mr. Craddick: Well, no ...

Ch. Loken: We only have a year, Larry. We have to be done ...

Mr. Machyowsky: The election must be within a year.

Mr. Parker: Well, now where do you get this from? This is what I'm trying to clear up here.

Ch. Loken: Remember 134 gives you twelve months, or no I guess -- yeah, the amendment gives you twelve months with which to come up with a second proposal. Ginny?

Mrs. Kline: That's what I was going to ask, whether we had the twelve months.

Ch. Loken: Yes, we have twelve months.

Mr. Parker: ... called by the borough assembly and held within one year of the date of the first charter election. So we do have one year in other words .... (unclear)

Mr. Halsted: It does say special or regular?

Ch. Loken: Yes, that was the amendment.

Mr. Russo: That was amended last ...

Mr. Parker: ...a general or special borough election called by the borough assembly.

Mr. Halsted: I saw the bill with a change in it and I thought it said just special election after they got through with it, which didn't seem right.

Ch. Loken: No.

Ch. Loken: I'm not going to call for any business tonight. I would like our other member, at least one more member to be in on any deliberations regarding the charter itself, so I have no further business at the time.

Mrs. Kline: Could we approve all these/minutes? back

Ch. Loken: We already have.

Mr. Craddick: I think we should go into our next set of deliberations with a maximum effort at having trying to entertain all good faith in members or motions or problems that members may have and if there is a sufficient feeling on the commission that we should try to elect new officers, then, fine, I would say in general let's have a vote on new officers. But I really can't see why we should re-do the bylaws and everything like that. I mean, I just don't see how ...

Mr. Russo: To go over them. There's portions that I feel have run into conflicts, so what you get thrown at you, you get it takes eight members -- well, maybe some thing may come up where you may not want eight members. Maybe there will be three guys absemt and something important comes up; things like that. Same thing on the majority; we picked six as the majority to pass it. Suppose you have nine or ten members here some evening ...

Ch. Loken: Well, it only takes a majority ...

Mr. Craddick: The six is in the statute, we have no choice on that.

Ch. Loken: It only takes six to amend the bylaws so I'll entertain a motion to amend the bylaws.

Mr. Russo: No. Six is not in the statute.

Mr. Machyowsky: Well, Madam Chairman, a point of order. It takes six under our bylaws to change, suspend the rules ...

Ch. Loken & Mr. Russo: Right.

Mr. Machyowsky: And if you suspend the rule requiring eight persons to elect a new chairman, then presumably you could elect on majority vote other bylaws in the charter. I'm simply trying to create some order out of the chaos initiated at the meeting, at the beginning of the meeting and I want to go out of my way to have all of Mr. Russo's objections considered in an orderly and democratic fashion. And I will not be swayed from that.

Mr. Russo: We had a vote of 5 to 4 with 1 abstaining, and that went out the window.

Ch. Loken: Could I have a motion to suspend the bylaws, if you would like to vote for new officers.

Mr. Russo: It's too late now, you, uh ... accepted a resignation from one of the five that voted against you.

Mr. Craddick: Well, that's good enough for me ... the offer was made.

Mr. Grummett: Madam Chairman, if we have no further business --- (portion covered by comments by Mr. Russo, neither of which are understandable) --- I move that we adjourn.

Ch. Loken: There is a motion on the floor to adjourn; is there any objection?

Mr. Parker: Objection.

Ch. Loken: Pat, would you call the roll, please?

Secretary:

Mr. Parker	No
Mrs. Kline	Yes
Mr. Engstrom	Yes
Mr. Machyowsky	No

Mr. Halsted: What do you want, Larry?

Mr. Parker: I wanted to sit and talk for a minute.

Mr. Halsted: I don't.

Secretary:

Mr. Grummett	Yes
Mr. Craddick	Yes
Mr. Halsted	No
Mr. Russo	No
Mrs. Loken	

Mrs. Loken: How many votes do you have for "no"?

Mr. Machyowsky: That's out of order. Madam Chairman, I object to that. Let's finish the roll call.

Secretary: Mrs. Loken No

5 no and 4 yes.

Mr. Craddick: We don't adjourn.

Ch. Loken: Mr. Parker you have the floor.

Mr. Parker: Madam Chairman, I have never seen any tallying of the ballot that we had on this affair. Now, possibly it came to us in the mail, or something of this nature ...

Ch. Loken: What ballot?

Mr. Parker: The ballot that they had on the charter. I have never seen the breakdown by precincts or anything like this.

Ch. Loken: Oh...it was in the paper.

Mr. Parker: That is not an official document, as far as I'm concerned. Sorry, Don, I've worked with municipal (covered) too long.

Ch. Loken: Do you feel that we should provide ... I mean ... is there ...

Mr. Parker: I didn't see any reason, I mean ... after all, we went to all the work of putting it together. I could see no reason why, when the clerk got through counting the ballots he couldn't pay us the courtesy that is done ordinarily by letting us know ...

Ch. Loken: Would you like me to drop him a letter?

Mr. Craddick: Why don't you have him send us each one.

Mr. Parker: I mean it doesn't have to be in letter form. I mean, I think its just a courtesy that when you work on a board, why you'd like to know what the ballot was. And I think ...

Ch. Loken: Okay ...

Mr. Parker: ...drawing a conclusion from what Mr. Craddick says that there are, put in this little note to us here, there's a different picture than what alot of people have around town on this subject. So I'd like to see that.

Ch. Loken: What note are you talking about?

Mr. Parker: Well, he sent us a little memo here, which I appreciated, and I think there is some different conclusions to be drawn than just that we got stamped in the mud.

Mr. Craddick: It wasn't all that bad.

Ch. Loken: Is there any other business to come before this ...

Mr. Halsted: Yes, Madam Chairman.

Ch. Loken: Mr. Halsted.

Mr. Halsted: Excuse me for the delay but I'm ...

Ch. Loken: Does anyone else have anything while he's checking on ...

Mr. Craddick: Is that <u>the</u> infamous gavel from last year?

Ch. Loken: Uh, huh...

Mr. Craddick: Fastest gavel in the west.

Mr. Halsted: This same, uh ... this same stuff appears in different places on the page, and I'm having trouble finding it.

Mr. Craddick: What are you after? Maybe we can help you.

Mr. Halsted: Well, I'm looking after the part of what it says that the charter shall contain ...

Mr. Parker: The charter shall contain ... provision for the establishment ...

Mr. Craddick: Oh, ...29.85.120.

Mr. Parker: Are there new copies of this available to us?

Ch. Loken: I doubt it.

Mr. Craddick: Greg, your office ought to have some.

Mr. Machyowsky: Well, you can get a copy of the original law plus the amendment that was enacted the next year after the original law ... and it would be a single sheet.

(At this point there is considerable discussion between members on various things, none of which is clear.)

Ch. Loken: It has come to my attention that very possibly, although nobody contacted me, that one of the people in the audience would like to speak to the charter commission. If any one would like to .. we have an audience for a change ... State your name first for the record.

Douglas A. Stark: I called you but you copped out and you weren't there.

Ch. Loken: I was out of town until tonight.

Mr. Stark: Well, I gave you all a copy of some ideas I have and I think they are self-explanatory and, uh ... so there they are and do with them what you will. If you have any questions, I suppose I'll be at some hearing or something... or whatever you want.

Mr. Halsted: Madam Chairman, just for the record, I would like to know the extent of Mr. Stark's residency in Alaska.

Ch. Loken: Is it pertinent to any problem that you have?

Mr. Machyowsky: I object to that; it is totally irrelevant. Are the newer residents of the community second class citizens?

Ch. Loken: I have no idea what the intent of his question was.

Mr. Russo: They aren't entitled to vote, Mr. Machyowsky, you know that.

Mr. Machyowsky: Oh, I don't think under the law you're denied your constitutional privileges simply because you're not a qualified voter.

Mr. Russo: They haven't got the right to vote.

Mr. Machyowsky: Well, I think its irrelevant and I don't think -- I think, Mr. ...

Ch. Loken: Are you accusing ...

Mr. Russo: (covered) .... law degree.

Ch. Loken: Do you have some idea that he did vote?

Mr. Machyowsky: I beg your pardon, Mayor, I beg your pardon. What did you say, mayor?

Mr. Russo: I would like to see your law degree. You talk like a lawyer, I'd like to see it -- could I see it?

Mr. Machyowsky: Mayor, I'll give you thirty seconds to retract that remark.

Mr. Russo: No, I would like to see your law degree, 'cause you talk ... (covered)

Mr. Parker: I move that we adjourn.

Mrs. Kline: Second.

Ch. Loken: Any objection?

Mr. Machyowsky: Very well.

Mr. Russo: I really would, seriously.

Mr. Grummett: You're out of line, Russo.

Meeting adjourned at 9:30 p.m.

Respectfully submitted,
Pat Cunningham
Pat Cunningham

GREATER JUNEAU CHARTER COMMISSION
2nd meeting - Second Session
May 20, 1969

The meeting was called to order by the Chairman Pat Loken at 8:15 p.m.

Roll Call:

Present	Absent	Excused
Bill Schmitz	Allan Engstrom	Larry Parker
Guy Russo		
Don Halstead		
Greg Machyowski		
Virginia Kline		
Mike Grummett		
Don Craddick		
Pat Loken		

Nominations were opened to replace Mr. Jim DeHart who resigned from the Commission.

Mr. Craddick nominated Mr. Tom Schultz.

Mrs. Loken asked for a secret ballot and Mr. Halstead objected. Mr. Machyowski said that he would move for a secret ballot, but first he would suggest that other nominations be made. The chair so directed.
Mrs. Kline nominated Mr. Bob Mourant.

Mr. Machyowski nominated Gordon Cavnar.

Mr. Craddick moved the nominations be closed and Mr. Grummett seconded the motion.

Mr. Machyowski moved the vote be by secret ballot and it was seconded by Mr. Craddick. The vote on this motion was as follows:

Yeas	Nays
Mr. Schmitz	Mr. Russo
Mr. Machyowski	Mr. Halstead
Mrs. Kline	
Mr. Grummett	
Mr. Craddick	
Mrs. Loken	

The motion passed and a secret ballot was taken. After a count of the first ballot, the two nominees were Tom Schultz and Bob Mourant.

Mr. Engstrom entered the meeting at 8:20 p.m.

No nominee received 6 votes and Mr. Machyowski moved the Commission defer continued balloting until the next meeting when both of the nominees could be present. Motion failed for lack

of a second.

Mr. Craddick moved to reopen the nominations. Mr. Grummett seconded the motion and Mr. Halstead objected.

The following vote was taken on the motion:

Yeas	Nays
Mr. Engstrom	Mr. Schmitz
Mr. Machyowski	Mr. Russo
Mr. Grummett	Mr. Halstead
Mr. Craddick	Mrs. Kline
Mrs. Loken	

Motion failed.

Mr. Craddick moved on Mr. Machyowski's motion to have the two nominees, Mr. Schultz and Mr. Mourant, appear at the next meeting of the Charter Commission. Messrs. Machyowski and Grummett seconded the motion.

The following vote was recorded:

Yeas	Nays
Mr. Schmitz	Mr. Engstrom
Mr. Machyowski	Mr. Russo
Mrs. Kline	Mr. Halstead
Mr. Grummett	
Mr. Craddick	
Mrs. Loken	

Motion passed.

Nominations were opened for the position of deputy chairman. Mr. Craddick nominated Mike Grummett. Mr. Halstead nominated Mrs. Kline. Mr. Craddick moved the nominations be closed. There was no objection. A secret ballot was taken and the vote was 5 to 4 in favor of Mrs. Kline. Mr. Machyowski changed his vote, making the vote 6 to 4 in favor of Mrs. Kline.

Mrs. Machyowski moved and asked unanimous consent that the vote for Mrs. Kline be recorded as unanimous. There no was objection and it was so ordered.

Mrs. Alice Crosby entered the meeting at 9:10 p.m.

Mrs. Loken then asked each member of the Commission to give their ideas on an approach that might be taken to consideration of the re-writing of the Charter.

Mr. Allan Engstrom felt the areas that had to be considered were representation, bonding, refunding of revenues to the cities, and transfer of assets from the areas that own them to the unified government. He felt it could be accomplished by the committee system.

Mr. Halstead had no comment to make.

Mr. Russo felt that it would be easier to work together if each member would agree not to get involved in the efforts to pass or defeat the Charter once it was presented to the public. He felt the past campaign had made it difficult for the Charter Commission members to work effectively. There was some discussion on this suggestion, but it was pointed out that it would be a difficult thing to enforce, and as everyone would have to agree, not too workable. Several indicated they would want to support the Charter actively if they were in favor of it.

Mr. Schmitz felt the transitional section did not give enough guarantees to the municipalities.

Mrs. Kline suggested going over the Charter article by article, working on the difficult areas as they came along.

Mr. Grummett and Mr. Craddick agreed with Mrs. Kline. They both felt the problem areas had been well defined during the oast campaign and that they could concentrate efforts on those areas.

Mrs. Loken then read her letter of resignation as chairman of the Charter Commission and Mrs. Kline took over the chair.

Mr. Russo made a motion commending Mrs. Loken for her work as chairman for the past eighteen months and asked that this be shown in the record. Mr. Machyowski seconded the motion. There was no objection and it was ordered.

Mr. Halstead moved that the meeting adjourn. Mr. Machyowski objected.

Mrs. Kline announced that the next meeting would be on May 27, 1969.

A vote was taken on the motion to adjourn with the following results:

Yeas		Nays
Mr. Halstead	Mrs. Kline	Mr. Machyowski
Mr. Engstrom	Mr. Grummett	
Mr. Schmitz	Mr. Craddick	
Mr. Russo	Mrs. Loken	

Motion passed and the meeting adjourned at 9:15 p.m.

Meeting of the Greater Juneau Charter Commission
May 27, 1969, 8:00 p.m.
Meeting #3, Second session

Ch. Kline: The meeting of the Greater Juneau Charter Commission will come to order; this is May 27, 1969. Will you call the roll, please.

Secretary:

Mr. Parker	Here
Mr. Russo	Here
Mr. Grummett	Here
Mr. Machyowsky	Here
Mr. Halsted	Here
Mr. Schmitz	Here
Mrs. Loken	Here
Mr. Engstrom	Here
Mrs. Kline	Here

Ch. Kline: You should all have in your file folders a copy of the minutes of the meeting of two weeks ago and a copy of the minutes of the canvass board that certified the election results. If there is no objection we will defer approval of the minutes until next week. I have no written correspondence just an oral correspondence from Ed Hildebrand who has lost his tape recorder. It has been missing for a couple of months and wondered if anybody borrowed it to listen to a tape of a meeting, and if anybody knows of its whereabouts to please let him know. Does anyone else have any correspondence? (None presented.) The next order of business is election of a charter commission member. We have in the audience Mr. Mourant and Mr. Schulz who were nominees at our last week's meeting. If you would like to each give us a little bit of your philosophy on unification and some of the specifics of what you would like to see in a charter, we would appreciate it. Whichever of you wants to go first ...

Mr. Mourant: (passing out a written statement to each member) ... I have copies here if you'd pass them around. On my responses to the League of Women Voters questionnaire at the time the election ...(unintelligible) My position on the questions remains unchanged. I am a long time resident of Juneau; I have a good knowledge of the operation of the independent school district and the Auke Bay ....(?) as they operated prior to the formation the borough. I have been active in local government as a citizen and as a resident of the area outside the cities I share the dissatisfaction of my friends and neighbors in our present local government situation. I believe that an ombudsman could provide an important communication link between the citizen and his government which would allow inquiry or investigation without fear of reprisal. I favor the implementation of this concept. If selected as a replacement for Mr. DeHart, I will work to help write a charter that people will accept. Thank you.

Ch. Kline: Does anyone have any questions?

Mr. Craddick: May we ask questions?

Ch. Kline: If there is no objection from anyone -- from Mr. Mourant or anyone else ...

Mr. Craddick: Mr. Mourant, I notice your resume' says that voting should be on a population basis. Did you find objectionable the manner of representation that we had in the charter?

Mr. Mourant: No, I just meant that the one man, one vote concept should be followed.

Mr. Craddick: And then you speak of bonded indebtedness remaining the obligation of the political entity that acquired it. The enabling legislation allows, in fact calls for spreading obligations under certain conditions ...

Mr. Mourant: Right... under certain conditions it would be acceptable.

Mr. Parker: Madam Chairman, in relation to what Mr. Mourant just said, I'm not sure that I understood the answer to Don's question when he said that he was for the one man, one vote concept. Now did he say yes to your question about ...

Mr. Craddick: He didn't answer it.

Mr. Parker: He didn't answer the question ... thank you.

Mr. Mourant: May I clarify myself? The districting provides voting on a population basis, therefore complies with the one man, one vote concept ...the districting is satisfactory.

Ch. Kline: Any other questions?

Mr. Machyowsky: Mr. Mourant, I take it that you will go on record here as being in favor of the concept of unification, meaning one governing body for the entire area?

Mr. Mourant: Under a proper charter, yes.

Mr. Machyowsky: Under a proper charter ... but you do favor unification under a proper charter?

Mr. Mourant: Yes.

Mr. Craddick: What was the big objection you had to the charter we had, that we proposed?

Mr. Mourant: Well ...

Mr. Craddick: Actually, you may have had more than one, as far as that goes, but I mean the main thing, perhaps.

Mr. Mourant: The main thing was I didn't particularly care for the provision ... the capital improvements program ... the budget would become law without any action by the assembly ... I think the assembly should take action on it, not that it automatically becomes law after a certain amount of time.

Mr. Craddick: Do you think that basically the charter was a workable document then?

Mr. Mourant: Yes, I do.

Ch. Kline: Any other questions? (None) Mr. Schulz ...

Mr. Schulz: Thank you, Madam Chairman, and members of the commission. I don't have any prepared statement. For the benefit of probably quite a few of you who don't know me very well, I was raised in Anchorage, went outside to finish law school and came back to Alaska, and ultimately Juneau, in 1964. My wife and I own a home in Mendenhall Valley and we intend to stay here. I am currently in the practice of law. I served 2½ years or thereabouts as presiding district judge for the First Judicial District and then into private practice with a firm here in Juneau. Juneau for me, frankly, was the first place that I ever felt that I wanted to get active in civic affairs ... and in the four years, almost five, that I've been here, I think I've taken an active part in civic affairs of one kind or another at various levels. I'm currently a member of the borough planning and zoning commission and I was past president of our home owners' corporation that manages the utilities in Totem Park and I was quite active in and quite interested in the attempt some time ago by a group of us in the valley to try to come up with a workable sewage disposal plant in our area. It wasn't successful but alot of hard work went into it .... In any event I have I think from the beginning been in favor of and strongly in favor of the concept of unification. I ran for the charter commission, was an at large candidate in that election, and finished fourth. In the recent election I campaigned for the assembly in my district. I won the election in that district and in the campaign I devoted almost, well, all my time to my district campaign. I ran across I think probably two, maybe three, areas of concern from the people that live in what I'll call the airport district, from Lemon Creek to the end of Loop Road. Number one, I think there was

alot of concern on the districting that was set up in the present charter. Personally, I had no strong objection I think to any element in the charter with one exception and that would probably be the bonding proposals and proposals for sale of all bonds at public sale. On that one issue, at least, I think I'll have to hold with Joe Henri and say that at least in some cases you have to have a latitude to sell these bonds at a negotiated sale, particularly in a community of this size. But again, to get back to the point I was going to make, the districting itself didn't concern me; I'm not an expert in this area by a long, long ways, but I'm aware of the problem -- with the one man, one vote ... promulgated by the United States Supreme Court. During that campaign, while the campaign and the election was going on, there were two decisions that came out that were reported in the local paper, and since then, of course, the ...(?) case has come out. But in two states that came almost as close as we did in this area, getting right down to the one man, one vote, the court said no ... So, it is a problem. Alot of people, I think, quite a few people that voted against the charter voted against it on that basis -- they didn't like the districting and the manner in which the assembly ...(remainder of sentence unclear) There are various ways that I think would be satisfactory to me to amend the charter and would probably be satisfactory to the majority of the voters. One could be an all at large, running for designated seats. Another one could be to increase the size of the assembly. I personally wouldn't like to see it any bigger than eleven, but you could add two and keep your existing districts but add two at large candidates and thus every person would get to vote for the majority of the assembly. I think that would be a palatable solution to the majority of the voters. I think that was probably a pretty big area of concern. The other one that I ran into continually; I went door-to-door, tried to knock on every door in the district; and the other one I ran into continually was on this bonded indebtedness business and how you establish a value and how do you decide what functions are going to be transferred areawide and just what bonded indebtedness was going to be transferred areawide. I took the position in my own campaign that the airport for one ought to be an areawide function and I have reasons for saying that which I don't think are important enough to hear tonight. I met no strong objection on that idea. But when we got down to other functions and when they should become areawide, how you spread the debt, how you tackle value, on these questions -- credit, deficit; I didn't have too many answers then and don't have any now but we'll have to come up with some if the charter's going to pass and we'll have to come up with some formulas that we can put in the charter, and the only thing I can tell you tonight is that I think it's an area of concern and we have to find a solution. I don't have any pat answers for you tonight.

Those are the two big areas that I found. I will say that the charter to me personally, I thought was a fine document, a workable document, and was satisfactory to me or I wouldn't have campaigned for the assembly -- I did. I think the vote demonstrated to me anyway that some pretty meaty changes have to be made in it and I think districting is one of them and I think this debt spreading is another one. I'll be happy to answer your questions if I can.

Ch. Kline: Any questions?

Mr. Machyowsky: Tom, after having an opportunity to express your views on the charter commission and make your proposals, would you support the document that a majority of the charter commission members approved for unification in the next election?

Mr. Schulz: No question ...

Mr. Machyowsky: ... that you will?

Mr. Schulz: Yes, no question. I'll be bluntly frank on that. I don't think anyone who sits on the commission and is bound by the majority rule here and signs the document should oppose it. I realize ... I don't expect that every idea that I might come up with if I sit here is going to be acceptable .... (remainder of sentence unclear)

Ch. Kline: Any other questions?

Mr. Russo: Yes, I'd like to have his feelings on the relationship between the school board and the assembly if the charter does pass. What do you think the relationship should be between the two. Should the assembly entail more powers than the present borough assembly, or should the school board absorb more of the power, or should they all be absolved as one entity?

Mr. Schulz: You mean do away with the school board as the assembly ...?

Mr. Russo: Yes.

Mr. Schulz: No, I wouldn't want to do away with the school board ... I think this. This area whether it has three levels of, or three governments or one is always going to have a limited amount of dollars and I think what happened to the last school budget, frankly, is an indication to me of what can happen every year unless there is closer cooperation. I frankly like the machinery in the charter that at least puts the assembly and the school board together a minimum number of times a year. At least if they are sitting down you hope that they's discuss some problems in a meaningful way. I like the

idea of centralized accounting; I think its more efficient; I think it saves money. I like the idea of centralized maintenance and purchasing, and again I think its more efficient and saves money. But at the same time I think the school board has now and has had in the past and will continue to have in the future a very real function to perform in that particular area. I heard some discussion -- the reason I mention that is I heard some discussion at one time about why do you need a school board. I think the budget itself has got to be considered in relation to everything else that we have to do. That's why I like some of the machinery in the charter. But as far as the other things the school board does, they don't just draft the budget every year, the other things they do I think are legitimate functions .. and they ought to be performed by an independent group, at least independent from control ...

Ch. Kline: Any other questions?

Mr. Russo: I have one more. You mention we have three forms of government. I ...

Mr. Schulz: I meant three governments.

Mr. Russo: Yes, but don't you feel that actually in the Gastineau Channel area we have four entities?

Mr. Schulz: .... Juneau, Douglas and the borough ...

Mr. Russo: You wouldn't count the school board as an entity?

Mr. Schulz: Oh well, all right, yes, I'll stand corrected on that ...

Mr. Russo: Then we're going from four to two, in actuality.

Mr. Schulz: Yes. To me it's not a question of doing away with/local units of government or wiping out two cities or wiping out a borough. I think all of you have been outside; probably alot of you lived out there quite awhile as I did. Every place you go down there they've got counties, cities and God knows whatall. I watched Salem, Oregon, where I went to school for three years and practiced law for a year and a half that wanted to do some things and as the capitol of Oregon should have been doing and couldn't for the same reasons that alot of things don't get done around here, in my opinion. Too many things get lost in translation in Oregon between the counties and the cities. Unification to me is simply a question of getting the best job done that we can do in our area. The name question -- what do you want to call it? I don't know more than anyone else, again to be perfectly frank. I don't want to see Douglas fade away or Juneau fade away. Each one of these two entities has made substantial contributions in our area and there

is a tremendous history behind both of them, but that's not the point, I don't think.

Ch. Kline: Any other questions? ... Thank you.

Mr. Machyowsky: Madam Chairman, with your permission, I would like to ask Mr. Mourant one other question. Mr. Mourant, after expressing your views and making your proposals to the charter commission, will you support the document that a majority of the commission approves for the unification election?

Mr. Mourant: I probably would. I just couldn't flat out give you yes on that, but I probably would; I can't flat say yes because I don't know what would be in it.

Mr. Machyowsky: You don't regard as an obligation of serving on the commission that as a member you support the document that we bring to the people?

Mr. Mourant: It may go against everything I stand for -- I can't say.

Mr. Machyowsky: But you think it is possible to come up with a charter that you think would be suitable?

Mr. Mourant: Oh yes, very probable.

Mr. Machyowsky: Madam Chairman, in accordance with our agreement at the last meeting I would like to make an additional nomination for a charter commission seat. I would move that Mrs. Gus Norwood be nominated. Mrs. Norwood is here and I think we might extend to her the opportunity to answer any questions also.

Ch. Kline: Mrs. Norwood ...

Mrs. Norwood: I don't know what your charter procedure is ... Am I officially a nominee without a second?

Ch. Kline: Yes.

Mr. Halsted: Madam Chairman, I would like to check the record and find whether we opened nominations.

Mr. Craddick: As I recall, we did.

Mrs. Loken: The agreement was that nominations could be opened again.

Mr. Russo: Yes, could be opened.

Mr. Halsted: That was not -- I don't believe that it was done ...

Mr. Craddick: I don't recall its having specifically been done.

Mr. Engstrom: Madam Chairman, I move that nominations be opened.

Ch. Kline: Is there a second?

Mr. Grummett: Second.

Ch. Kline: Would you call the roll?

Secretary:

Mr. Parker	Yes
Mr. Russo	Yes
Mr. Grummett	Yes
Mr. Halsted	No
Mr. Machyowsky	Yes
Mr. Schmitz	Yes
Mr. Craddick	Yes
Mrs. Loken	Yes
Mr. Engstrom	Yes
Mrs. Kline	Yes

Mr. Machyowsky: For the record, then, I move Mrs. Gus Norwood as nominee for the vacant position of charter commissioner.

Ch. Kline: Now you are officially a nominee.

Mrs. Norwood: Would you like me to make some kind of a statement?

Ch. Kline: Yes, please, if you would.

Mrs. Norwood: I am a recent addition to the Juneau area; we've lived here about a year and a half, but I have a long standing interest in government because I followed it very closely. In the community from which we came I served better than eight years on the city council of Vancouver, Washington, before I came up here and while I was there serving in that capacity I chanced to see the problems that come from multiplicity of government. When I left Vancouver we were making some progress toward trying to incorporate the whole of the Portland (?) metropolitan area into an association of governments so that we could have some mechanism for working together for areawide problems. And when I came up here and saw that residents of Vancouver were working toward having a single unit of government to settle so many of the problems that are areawide in this area, and because Juneau-Douglas area is so closely knit, it seemed to me the most logical way to proceed and I followed the progress of the commission and the campaign with a great deal of interest. I was surprised that the area did not accept the charter as it came up with a little closer vote than it had. I think perhaps if I were going to be working on the charter commission one of the things I would try to do would be to cut out some of the details. I feel that the charter is not the place to legislate, that it is only an enabling document so that the commission would have the opportunity to pass the laws as the people in the area want them, and perhaps not go into quite so much detail in the charter

because every detail has its pros and cons and it isn't just setting the machinery up -- that's all you really want to do, it seems to me, so that the commission after its elected can enact laws that will stand for the whole area. I disagree that there are only two governments in the Juneau-Douglas area after the commission is adopted; you still are going to have a very, very strong influence from your state government, and of course there's the federal government we're all subject to, so that we're always going to have to work with more than one area and more than one level of government. This is a grassroots unit in this area. I've never seen a place that seemed to me was more insular and more completely one unit and it seems to me that the state and the nation -- the state because they have their capitol here and because they expect Juneau's going to be the capitol of the state of Alaska, which is going to be a very, very proud thing and in years to come I imagine Alaska will be one of the leading states, both in area, progress, and perhaps even in population. If Juneau is going to be the capitol of this kind of a state, we have a long way to go. It seems to me that a single unit of government can do a great deal to start the progress and start the wheels rolling in the right direction. Also, I found in the Vancouver area that we got a great deal more consideration from the federal government when we began to get all our various small local units of government together to work together in what we called CRAG, or the Columbia Regional Association of Government. This included all the cities in four counties and all the county governments, and we worked together because we had common pollution problems, we had common transportation problems and it was really the only way we could solve a great many things. And I think a unitized government in this area would be much more efficient in solving some of the problems that we have. Do I hear any questions?

Mr. Machyowsky: Well, Mrs. Norwood, I take it that you will support the document that the charter commission approves for unification election?

Mrs. Norwood: I intend to as of the present time and I can't imagine anything that would change my mind.

Mr. Machyowsky: Where are you a resident of?

Mrs. Norwood: We live in Totem Park.

Ch. Kline: Are there any other questions?
I have one -- what would you, or is there anything that you would like to see changed in the present charter?

Mrs. Norwood: Well, I'd like to see some deletions made more than anything else.

Mr. Craddick: Well, for example -- that is easy to say, but what do you have in mind?

Mrs. Norwood: I don't think it is necessary to spell out some of the mechanics of transition, for instance. And I don't think it's necessary to include in the same election, the election of the commissioners; and the timing on the transition, and some of these things. And there are others, too. I think we can leave a little more of the taxing power to the assembly after it is elected, let them decide how they are going to support their government.

Ch. Kline: Any more question? (None) Are there any other nominations?

Mr. Parker: Madam Chairman, we're going to have quite a good slate here tonight by the time we get through, there's no question about it. I'm sorry that the gentlemen of whom I speak could not be here this evening but he had made a previous engagement and I told him that I would do the best I could for him and we'd go on from there. I would like to nominate Kenny Rudolph.

Ch. Kline: Could you substitute for Ken, Larry, and give us a little background?

Mr. Parker: Okay.... Ken is this gentleman right here -- I'll pass this around so you can all get a look at him. (passes what appeared to be a newspaper clipping with picture) Those of you who have been here for the last twenty years have grown up with this gentlemen so you know pretty well what he is like and I know that he has gone to school with some of you; so if you'll just pass that around and take a look at it. Ken has majored in science and has a Bachelor of Science degree. He is 25 years old. He ran for the unified government outside of the city; he ran against Mr. Boone, I believe, and Mr. Horton, and he came out winner in that particular race. He was born and brought up in this area, or rather he was brought up in this area and has gone to school here for many, many years. He's the son of Tommy Rudolph and Mary Rudolph who are pioneers in this area, and really there isn't an awful lot more I can tell you about him. He's going to be in town -- this was one of the problems that we had in discussing him before. If you'll recall, when we met the first night he was the young man with glasses who was sitting here. I asked him, I said, "Well, did that discourage you at all?" And he said, "No, I'd like to get in there and swing with the rest of you." He describes himself as being interested

in closing the generation gap, but I don't think that's really what his main point is. He has been interested in local government for a long time and we didn't know whether he was going to be available because of the fact that he is working in construction this summer and we didn't know but what he would be going to Skagway. But has decided he is going to stay right here and as you'll recall, last year he and Tommy and some of the rest of the family built a new house out on Lena Cove so he is here to stay and he's going to stay for this summer and will be here through the writing of the charter. If you have some other questions I'll try to fill you in on it.

Mr. Schmitz: What did you say his background was, Larry?

Mr. Parker: He has been going to school up until this time and he has been working for contractors in the area. He is a carpenter, a cement worker, and so forth. He is actually a construction man as far as out of school operation, but he holds a Bachelor of Science degree and he has taken many of the courses necessary for -- many of the education courses necessary for teaching, however he does not hold a teaching certificate at the present time in the State of Alaska.

Mrs. Loken: Madam Chairman, I went around with him on several of his "coffees" which he held quite a few out the road and I know he went door to door. He seemed to have a pretty good grasp of the charter. He had studied it and had asked alot of questions on it. I know he did say after all the coffees were over he had sure learned an awful lot. I think he's sincere and interested in seeing some sort of unification in the area.

Mr. Parker: He did, by the way, support the last charter. I know that for a fact.

Mr. Machyowsky: Madam Chairman, I can say a good word for him too, because I spoke of him as a possible nominee at the last meeting as I recall, and I think Larry has stated very well that he would be a qualified nominee.

Ch. Kline: Are there any other nominations? (none) Would someone move the nominations be closed?

Mr. Engstrom: So moved, Madam Chairman.

Mrs. Loken: Second.

Ch. Kline: Moved by Mr. Engstrom, seconded by Mrs. Loken.

(Chairman Kline procure paper with which to vote and there was considerable discussion among the members as to the method of balloting.)

Mr. Parker: Madam Chairman, what are we doing now ...

Ch. Kline: One for your first choice, two for second, and on down the line. Any now that we have Mr. Schmitz here, he can add them up.

Mr. Engstrom: What if you only have a first choice? You can only vote for one or vote for two -- do you have to list all of them?

Ch. Kline: No.

Mr. Engstrom: Are we going for a three breakdown or a two breakdown?

Ch. Kline: We'll drop the one with the most points and then do it again.

The results of the first ballot were: 27 Mourant; 22 Norwood; 23 Rudolph; 28 Schulz. Mr. Schulz dropped from the list of nominees.

The points received by each nominee on the second ballot were not recorded on the tape, however the secretary's notes reveal that Mr. Mourant was dropped from the list of nominees.

On the third ballot the vote was 4 for Rudolph, 5 for Norwood and 1 abstaining.

Mr. Russo: But you can't abstain.

Mr. Schmitz: Somebody did.

Mr. Grummett: Break out the bylaws.

Mr. Engstrom: Well, let's take a roll call vote, then.

Ch. Kline: All right.

Mr. Engstrom: Just call out Norwood or Rudolph.

Ch. Kline: Pat, would you call the roll?

Secretary:

Mr. Parker	Rudolph
Mr. Russo	Norwood
Mr. Grummett	Norwood
Mr. Halsted	Neither one
Mr. Machyowsky	Norwood
Mr. Schmitz	Rudolph
Mrs. Loken	Norwood
Mr. Engstrom	Norwood
Mr. Craddick	Rudolph
Mrs. Kline	Rudolph

4 Rudolph; 5 Norwood; 1 abstain.

Mr. Machyowsky: Madam Chairman, I think we ought ....

Mr. Russo: What is the result, please? Point of order ...

Ch. Kline: For information sake, Pat, will you repeat the results?

Secretary: 5 votes for Mrs. Norwood, 4 votes for Mr. Rudolph, and 1 vote for neither.

Mr. Machyowsky: Madam Chairman, I nominated Mrs. Norwood and I speak highly of Mr. Rudolph, too. They are both very fine candidates. We might get into a deadlock by invoking our bylaws here, but I think there is a ruling against abstention in the bylaws and I just think for propriety's sake we should observe the rule, unless the commission wants to waive the rule by a vote as provided in the bylaws. I hate to keep bringing up this point but I think it is necessary.

Mr. Russo: I would move to suspend the rules.

Mr. Craddick: It's not necessary. Article 3, Section 3, says that "unless permission shall have first been given by the chairman of the commission, there shall be no abstention". In other words, if the chairman of the commission allows it you may have an abstention. If you want to allow an abstention we don't need a waiver of any rules.

Mr. Russo: You can't get blood out of a turnip, Mr. Craddick.

Mr. Craddick: See what I mean?

Mr. Russo: Correct, but I would say that you can't get blood out of a turnip and I would ask unanimous consent to waive the rules.

Mr. Craddick: Objection.

Mr. Russo: Well, fine -- I so move.

Ch. Kline: Second?

Mr. Machyowsky: Does the chair wish to put this to a vote of the assembly, or the commission?

Ch. Kline: Yes, I don't think anyone should abstain.

Mr. Machyowsky: I mean, do you wish to have a vote of the commission as to whether or not you want to rule that there should be an abstention?

Mr. Craddick: No, no ... she says that she will not rule. Now the motion has been made to waive the bylaws.

Ch. Kline: Yes... to suspend the rules. If I understand it correctly the motion is to suspend the bylaws which would then allow ...

Mr. Craddick: To suspend the bylaws on this.

Mr. Machyowsky: To permit Mr. Halsted to abstain.

Ch. Kline: Yes; so a yes vote means to suspend the bylaws and allow an abstention, and a no vote means not to allow an abstention. Pat, would you call the roll?

Mr. Schmitz: Could I ask one question? What if he still doesn't want to vote after you've -- we went through this procedure? How are you going to force him to vote?

Ch. Kline: I wish you hadn't asked that question.

Mr. Russo: As an amendment to that, my intent was to suspend the rules and let the majority of votes cast be in order.

Mr. Craddick: That's a different motion. Is that seconded?

Mr. Russo: I amended it to that -- to suspend the rules and let the majority votes cast ...

Mr. Engstrom: Mr. Russo's motion merely was to suspend the rules. Mr. Craddick and Mrs. Kline and Mr. Grummett perhaps, added the fact that it was interpreted as something other than just suspension of the rules. But all Mr. Russo said was that he wanted to suspend the rules. That was the motion, I believe.

Mrs. Loken: Madam Chairman, parliamentary procedure calls for at the same time you suspend the rules you must state why you are suspending them, for what purpose.

Mr. Russo: That is why.

Ch. Kline: I don't believe it would be in order Mr. Russo, because of the enabling act; the state law under which we're working says you have to have a vote of six for any action at all. I think thatlaw would supercede our own bylaws.

Mr. Engstrom: When you have less than a quorum it is less than six, isn't it? We only have ten members now. Not less than a quorum, but less than a full membership.

Ch. Kline: The majority of ten is still six.

Mr. Engstrom: But the six speaks in terms of membership of eleven, doesn't it?

Ch. Kline: Yes, but a majority of ten is still six.

Mr. Parker: Excuse me, Madam Chairman; when you voted the other night when I was away you came out with a 5-4 vote on something and you didn't accept that vote.

Ch. Kline: Yes, that's right. Mr. Russo, would you re-state your motion, please?

Mr. Russo: With the consent of my second, I'll withdraw it and you can do your own -- everybody can battle it out.

Mr. Engstrom: I would move that the rules be suspended for the purpose of allowing a majority vote to elect another member of this commission; a majority meaning, if there is an abstention, 5 votes will carry; the majority of the votes cast.

Mr. Grummett: I'll second that.

Mr. Machyowsky: Does this conflict with the state law? The state law says "a majority of the total membership of the charter commission shall constitute the quorum. No decision of the commission is valid or binding unless approved by that number of members necessary to constitute a quorum." Now, does this mean six are required under the law? "A majority of the total membership of the charter commission shall constitute a quorum. No decision of the commission is valid or binding unless approved by that number of members necessary to constitute a quorum." Whether this requires automatically a six vote under the law -- I think that is the case, unless you could argue we only have ten members on the commission.

Mr. Craddick: But still, six is the majority.

Mr. Machyowsky: That's right -- so I guess we must get six votes.

Ch. Kline: I'll tell you what. Let's vote again and I'll change my vote and then we'll have six.

Mr. Machyowsky: Well, we have a motion on the floor on the abstention, don't we?

Mrs. Loken: No, he withdrew it.

Ch. Kline: On Allan's motion, I'll rule it out of order because it conflicts with state law. Pat, would you call the again -- voting for Norwood or Rudolph.

Mr. Craddick: I sure don't like this precedent of allowing abstentions.

Ch. Kline: Well, as Bill says, what are you going to do?

Mr. Craddick: If a person has got the audacity to go against the bylaws I think it can be brought to the attention of

the borough assembly, if nothing else, and let them see if they want to start a recall petition because we can be recalled of this. Any public official that's elected to public office can be recalled, and that's grounds for recall.

Mr. Machyowsky: Well, it's only a bylaw, so ... it's not in the state law.

(Three minute recess.)

Ch. Kline: We are now going to have another vote on Mrs. Norwood and Mr. Rudolph, calling the roll.

Mr. Parker: Madam Chairman, I hate to bring this up, but under what authority? Under what authority are we voting again. We've voted once and its been around the table; under what authority can we do this over again.

Ch. Kline: The authority of the chair with no objections. If there is an objection we will have to discuss it.

Mrs. Loken: Since one person has already indicated they intend to change their vote, it is certainly a valid procedure.

Ch. Kline: Are there any formal objections? (none presented) Would you proceed with the roll call, please?

Secretary:

Mr. Parker	Rudolph
Mr. Russo	Norwood
Mr. Grummett	Norwood
Mr. Halsted	Neither
Mr. Machyowsky	Norwood
Mr. Schmitz	Rudolph
Mr. Craddick	Rudolph
Mrs. Loken	Norwood
Mr. Engstrom	Norwood
Mrs. Kline	Norwood

6 votes for Mrs. Norwood, 3 votes for Mr. Rudolph, and 1 abstention.

Mr. Machyowsky: I move and ask unanimous consent that the vote for Mrs. Norwood be made unanimous.

Mr. Halsted: Object

Ch. Kline: Mrs. Norwood, would you like to join us? I want to thank Mr. Schulz and Mr. Mourant for coming tonight.

Mr. Machyowsky: We have to have a vote on the motion. The intent of the motion was to make this a total vote for Mrs. Norwood and Mr. Halsted objected so it has to be put to a vote.

Ch. Kline: There was no second to the motion.

Mrs. Loken: You can't put a unanimous -- a plea for unanimous ...

Mr. Machyowsky: Very well, if there's no second then the motion won't carry because an objection ... there is no second; okay.

Mrs. Norwood: Thank you very much for your vote of confidence. I can see it's going to be easy to railroad things in this commission.

Mr. Machyowsky: I'd like to say that we should appreciate very much all these candidates who have taken the time and energy to participate and I think we are grateful to all of them.

Mrs. Norwood: I hope we don't lose their interest and support now.

Mr. Craddick: Madam Chairman, a point of order. I'd like to have either yourself as the acting chairman, if we don't elect a chairman tonight, or the chairman, if it takes a motion to do this I'll make it in a motion, seek the legal counsel of the borough attorney or whichever attorney is our authority, for an answer to the question of what we do about a person who refuses to vote and insists upon abstaining when the bylaws do not allow him to do so. It seems to me that it is grounds for recall, and I would like to have it researched so that I'll know what particular action I should take or someone else should take if it happens again.

Mr. Halsted: Madam Chairman, this ...

Mr. Russo: Just a moment, just a moment -- is that a motion?

Mr. Craddick: If the chair is making it require a motion, I will make it in the form of a motion.

Mr. Russo: Well, you're taking a drastic step and I think it should be brought on the table, rather than requesting the chair to do something of this nature.

Mr. Craddick: If she wants it in the form of a motion, I'll make it in the form of a motion; if you want it in the form of a motion, Ginny.

Ch. Kline: I would consider it just a point of information, since there were no names involved in the suggestion and no action suggested.

Mr. Russo: Yes, Ma'am, there was.

Mr. Halsted: ... by inference.

Ch. Kline: Yes, but no action could be taken -- the commission would take no action as a result of getting a lawyer's opinion on one of our bylaws. I think the proper time for discussion would be after a lawyer's opinion.

Mr. Craddick: Or if it should ever arise again.

Ch. Kline: Nominations are open for the position of chairman.

Mr. Engstrom: Madam Chairman, I nominate you, Virginia Kline.

Mr. Grummett: I'd like to nominate Don Craddick.

Ch. Kline: Are there any other nominations?

Mr. Russo: I move that nominations be closed.

Mr. Machyowsky: Second.

Ch. Kline: Is there any objection? (none) What is the desire of the commission -- is it white paper or roll call?

Mr. Machyowsky: I move for a written ballot.

Mr. Schmitz: Second.

Ch. Kline: Any objection?

Mr. Parker: Objection.

Ch. Kline: Would you call the roll, Pat? The motion is for a written ballot.

Secretary:

Mr. Parker	No
Mr. Russo	No
Mr. Grummett	Yes
Mr. Halsted	No
Mr. Machyowsky	Yes
Mr. Schmitz	Yes
Mr. Craddick	Yes
Mrs. Loken	Yes
Mr. Engstrom	No
Mrs. Norwood	Yes
Mrs. Kline	Yes

7 yes; 4 no.

Mr. Engstrom: (during vote) I think this is illegal, really. This is an executive session -- it amounts to that, voting by secret ballot.

Mr. Halsted: Highly irregular.

Mr. Machyowsky: Madam Chairman, the issue came up two meetings ago and I researched the point myself and found that it is permissible under parliamentary law.

Mr. Engstrom: What parliamentary ... you know that relates to our state statute on executive session.

Mr. Machyowsky: It's not an executive session to take a vote...

Mr. Engstrom: Well, it's certainly a secret vote.

Mr. Machyowsky: ... by secret ballot; or written ballot. That's not an executive session; you can't take action in an executive session under state law. You can't take a vote.

Mr. Parker: But Greg, where do you say the yeas and nays will be recorded.

Mr. Engstrom: It isn't public, how a person is voting. That to me, whether you're behind a door or not, amounts to an exec ... action in the type of an executive session; it is closer to an executive session than an open session.

Mr. Machyowsky: Well, I just think it's permissible under the law; our statute doesn't require yeas and nays.

Mr. Craddick: Article 3, Section 5, of the bylaws merely calls for recordation of the total yeas and nays and abstentions, if any.

Mr. Engstrom: I'm talking about state law, though. State law says there will not be executive sessions but for certain purposes. As far as I'm concerned, this type of action amounts to an executive session when your hiding the way members of this commission are voting -- You're afraid to put in public how you want to vote on a particular issue.

Mr. Machyowsky: Are you using "you" generally, or are you ...

Mr. Engstrom: Everybody that voted for a paper ballot.

Mr. Machyowsky: It is permissible under parliamentary law if the governing body decides to do it, that's all I can say. And in executive session under state law you cannot take a vote, Allan, the statue says this.

Mr. Engstrom: Oh I know that but it just amounts to an executive session; this is a subterfuge of the law.

Mr. Grummett: Could we have the results?

Mr. Machyowsky: Well, if it is a matter of principle -- if you feel its a matter of principle so strongly, I'll gladly vote the other way on it.

Mr. Parker: It was interesting to me because after having been set on so firmly two weeks ago and put upon, and now why, find .... you know.

Mr. Grummett: Madam Chairman, I think we have results of a vote.

Ch. Kline: Pat, would you give us the results, please.

Secretary: Mrs. Kline 8, Mr. Craddick 3.

Mr. Machyowsky: I move and ask unanimous consent that the vote for Mrs. Kline be made unanimous.

Mrs. Loken: Second.

Mr. Engstrom: Madam Chairman, I'm going to to a Juneau city budget meeting ...

Mr. Craddick: Could you vote on deputy chairman first, Allan?

Mr. Engstrom: Are we going to vote?

Mr. Parker: We just did.

Mr. Machyowsky: No -- deputy, there's a vacancy on deputy.

Mrs. Kline: Nominations are now open for deputy chairman.

Mr. Craddick: Madam Chairman, I nominate Mike Grummett.

Ch. Kline: Are there any other nominations?

Mr. Russo: I move the nominations be closed and a unanimous ballot be cast for Mike Grummett.

Mr. Craddick: Second.

Ch. Kline: Is there any objection?

Mr. Grummett: I want to object; I think I've got a nomination coming up.

Mr. Parker: He has no grounds for objection.

Mr. Russo: May I be excused, Madam Chairman?

Ch. Kline: Yes. The record will show that Mr. Engstrom and Mr. Russo are excused for the rest of the meeting.

Mr. Craddick: Madam Chairman, I move that we adjourn.

Mr. Halsted: Second the motion.

Ch. Kline: May I make a statement first? We were suggesting last week ways of going about operating on our baby and no one suggested a public hearing and I think for public relations, if for no other reason, that it might be a good idea, and wondered what the rest of you thought.

Mr. Craddick: I think it would be a futile waste of time. If we don't know by now what the objections to our previous charter were and what any suggestions for improvements are, we'd just be hiding in the sand like ostriches -- we know.

Ch. Kline: Yes, that's why I say for public relations.

Mrs. Loken: I don't think the public is going to come.

Mr. Craddick: I'm against it.

Mr. Parker: Madam Chairman, is there any objection to the idea of bringing individuals in; they can come or not, we're not subpoenaing them or anything like that. Simply bringing them in since they have been as vocal as they have been and offered alot of assistance upon this particular occasion; how about bringing them in. Or ...(portion unclear) forming a separate committee to work on this thing. Frankly, I would rather have them sitting here talking to this body as a whole, myself.

Ch. Kline: I think that would be fine; we've had people here before and I think it would be fine to continue to do so.

Mr. Craddick: Yes, I was just going to suggest that I don't see any reason why any charter commission can't invite anyone they want to come and all of our meetings are open to the public; they are supposed to be anyway. It seems to me that if we saw someone sitting in the audience if we could just sort of bear that in mind and maybe one of us could find out if they have a presentation to make and if they do we could just reserve a few minutes of the meeting, right in the middle, if necessary, to make sure they get to make their presentation. I think it would be great.

Ch. Kline: I'd also like to have your feeling on once a week meetings, since we will not be having committees -- at this point, we don't have alot of committees scheduled. When we were meeting twice a month we had alot of committee meetings in addition to our regular meetings. A meeting every week was hard to take.

Mr. Halsted: If I'd have known you were going to say that I'd have abstained again.

Mrs. Loken: Madam Chairman, if we progress at this rate we'd better meet every week.

Mr. Grummett: I would like to add to that; I would be receptive to meeting each week.

Mr. Craddick: Sounds good.

Ch. Kline: Then at this point I'll call a meeting for next Tuesday night at eight o'clock to finish our agenda for tonight which is consideration of Mr. Craddick's and Mr. Stark's proposed amendments to the charter, and I would ask any of you who have changes you would like to make, if you would put them in writing and give us all copies so that we can go over them.

Mr. Machyowsky: Madam Chairman, will you be looking for a full time secretary or ~~a~~ partime secretarial help? The commission members should have access to people in preparing their articles and everything.

Ch. Kline: Oh I hadn't looked at it from that point of view. I did talk to Pat and she will not be working this summer and has agreed to help out.

Mr. Machyowsky: I meant somebody to supplement Pat ...

Ch. Kline: I think Pat would be agreeable to typing up committee reports and things like that.

Mr. Schmitz: Do we have any -- of course, we haven't, but is this supposed to be our plan of attack, to take both Don's and Mr. Stark's, and work from there or are we going to look at it section by section, perhaps using some kind of committee work to revise the individual sections.

Mr. Craddick: There's nothing (unclear) in what I've put in ...

Mr. Schmitz: No, I realize -- but I was just wondering is this our base or can we expand on that and perhaps take a different approach to this thing, using these documents as supplementary. I was thinking, of course, of dividing the charter into various areas and perhaps assigning two or three persons. For example, it seems to me on the transitional part it would be good to work, for example, with the city manager and the borough chairman to get their ideas of what should be in there, more from a technical aspect than something that can be just accomplished around the table.

Ch. Kline: I think we can incorporate both ideas. A number of changes that will be made will probably be very simple in nature and can be handled here. When we get to areas that are more complicated and we want outside help we can form

committees and go that route.

Mr. Schmitz: In other words, could we approach it from the idea of perhaps every meeting taking a section, just concentrating on that particular section and getting every kind of background data that we need or pertinent information, and then finish that section, at least on the first go around, then move to the next section and then concentrate on that, instead of just looking at the whole thing.

Ch. Kline: All right. Then under consideration at our next meeting will be the first four articles.

Mr. Grummett: Well, Madam Chairman, is this in lieu now ...

Ch. Kline: No, we'll be considering Mr. Craddick's and Mr. Stark's suggestions.

Mr. Schmitz: Mine is more of an approach to the thing.

Mr. Grummett: You mean this is the only way we can do it -- you want a little latitude, in other words.

Mr. Schmitz: Well, I don't necessarily say we should take each document and say this is the way we're going to approach it. As far as I'm concerned they are supplementary documents. My idea was to approach the thing section by section, meeting by meeting, so you are not getting kind of a shotgun approach but concentrating on one thing at a time.

Ch. Kline: By doing the first four articles next week will not in any way prohibit going back to these four articles at a later date, and if we finish those with all other suggestions, then we can go on with Mr. Stark's and Mr. Craddick's recommendations.

Mrs. Loken: Madam Chairman, some of your suggestions, of course, refer to the first four.

Mr. Machyowsky: Part of the problem is if you want to come in with a kind of a new concept, say the second class borough concept for the charter, it is difficult to do in on an article by article basis. First you have to put in the basic provision and then you've got to make the changes in the various articles -- but it can be done but somebody's got to do the whole job at once perhaps.

Mr. Halsted: Madam Chairman, we have a motion on the floor.

Ch. Kline: Is there any objection to the motion on the floor which is to adjourn? (none) So ruled.

Meeting adjourned at 9:30 p.m.

Respectfully submitted, Pat Cunningham
Pat Cunningham

Meeting #4, Second Session, Greater Juneau Charter Commission
June 3, 1969
Eight O'clock P.M.

Ch. Kline: The Greater Juneau Charter Commission, June 3, 1969. The meeting will come to order. Would you call the roll, please, Pat?

Secretary:

Mr. Parker	Here
Mrs. Norwood	Here
Mr. Machyowsky	Excused
Mr. Grummett	Here
Mr. Craddick	Here
Mrs. Loken	Here
Mr. Russo	Absent
Mr. Halsted	Absent
Mr. Schmitz	Excused
Mr. Engstrom	(Late)
Mrs. Kline	Here

Ch. Kline: Are there any additions or corrections to the minutes of the May 13, 1969, meeting? (none) If not, they stand approved as read. Is there any correspondence? I have none. (none presented by members). I would like to appoint two committees tonight; one on representation with Pat Loken as chairman, Don Halsted, Jean Norwood, Greg Machyowsky and Allan Engstrom; one on transition with Mike Grummett as chairman and members Don Craddick, (everybody else) Larry Parker, Guy Russo, Bill Schmitz.

Mrs. Loken: Madam Chairman, could I ask Don Craddick something? Just because I know you have a proposal, would you want to switch with somebody if it is alright with the chairman? He has a definite proposal all ready that I know of for representation and it should go through the committee.

Mr. Craddick: But I could do it just as well by presenting it to the committee, so it really doesn't matter. I would like to be on the committee as a matter of fact but it really doesn't matter -- whichever Ginny wants.

Mrs. Norwood: Mr. Craddick, you are welcome to change with me. I think you might be more of an authority on representation than I ...

Ch. Kline: Okay, that's fine. So that will be Don Craddick on representation, Jean Norwood on representation. Because committees will be working now I think we will go back to our old schedule of two meetings a month. Next week will be a regular meeting, and then go back to our regular schedule, the second and fourth Tuesday.

Mr. Craddick: So we do meet next week then.

Ch. Kline: Yes. I won't expect a committee report next week. That is the only other announcement I have. I would like to be notified when the committees are meeting. Marie, would you like to come up and have a seat and give us a few words? Marie Darlin for the record.

Mrs. Darlin: I want to say that I am speaking tonight just for myself, not for the school board, although some of what I say will relate to the board. Since the board has at no time, other than at the very beginning when we first talked to you, really taken an official stand as a board in entirety, anything that most of us say now is really our own ideas. Really I only have about three things I'd like to mention, most of which are just quite general. The first one would be that personally I would like to see the charter made briefer with some of the procedure that's in it taken out so that this could be done by procedural ordinance. There are several things in there that I think really are procedural and I'm concerned because things change so rapidly that a charter revision takes time where an ordinance, to make a revision in something, is not as hard to do. One thing that comes to mind as an example is the budget dates. Now in the charter they are proposed as different than what the present set up is and I think that there's alot to be said for whatever date we might set; my only concern is do we want it in the charter. Wouldn't it be better in an ordinance, because there might be reasons in a year or two to make another change. I think this is something that could very well be done by ordinance. There are several other things in there that would be the same. I just feel it is too hard to work with somethat that is, too specific as far as being in your charter; the same as might be in the constitution or something like that.

Mr. Craddick: You say there were several other things. This is something that I'm very concerned about is this general comments that we'd like to have if briefer and there are several things could be made briefer; I need a little help in that, Marie.

Mrs. Darlin: You mean in the other things I'm talking about that should be in procedure?

Mr. Craddick: Yes.

Mrs. Darlin: I really haven't taken the time yet to go through, but I would if you'd like, because I know you are only considering the first four articles tonight and this is all I really took time to go through again. But if you like I would. I could go through it and make notes on the different areas that I think possibly could be in procedural ordinance rather than the charter. There may be reasons that you might feel it wouldn't be logical for it to be there, but this is just my own ...

Mr. Craddick: Could I explain something to you for a moment? We had some difficulty with this idea of how we were going to draft this charter. What we finally decided,

I think this was the general concensus of the group, is that this is a limiting document; that we are creating here a home rule municipality that can do anything it wants unless it is prohibited by law or the charter. So this is fifty pages of charter because we felt whenever we put a sentence in there it was either setting up the framework of governmet or it was proscribing what the government was to do and it wasn't to step outside those boundaries. And so I for one felt we have fifty pages of limitations here, and that if we don't mention it in the charter, man they can do anything, if the statute doesn't say not. When someone says I'd like to see it shortened, I really want to have some concrete ideas on where it should be shortened and I see what you mean -- we have to mention budget date in the charter, but instead of saying the budget date should be such and such, say the budget shall be established by ordinance. But we haven't shortened it any; it's still in there.

Mrs. Darlin: No, I don't mean to necessarily shorten it or leave these items out, but I mean where you are setting dates or definite limitations that I do feel some of this could be stated as being done by ordinance. In going through and picking places out I'll keep this in mind because I realize from your discussion before that you do have to set some limitations.

Mr. Craddick: This is a classic example on the budget date. Now we can either have it a date or say as the assembly shall prescribe by ordinance, but if we didn't say either the assembly could set it up ~~xxx~~ just like that and change it just like that.

Mrs. Darlin: No, I didn't mean in that sense but what I meant was to be too specific in some areas.

Ch. Kline: Excuse me just a minute; will the record show that Mr. Engstrom has arrived.

Mrs. Darlin: One other point which, then I'm going to bring up something else that you're liable to think it is just the opposite again of what I'm going to say now, but anyway -- somewhere in, under say Section 3.3 , eligibility for your assemblymen, I do feel, because we had an example of it this year of a person serving on the assembly and also on the school board. I do feel that this is not good and I would like to see possibly something added in here, maybe an item (d), that no assemblyman may hold a position on a board which submits a budget or recommendations to the assembly, or something to this extent.

Mr. Craddick: Allan, do you think that would be legal under state law which doesn't prescribe ... membership on a board?

Mr. Engstrom: I think we could limit anything we wanted to in the charter probably.

Mrs. Darlin: Well, this is one thing, because the next thing I'm going to propose, the law is going to get into it too.

Ch. Kline: The only thing the law prescribes is that you can't limit the eligibility of the school board. But what Marie is talking about is limiting the assembly.

Mrs. Darlin: ... two elected boards, except, in thinking this over and I spent quite abit of time thinking of all the things that could come out and the things that you'd get in to. You take the hospital board as another example. This is an appointed board, however I still don't feel that it would be good for somebody who was on the hospital board to run for the assembly and if elected, then serve on both boards.

Mr. Engstrom: This is something other than the school board which is elected.

Mrs. Darlin: I know it. I know there's a difference here.

Mrs. Kline: That's why she left out elected boards.

Mrs. Darlin: Yes, I did;so in the wording you'll notice I don't say school board and I don't say elected.

Mr. Craddick: And what was it -- any boards making recommendations ...

Mr. Engstrom: What is your intent?

Mrs. Darlin: That they not serve on the assembly if they are on, say the school board or the hospital board, or even maybe a, say a parks and recreation committee which submits a budget to the borough.

Mr. Craddick: You had some language there ...

Mrs. Darlin: No assemblyman may hold a position on a board which submits a budget, and then I put "or recommendations" to the assembly. You might say a recommended budget or -- change the wording in there a bit.

Mr. Craddick: Recommendations involving finances?

Mrs. Darlin: Well, yeah ...

Mr. Engstrom: You're looking at a particular situation now with Dutch on the assembly. He, I think, is outspoken perhaps and his capacity on the school board has been more or less anti.

On the other hand, you could just as well have someone on the school board that was on the assembly but would be very beneficial.

Mrs. Darlin: I know. I thought about this, I really did. I mean I gave this alot of consideration and considered every board that you'd be concerned; not just the school board, because I realize this. Sure, we could have somebody on that school board who was also on the assembly that was very pro.

Mr. Engstrom: Right. Well, my only point is that you shouldn't just look at the example of Dutch and make the recommendation just because of that.

Mrs. Darlin: No; I was just pointing out that this is the first situation we've had where we have had this and have seen it in operation. But I realize that you're going to have different people who would be looking at things in a different way. This is why I tried to look at it from the angle of you have a hospital board, you have other boards ...

Mr. Engstrom: I could see other boards but with the school board being elected, in the sense that the electorate -- if he is on the school board and runs for the assembly, the electorate knows he is on one or the other, then it is up to the people to decide whether to elect him or not. That's different from a hospital board or a recreation board.

Mrs. Darlin: Yes, it is. Well, then, I still would have some feelings about it even then if you eliminated the school board out of this; say the hospital board or another board.

Mr. Craddick: Marie, our feeling on it was that the people do have to elect the assemblymen; if they don't want an 18 year old, they won't elect him; if they don't want a school board member on, they won't elect him, depending on who it is. It is just one of those things, rather than making it ironclad ...

Mrs. Darlin: This is true. Well, I am sure that some of these things that I am proposing you have undoubtedly spent many, many more hours on it and I haven't sat through all your meetings because you always choose to meet on the night the school board meets; which if you want, I could register a complaint about that, too, you could pick other than the second and fourth Tuesdays.

Ch. Kline: Maybe we can discuss that tonight. Maybe we can change it to the first and third.

Mr. Craddick: It just occurred to me that every time you have mentioned something, I've jumped on you or something. I don't mean to jump on you but I am merely explaining what we did before and I appreciate the comments, because we're going to be thinking about ... (unclear)

Mrs. Darlin: No ... I realize that you have all spent a great deal of time hashing all of these things over, however I do think that being as we have a second chance around to have a say on this thing, that there's just alot of things that are really going to bear looking into again. I wish we had a real good idea about what everybody objected to the first time around so that you could really make some suggestions regarding some of this, but ... I've asked alot of people but I don't get much in the way of specifics. Well, anyway, this is just one point for your consideration. Then, the next thing; this is where I say then you're going to think I turn right around the other way -- but, regarding the school board and the assembly, the problems that we have at the present time, I do think that there should be some way that this could be helped as far as the communication back and forth and the problems that we have about deciding who's going to do what, and so forth and so on. You attempted to do some of this in your portion regarding public schools and all where you stipulate there should be a certain number of joint meetings for certain things and so forth. I would like to propose something that I think was discussed here before and that is that perhaps the elected school board members should also be considered as members of the assembly, to sit on the assembly (now this is not the exact wording), with a vote and all, and that they, then, in turn would constitute your education committee -- would take the place of what presently the assembly has as an education committee.

Mr. Craddick: But they would have a vote on everything before the assembly?

Mrs. Loken: Including their own budget?

Mrs. Darlin: Yes ... which right there, I told you, is the exact opposite of what I just said about under the present setup of somebody serving in two capacities; this does ...

Mr. Craddick: How many on the school board now?

Mrs. Darlin: Five.

Mr. Craddick: In other words, what you would say would be an eleven man assembly of which five will be the school board members.

Mrs. Darlin: No, not with the idea that this would take the place of that many members on the assembly. You would still have your nine assemblymen, and then add the five to it.

Mr. Craddick: That's fourteen!

Mrs. Darlin: I know it ...

Mrs. Loken: Well, you've got to have an odd number.

Mr. Craddick: We can get an even number all right, but my God, the size.

Mrs. Darlin: Well, all right; if you wanted, there might be another way of doing this, would be to take -- let the school board appoint two members or three members, whatever you would want from their board to sit as members of the assembly, or serve as the education committee of the assembly. I think somewhere, if you're going to do this, they would have to really be a part of the assembly. Now this business of voting on everything, I know, this gets complicated, too, and I spent quite abit of time -- in fact, I called Hugh up and talked to him about this because I know he has mentioned this and it was something that he and I had talked about. So he endorses this idea too, this one particular thing here.

Mrs. Loken: They have designated seats, maybe ...

Mrs. Darlin: Well, this would be it, that they had designated seats, it's a good term, on the assembly and would serve as the education committee of the assembly. Now the law has been passed whereby if we wanted to we could go to a seven man board, even if we don't have 5,000 students.

Mrs. Loken: Yes, it went through the legislature.

Mrs. Darlin: And so, Danny brought it up that it did pass and maybe when we do some thinking on policies and all this summer we should think about whether or not we wanted to recommend going to a seven man board.

Mr. Engstrom: How is that implemented under the law? I didn't realize that they changed it to do that.

Mrs. Darlin: It is strictly if the board decides they want to, they can. It is not mandatory or anything like that; strictly voluntary and optional. Here again you would have seven people of the school board ... so this again complicates the size and so forth ... if you could have so many designated seats on the assembly that would be members from the school board and the school board, then, if we went to seven members, this

would be so unweildly that it wouldn't be workable, to put that many more on there. I wouldn't recommend that the people who ran for the school board be taking the place of assembly seats; this isn't my intent. It is that they be additional people on the assembly with the responsibilities of only education, but to serve as the education ...

Mr. Craddick: Allan, the people running for the City of Juneau Council just run for the council, right? They don't run as the person being ...

Mr. Engstrom: The council appoints the member to serve on the assembly.

Mr. Craddick: It seems to me we have a slightly different arrangement under unification, wherein you have one unit of government rather than a unit of government composed of three governments. It seems to me that they should all be elected, so that rather than having the school board appoint them, if we went this route, they should run for designated school board seats.

Mrs. Loken: That's what I meant -- a dual seat arrangement ...

Mrs. Darlin: Well, this is it. This would be another possibility. There is alot that enters in here, plus the law, too, as to how we would set this up, except that if you didn't touch the manner by which -- or any great change in which school board members are elected which really is just at large, etc., that then possibly within the charter without a change in the state law, we still could make a provision like this. I do think this would be another good point, is that they be designated seats and those seats on the school board be -- the people run for those.

Ch. Kline: Marie, with as much time as the assembly has to spend and as much time as the school board has to spend, is it asking too much for somebody to serve on both?

Mrs. Darlin: No; for this reason. In the way that I propose, if they sat as the education committee, they would still only be doing their education work; they would still be running the schools and this would be their sole responsibility other than that they would, yes, have to attend assembly meetings which would be twice a month. But I think it should be with the stipulation that they would not have any other assignments.

Mr. Craddick: These people would still nonetheless be full assembly members with all voting ...

Mrs. Darlin: Why have them there if they are not going to vote?

Mr. Craddick: Well, if they are not on committees, they are voting on

something that they haven't really worked on; they are depending on committee reports and everything.

Mrs. Darlin: Right, they are. Say if you had three school board members and they served as an education committee, I would expect and hope that the rest of the assembly members then would accept them as the committee for education. It would relieve your assembly members who now presently have to serve as the education committee and they are the ones that I feel are overworked...

Mr. Craddick: In other words, do away with the mandatory meetings?

Mrs. Darlin: ... especially the ones that are City Council members, too. Well, this is it, and that's the next point -- then you could eliminate out of your public school section of this those required meetings that you set up, and alot of this. In fact, I would recommend, then, if you did do something like this, that you refer to the public schools portion just by referring to state law, by reference only, because there's nothing else in there that has to be. What have you put in that public schools that isn't in the state law? The only thing you've added is the mandatory meetings and some of the other things; the rest is right out of state law -- and maintenance.

Mr. Craddick: Well, we clarified a couple of things, too, which are going to have to be changed I think, probably ... The state law now is Title 14 and Title 7 and everybody is in constant arguments as to which one apply to what degree...

Mrs. Darlin: You mean maintenance, for one thing.

Mr. Craddick: ... in our charter we spelled it out. In our charter we took all of 7 and we took all of 14 and we said this means this, this means this. State law doesn't presently do that, it is ambiguous in a couple of things.

Mrs. Darlin: Okay; the maintenance is one thing, the other thing is the budget administration ...

Mrs. Craddick: And the hiring of the architect, for example, which I think is probably going to have to be changed; but that's another point, hiring the architect.

Mrs. Darlin: Did you change that from state law?

Mr. Craddick: Well, we've clarified it; state law is not clear. It says the school board does it with the approval of the assembly, so we just said in ours that the assembly does it, but we'll probably change it over to the school

board and we'll leave off approval ...

Mrs. Darlin: I think alot of these things go one way or another as long as you had a workable group and I feel that possibly this is one way to get it. I don't think you would have to have some of the problems we have now, really.

Mr. Craddick: The school board is all at large, right?

Mrs. Darlin: Right; so here again this is something that would be different than the setup that you have by districts on the assembly.

Mr. Engstrom: Maybe we should have an eleven man school board and let it be the assembly.

Mrs. Darlin: Well, there have been enough things proposed in that legislature on all of this whole problem that we certainly ought to be able to borrow something and make it work, that's the way I feel. Even as far as the borough assemblymen go, there has been legislation proposed that the city council seats be designated as borough assembly seats also and the people run for those designated seats; so this isn't something that hasn't been thought of as far as your borough setup goes, too; I mean that's something that right from the very beginning was considered. It hasn't been passed, but ...

Mrs. Loken: I have a hunch it probably will be this next year.

Mrs. Darlin: I'm not saying any of this is real new or original or anything else; just something that has been hashed pro and con for so many years that it seems like certainly we've been through it long enough that we ought to find something that would work better than the way things are working right now.

Mr. Craddick: Agreed.

Mrs. Darlin: I can see where this would take some thinking and several decisions to be made and state law to be checked.

Mr. Craddick: You wouldn't be adverse to having other members of the assembly sit on the school committee, would you? Let's say for instance if you had a school board of five and you could have two or three of them be the education members on the assembly, say two for example, they would be part of the assembly. Then you could have two more of the assembly for a total of a four man education committee. You wouldn't object to that, would you? Or do you want it to be strictly the school board?

Mrs. Darlin: Here again I think in a way you are getting away from my

intent which was not burden any assembly members with the school.

Mr. Craddick: Well, I'm just trying to figure out as a practical matter whether or not the rest of the assembly is going to be willing to accept what these committee members come back and say they have a definite vested interest and that's their sole interest ...

Mrs. Darlin: I realize this, however to look at it from the other side, then, and say this is their one interest, yes. If by being voting members, they also then are accountable for the rest of the things the assembly does also which is tax levies, budget, and all this, this in turn puts the shoe on the other foot too, that they may also have to be responsible for the overall, not just education. So that maybe this would balance it out. I just feel whatever school board members would sit on the assembly possibly in this capacity of education committee would not have time for these other committees, because you would already be adding two more meetings to their regular school board work.

Mr. Craddick: How many members are there on the school board committee now, Allan?

Mr. Engstrom: Probably five ...

Mrs. Darlin: Three.

Mr. Engstrom: Actually, I think this committee's got around five. I don't know how many attend the meetings.

Mrs. Darlin: Well, let's see, we have Keith and Jake and Tommy are about the only ones -- well, Mike does once in awhile, but I don't know -- is he on the education committee?

Mr. Engstrom: I'm not sure who they are but most of them have four or five member committees.

Mr. Craddick: Could three men handle it?

Mr. Engstrom: Certainly; I don't see why not. I think what you're getting to, though, is the question -- I don't know whether it is possible under state law, but I suppose is is, and that is the concept of just having the school board adopt a budget which is included in the general government budget where the other government doesn't have to approve it. What it amounts to is that you have, in effect, -- what would happen, I think, would be more people would be interested in the school budget at the time it comes before the school board rather than waiting until it comes before the assembly. The pressure wouldn't be on the assembly in regard to

the budget, it would be on the school board. You'd find, too, that (I think you'd find this) where now people running, generally speaking, for the school board -- and this is a generality -- are more interested in education than in finding the money to cover the cost of education; you'd find people that would run and would get elected that would be more interested or have a greater interest in cutting costs than in providing the best education. You would find, I think, that the composite of your school board would change. When you change these things around you're running into trouble, too. Right now you have a school board, I think, that is very interested in education, and damn the cost, perhaps. We provide a good education and it is up to the government to find out how to pay for it; it is up to the people to pay for it. But you'd be finding people running for that school board that would be interested in cost. That is something that I don't know whether you considered, but it is something that would happen.

Mrs. Darlin: Well, this is done in many places in the country, that's nothing unusual.

Mr. Engstrom: Where the power of the budget lies, that's where the interest is.

Mrs. Darlin: There are many, many boards in the nation that do approve their own budget ...

Mr. Engstrom: My point being, that in way, you're, again this has been thrown out before -- the school board by the mere fact that it doesn't finally approve the budget is insulated in a way from the public.

Mrs. Darlin: To a certain extent, yes. And I think you're right in the fact that then people would take more of an interest in what that school board is doing if they felt the final authority.

Mr. Engstrom: They would not only take that but more people would be interested in running for it, too.

Mrs. Darlin: Right, this could very well be.

Mr. Parker: Marie, I don't quite understand how we can -- this is a newly constituted thing that we're talking about now. When we bring this assembly together, there has never a body met in this area that is going to be the same nature as this new body we're creating. And for that reason I hesitate to sit here and allow you to look at the members on this body as having only certain things to do. True enough, education is a very, very important function but the people who are going to be running the sewer system or the whole sewer works for this entire

area, or the whole water works or providing the water for this entire area, or providing the transportation for this entire area, are also going to behandling funding in the neighborhood of what we're talking about as far as education, and they are going to be involved in more specific things. Now Mr. Engstrom is involved as a city council member in a raft of things over here, and he is involved as an assemblyman in a raft over here, and so he has to keep one foot in both boats. But when he becomes strictly an assemblyman, he is going then to be able to put his entire energy, his entire committee energies into probably one or two areas. Do I make myself clear? We're coming up with a brand new concept, don't try to use ...

Mrs. Darlin: Yes, I see what you're getting at.
... compare what we have now to what this would be.

Mr. Parker: Right ... because here you have Mr. Derr who plays a dual role, I have Mr. Engstrom representing me and he plays a dual role, and so the time is coming when, if we are successful in putting this thing through, that we are creating an entirely new job, new individual and new concept here of what this assemblyman has to do. In regard to education you're seeing down one alley, so to speak. But I sit here and I see all the jobs that Mr. Engstrom or anyone else who takes this job is going to have to do and I see each one of these people as becoming, committeewise, specialized in some of these areas of government that are just as important, carry just as much weight, carry just as much money, as the educational feature does.

Mrs. Darlin: I wonder how much, though -- I mean, at the present time the school budget is 80% of the borough budget and I wonder how long it will take before anything is going to be as great a percentage as what education is of the overall budget.

Mr. Engstrom: Well, that isn't true any more. The borough went over six million dollars this year, getting about over a million dollars for the hospital.

Mr. Parker: You see, this is what I'm getting at --we're creating a new breed. I'm with you as far as having these people on the assembly; I think everybody here is with you on this thing, and I'm certainly glad to see that you have a broad point of view and can accept a concept such as this. But don't look at the other people on that assembly as being specifically interested in only this service area that we happen to be sitting in at the moment, because their responsibilities are going to be all service areas.

Mrs. Darlin: I realize this and I see your point, it's a good point that really we do have something that's brand new and logically you shouldn't even be thinking about how things

have been operating now. Of course, you keep going back to your own experiences in these as far as how you would like maybe to see things operate better.

Mr. Parker: Well, as Don says, we're not jumping on you at all, it's just that we've had a chance to peer into the future to a certain extent from this table and these are the things we see. We see people who -- well, a real broad concept.

Mrs. Darlin: Well, that's what I say; you've spent many, many more hours on this than what I have, I know, and so what I am proposing is only for whatever good you might get out of it or anything. I think even Mr. Engstrom's recommendation about perhaps the school board approving their budget has merit.

Mr. Engstrom: This is really what you're aiming at.

Mrs. Darlin: No, not really. I'm not proposing this with the idea okay then we're going to get the budget completely approved as we submit it every time; I mean, that isn't the idea behind it. My biggest point for making this was the fact that we would resolve some of the problems we seem to have back and forth all the time with the present setup within the state law that we have for the boards and ...

Mr. Engstrom: The only problems occur once a year, not all the time, only once a year.

Mrs. Darlin: You only say that because you haven't been involved in the school building problems we've had and all this which we did a few years ago ...

Mr. Engstrom: That's true, I've never sat through a school construction problem.

Mrs. Darlin: Well, this is it; this is one other problem because right now we're at a stalemate on this which we don't need to go into right here because we could get into alot of things too about who's fault and what is, but there are things like this that still are going to give us problems and if we can resolve any of them by looking to something different for the setup for education and all, well I certainly would like to consider it. The budget, really -- sure it becomes a big issue every year at budget time but to me it is only one of many things as far as the school board is concerned. In fact, every time that we spend, like we have this year, from January 'til June for time for nothing but the budget, this bothers me because there are too many other things that need doing other than budget as far as education in this community goes and this is why anything that we can do that would correct this situation would certainly be a help because

it is foolish for a school board to spend half of their year's time of planning on nothing but budget. It's a waste of time that should better be spent somewhere else. It's just something I hope we can come up with a little bit of a solution ... if you accepted any part of it or anything, it would still be alot that would have to be ... here again, how it would be accepted by the public I really haven't any idea and I have asked several people who have been real interested in the budget and the way the schools have operated and so forth, what they thought of the idea and most of them felt it was a pretty good idea, it might be worth trying. If any of you want to carry it any further, test the community and see what happens, you might get a violent opposition to it, I really don't know how they would react.

Mr. Parker: I'll bet a cookie that you'd never forget what Mr. Engstrom said tonight if you ever tried it -- because the breed of cat is going to be entirely different, I'll tell you. When you got to the point where someone could swing on education, and I don't mean swing at it, I mean to do something about changing the aspects of it, the people think alot about this area and about where we're going and what we're going to do. If they have never had an opportunity to really get at it as far as the money situation is concerned; I can't remember a person running for the school board that has come out and said we're going to cut the school board budget. Maybe somebody has but I just missed it along the line; because you see what happens in relation to other budgets ...

Mr. Craddick: You know, somebody might say that and get elected because they are running for the assembly.

Mrs. Darlin: Well, they could very well. Naturally, sitting on the school board I am pro education and all this, but I do think we are always -- it's like anything else; when costs keep going up, the cost of education is never going to come down, if you just look at it from a practical view point. The school board may come in with a budget that, alright you can't accept it. But here I think you have two trains of thought from the people who run for the school board that they are there for education only or they're there for as much as the public will stand. One of the biggest problems is that some of the people that talk to you maybe, that say we're all for education spending too much, we want to cut the school budget and you say somebody might win by running on this ticket and so forth; they might, but ...

Mr. Craddick: But you see the point we're trying to make, Marie, is that they wouldn't be running for the school board any longer, they're running for the assembly really ...

Mrs. Darlin: No, if they were running for designated assembly seats

they wouldn't be, they would be running for the assembly.

Mr. Craddick: This does change the complexion.

Mrs. Darlin: It very well could, but it might provide a balance on the school board. But I think somewhere along the line, and maybe by letting the school board approve their own budget, it would be more money conscious.

Mr. Craddick: I think you misunderstood Allan. I don't think he was making a recommendation that the school board approve its own budget. I think that he was pointing out that this was where you were liable to end up with this proposal and that this would mean that you're going to have a different type of person elected to the school board. You weren't suggesting ... (to Mr. Engstrom)

Mr. Engstrom: Well, no, I actually was --as a possibility ...

Mrs. Darlin: I understood he was ...

Mr. Craddick: Excuse me, I misunderstood.

Mr. Engstrom: It would seem to me carrying the argument a step further would be that the school board, rather than have school board members on the assembly and be the education committee, with the idea being that this would create a rapport between the assembly and the school board whereby basically I think it's budgetary and construction -- those are the two basic areas that I think ...

Mrs. Darlin: Well, the basic areas in which you presently have conflict.

Mr. Engstrom: ... I don't like to use the word conflict, but where you have contact. If contact means conflict, that's conflict, too. The idea would be then just to put the whole function in the school board; adopt its own budget, adopt building construction and everything and leave it up to them.

Mr. Craddick: Are you proposing that for our consideration?

Mr. Engstrom: That's a possibility. Then I said if you did that, though, you slowly get a different breed of cat on the school board because that is what is adopting over a million dollars a year of the local funding.

Mrs. Darlin: This is why I say some people may not agree with what I am proposing.

Mr. Craddick: Marie, it sounds good and I think you can see we have discussed this before and I think you can begin to see

now probably why we didn't go it, because we could see some problems coming up that really, you know, the person on the street doesn't see.

Mrs. Darlin: I realize this -- they don't. Because we never hear from the person on the street either. There was one other point I wanted to make. The other thing, too, where if you came up with a proposal like this you are undoubtedly going to have people that are going to say the school board is attempting to stack the deck on the assembly so that they can get a better pitch for their ... I think you would. This is one more way of maybe trying to sell the assembly on a budget. I just don't feel that it would work this way myself because I think that by the time you have school board members, when you'd have assembly members, and if you had been working together on the overall of all of this, that it just should promote more understanding and knowledge between the two groups; but with what Allan has to say then, this goes back the other way of keeping the two separate and distinct, so what does the public want. Maybe this is the question that should be asked.

Mr. Craddick: I had the impression from looking at all the comments that were made that the public liked what we had come up with on the schools; the problem we faced was the school teachers and to some extent the school board not liking the thing we'd done on the budget, the major items of expenditures, and the idea of breaking down what powers went where; but the idea of forced cooperation, if you want to call it that, I think they liked that, really.

Mrs. Darlin: The one comment that I made here to you I'm sure too, is the fact that I did feel in specifying the number of meetings that were necessary, for say the building program, I think here this might have been a little too specific because I don't think there's going to be times during the year when you would have to have four meetings when you didn't have a building program going on.

Mr. Craddick: They can call it and cancel it -- I'm not about to leave it up to the assembly to say how many meetings there's going to be they'll say none.

Mrs. Darlin: But you could have made it two, Don, and it would have been enough and if you needed more, you can always have more. You would have had two mandatory, but to make four mandatory -- I still think this was a little bit too many in an instance like this past year; we haven't had a thing to be considered really as far as construction goes.

Mr. Craddick: Keep the mandatory meeting and cut them down, huh?

Mrs. Darlin: Yes, cut down the number. And I know I made this comment in my recommendations regarding this portion of it before, that I felt four was too many. So this is just one other thing on that.

Mr. Craddick: How about enlarging those mandatory meetings? Right now they are concerned with construction -- how about budget too, if we keep them?

Mrs. Darlin: Here again if you wanted them to cover everything you could put budget in there too.

Mr. Craddick: I don't think the assembly has any business sticking their nose in curriculum and teachers' ....

Mrs. Darlin: Well, no, but I mean, if you want budget in there, too...the thing is that right now your education committee is supposed to be somewhat of that type of a purpose; we would assume that they are because we, at least I don't have any complaints about how the education committee has attended meetings this year, because they have been there all the time. I think they have done a much better job then we ever had before about being in attendance at the school board meetings. So, in a way, I think the board feels that this is the purpose they are already serving actually, is to report this back to you. Now this might be done in a little more detail, it might possibly be given to them in writing -- they should get copies of the minutes.

Mrs. Loken: How do you evaluate the fact that they have done a better job this year and then they took the biggest cut in the school budget this year?

Mrs. Darlin: Well, this is a little bit hard to imagine, I'll grant you that -- other than the increase this year was substantial compared to last year and we took a substantial cut as a result of it, but as long as -- last year we took $180,000 cut, which really cut a great deal out of the things we wanted to do with the curriculum, and this year the costs of just operation and so forth, the cost of education itself had gone up so much, and we had even more requests then for equipment and different things that were needed for the school in the instructional program that I don't see how we could have expected to come up with a budget that wasn't going to be far more again, and I would hesitate to say what we are going to be faced with next year. So if we are going to come in with more each time and get cut more each time, all we are doing is maybe standing still, but we will reach the stage where we won't even do that because of the increase in kids and the increase in costs -- sometime you're going to meet a real sad situation.

Mrs. Loken: I wasn't trying to get you to justify the budget, but obviously here you had good cooperation you felt this year, and yet ...

Mrs. Darlin: ... and yet the people who were on the education committee were those who were tax conscious and so forth ...

Mr. Craddick: How did they vote on the budget?

Mr. Engstrom: The budget was unanimous.

Mrs. Darlin: What do you mean? No body said a word except Mike Miller. No body raised one single question about the cut in that budget, but we don't need to go into that.

Mr. Craddick: Did this committee discuss with the school board the budget?

Mrs. Darlin: The finance committee did. After that cut was taken and the finance committee talked with the ...

Mr. Craddick: No, I mean before -- before the budget was voted on by the assembly.

Mrs. Darlin: ... the superintendent beforehand. The education committee and several members of the assembly at different times sat in on all of our planning of the budget and so forth. And then the finance committee then asked for a meeting with the school officials and so forth which they had, which was taped and I listened to the tape. At that time they went through everything, item by item. Then they came in with their recommendation to the assembly, and the assembly voted the cut unanimous -- Mike Miller being the only person that raised the point that possibly this was too much to cut. Then the finance committee -- we've been through so many of these now, it's hard to remember exactly. We did meet, the school board met then again with the finance committee and I don't remember whether this was before or after, I think it was before their final decision, and then we asked for another meeting to see if they wouldn't consider giving thought to some of the things that we thought were absolute essentials, and so far they haven't even made a recommendation to the assembly regarding this, so we don't know where we stand, other than the original action taken. But to come back to your question, Pat, I think that the committee members did ask -- I mean, they paid attention to what went on at the meetings, they asked questions, they were interested in it, asked the reasons why we were doing things. I felt they really were trying to keep more of an open mind and be objective about it but still they were committed to a course of action on which they had been elected and so if their word to the assembly wasn't all that we would have hoped it would be, well, maybe all we can say is that they were doing their job. At least I felt they had been there and they had

taken an interest.

Mr. Parker: Marie, of course when we started out trying to figure out what we were going to do with the separate governments within this area and vote for unification, the first thing that was brought before us was the idea of integrating four rather than three, because they felt that this was necessary. What we have discussed here is really the first opening we have seen by anybody really coming out and saying there is a good possibility that we might integrate the four. Is this what you mean? Is this just the way I'm taking you or am I wrong and reading this into what you have said this evening, or how do you feel about that?

Mrs. Darlin: Like I say, I am only speaking for myself, I'm not speaking for the board. I don't know how many board members would be in agreement with this. But personally from having been as involved as I've been even with the borough since the time it went into effect, I just feel that there has to be some way, and the charter maybe is a method by which we could do it, to resolve some of the blocks we seen to have between the present borough and school board setup. If we have a chance to improve it, I think we should use an opportunity that we have because even the legislature has defined some things, they have resolved some problems and all, but there isn't a school district and borough in the state that isn't still having problems just because of some of the -- like you say, you further define some of them in the charter.

Mr. Parker: Mr. Engstrom wasn't trying to be facetious when he said that we'll have the school board run the borough or something like this. He used words better than that, but he wasn't being facetious when he said that; he felt, I think, that there was a need here for bringing these four parts together and so I think this is one of the directions we haven't tried going in to the extent that your talking about now, but it is certainly a new field and something that ...

Mrs. Darlin: Well, I realize that the points some of you make that it might change the composition of the school board could happen and I would hate to have it happen and have it be detrimental to education, let's say, and yet I wouldn't feel that it would have to be because I just don't feel that anybody, whether they are on the assembly or if they ran for the school board, would run with that idea in mind -- with no interest at all for, say the instructional program, and the school system itself -- only in reducing costs. For one thing, when it comes down to how you are going to reduce costs, you only reduce it so far because operation, plant maintenance, and everything -- there are built-in costs that will never go down, at least with the present economy we have. I think the point will always be reached where the taxpayer is going to demand

a decent educational system which means, then, it's going to take more money because its your instructional program that's going to be the one deciding feature; the rest are built-in -- they are there, take it or leave it, you can't do a dern thing about it. You can do something maybe in your teacher negotiations with your salaries, but even that -- all you do is maintain a happy teaching force because if you don't have that you don't have a school system, which Nome, Fairbanks and Anchorage have found out this year. We were very lucky but I think we did a real good job of communicating and negotiating well. There's just all these things that enter into an education system that I don't feel by changing the setup under which the board is elected and the places they sit are going to change that radically the people that occupy those positions because I still think the public and the parents in general and the taxpayer is going to want to get a good education for the money he spends on education.

Mrs. Norwood: Is there any mechanism where you can appeal the school budget directly to the taxpayers, to the electorate?

Mrs. Darlin: Not under our state law; the borough has the final say so. It never has been any different; before that it was just your city council, so there never has been a provision for anything other than what we have now.

Mr. Craddick: I doubt if you can expect the public to approve substantial increases in school budgets -- you're going to have to look to your elected officials to have the responsiblity to do it. You see this throughout the country; they're cutting. Bond issues aren't passing, school budgets aren't passing, nothing is passing when it goes to the public.

Mr. Engstrom: That's interesting; I don't think I recall or even knew how it happened prior to statehood and the borough. Did the city council have to approve the school budget?

Mrs. Darlin: And the Douglas council; they both did.

Mr. Parker; Even after statehood we had to approve it.

Mrs. Darlin: One year they didn't approve it until July 1 and we were in there beating on Larry's desk!

Mr. Parker: It wasn't Larry's problem about the approval.

Mrs. Darlin: This was it; even if we have the independent school district we still had to have our budget approved by the city or cities that were involved.
Well, I don't have anything else to offer.

Ch. Kline: Does anyone else have any more questions?

Mr. Engstrom: There is a reverse, of course, to what you're saying here and that is that members of the assembly sit as a school board; you have an eleven man assembly, five of them would be the school board. This is the reverse of the school board sitting as the assembly.

Mr. Craddick: It's all the same thing.

Mrs. Darlin: Like I say, there has been proposed legislation for some of the outlying rural areas and so forth, to set up several different ways of doing this where the assembly sits as a school board or the school board sits as the assembly.

Mr. Engstrom: I guess up at Haines or this third class borough that's the way it is.

Mrs. Darlin: Right, but if you did it this way, they would of course have to be designated seats as school board seats. Here then they would have to be doing all their school board work and, like I'm proposing here, if they did they would then still be involved in the borough, too.

Mr. Craddick: I sure wouldn't want to have that setup.

Mr. Engstrom: It's pretty similar to what you're saying. Rather than adding an additional three or four seats from the school board, just have the composite of ... where would your allegience lie, is the question -- are you a borough assemblymen or are you a school board member, or does it make any difference.

Mrs. Darlin: Well, that's a good question; does it? However, I think that you'll find most ...

Mr. Engstrom: I think you would find realistically actually that even if you had five members of the assembly sitting as a school board, you'd find that those five members very quickly aligned themselves with the school philosphy, rather than the borough assembly philosphy -- I think that would happen.

Mrs. Darlin: This could very well be; it is real hard not to have this happen for the reason that with everything that you have involved in education, the people that are going to run for these seats to begin with are interested in education usually, except, like you say, if they are really going to run with the idea that they are going to cut the costs. This is the opposite end of that idea then. You could have them really going over to the pro education philosphy.

Mr. Engstrom: Well, do you find that repugnant -- the idea of five members of the assembly sitting as a school board on designated seats?

Mrs. Darlin: What difference is there -- there is very little difference really from what I was proposing here other than, whether they -- it is the idea of how they are running. Right now they are running for the school board.

Mr. Craddick: There's a big difference between five people out of eleven and two or three out of eleven people.

Mrs. Darlin: Oh yes, that's true ...

Mr. Engstrom: You'd be running for both.

Mrs. Darlin: This is it; there is a distinction here; whether it is made or not, it is going to end up making itself known for one thing that you do have this problem of what they are running for and what their philosphy would be. Right now the people who run for the school board are definitely education minded and of an education philosphy.

Mr. Parker: I'm not quite sure I understand what Mr. Craddick was getting at; Don, you were shaking your head in relation to when we were discussing this five man -- you felt that they couldn't back the work that was put before them?

Mr. Craddick: I think there would be a tremendous difficulty in doing that, Larry, yes; because after all you are talking about half the assembly and somebody has got to do the work. I think that would be one, but what really bugged me was the idea of having half of your assembly proposing the budget that is going to be adopted by the assembly. I don't like at all the idea of the assembly proposing the budget it is going to vote on.

Mrs. Darlin: I would agree with you, Don, on this point. This is where Allan's recommendation that the school board -- I mean just five seats of the assembly be designated as school board seats, say, in opposition to the recommendation I made that either all the board or a portion of the board be additional seats to the assembly. It is an altogether different setup as far as that goes, because I can see your point of the assembly, then, being half school board members and I really wouldn't think this would be good. I'm pro education, but let's be realistic.

Mr. Parker: This is what I'm trying to draw out. I want to get a definite line as to what we are talking about here because frankly, we can be misunderstood from what has been said so far and this is why I want to come out a little bit more. At the moment we are thinking about the budget of the borough with a certain amount set aside for education.

Education is only one of the functions of the borough at the present time and under our new concept of government, it will be only one of the functions of the new assembly. One of a less important degree as all of the other things that this assembly has to do once we bring all the powers into play in one unified body. Maybe I'm not making it clear to you ...

Mrs. Darlin: I follow what you mean; I maybe don't buy it all, but I know what you're getting at.

Mr. Parker: Okay, well, this is what I'm asking you to look at -- this new thing that we are looking at here. You say, well they have 50% or 30%, whatever it happens to be here; now the general operation of the service areas which are going to be part of the unified operation now, they are going to have some terrific budgets in there, and they are going to make the school budget look like it just camein, and they're going to have -- this is why I'm bringing this out, because Don and I are trying to look at this person who is sitting here and even though this one is serving on education, if this other one happens to be serving on utilities, or power, or transportation, or commerce committee, or whatever, he has some very, very broad and important fields to cover, too. I'm just trying to keep this ...

Mrs. Darlin: Is it your feeling then that actually the proposal for school board members to sit on the assembly really isn't or wouldn't be relevant?

Mr. Parker: I'm trying to bring out what you 're talking about. My concepts are already in here.

Mrs. Darlin: You may have a point, Larry, really -- that by the time this goes into effect maybe education isn't going to be that large a portion of the overall borough. Maybe what I'm proposing isn't really necessary.

Mr. Parker: What I'm saying is, Allan is the only one who is sitting here tonight that serves on the assembly and on the council and he is the only one who has all the facts and figures in his mind and can compute these things down to the point of how this would come out if he put all his responsibilities together in one place, add the responsibilities that he would have if he had the responsiblity of the Douglas service area, we'll say; he already has the responsiblity of all the other service areas that are here; so if he could just add the Douglas service area, put that into his computer too, and then see how he comes out in relation to education, in relation to the overall, great big round budget we have and see what part of that pie he

cones out with as education -- I mean, I don't want to base everything on money, because this isn't the way the ball bounces.

Mrs. Darlin: No, I see what you mean there and I would agree with you.

Mr. Parker: This concept is what we have to get at; this new concept of having this all in one place, unified.

Mrs Darlin: Of course, here then, what you are getting over into is where education is no more than a department under the borough and according to the state law right now, this isn't possible.

Mr. Parker: Okay ... I just want to bring that on to the record, that's all I wanted to do. No, because when Don nodded his head I thought we should just explore that part of it far enough to get it on the record that what you just said is true.

Ch. Kline: Thank you very much, Marie.

Mrs. Darlin: Okay ... I really didn't mean to take so much of your time; I was going to breeze in and breeze out and leave it all to you to think about and you may end up where you think none of it is usable at all.

Ch. Kline: We would appreciate any more of those specifics ...

Mrs. Darlin: I will go through and jot notes down.

Ch. Kline: Before we get into the proposed amendments for the first four articles, do you want to explore for a minute the idea of changing our bylaws to meeting the first and third Tuesdays instead of the second and fourth.

Mr. Parker: At the moment, Madam Chairman, Section 1 reads: "Regular meetings of the commission shall be held on the second Tuesday of each month at eight o'clock p.m." Am I reading from the correct set of bylaws?

Ch. Kline: No, that is the proposed one. "Regular meetings of the commission shall be held on the second and fourth Tuesday of each month at eight o'clock p.m."

Mrs. Loken: I move we change the bylaws to read the first and third.

Mr. Craddick: What's the purpose of this, so you can get to the school board meetings.

Mrs. Loken: Just get it on the floor, that's all. There have been occasions when I would have liked to attend the school board meetings.

Mr. Engstrom: I think the reason it was the second and fourth was because the city council and the borough assembly

meet on the first and third.

Mrs. Loken: Oh, that's right too.

Mr. Parker: We had the Douglas council and we had our own city council and the borough assembly.

Mr. Engstrom: So you'd have a meeting on Tuesday, Wednesday and Thursday on those weeks.

Ch. Kline: Hearing no second ...
(Chairman Kline passed around a sheet.)
Article 1 -- unless anyone has anything on the preamble. Stark has something on the preamble.

Mr. Parker: Madam Chairman, before we go too far, for the record Mr. Engstrom would probably like to know he's on the committee ...

Ch. Kline: The committee on representation with Pat Loken as chairman. There is another committee on transition.

Doug Stark has a suggested addition to the preamble. Would anyone like to move its adoption?

Mr. Engstrom: Why don't you read it?

Ch. Kline: It would add the words "in accordance with Chapter 85 of Title 29 of Alaska Statutes", and where he wants that added, I'm not sure.

Mr. Parker: It comes at the end of the preamble.

Ch. Kline: "... do hereby ratify and establish this charter of the City and Borough of Juneau, Alaska, in accordance with Chapter 85, Title 29, Alaska Statutes."

Mrs. Loken: Has anybody had any second thoughts on the legality of the name of the organization?

Mr. Craddick: That is in one of the proposals that I have.

Ch. Kline: And I've got one on it, too. I think the name can be considered on page 1 and be properly considered under Section 1.1, and then if we do change it we automatically change it in the preamble. There are two proposals on the name; one Don's, to change to the City of Juneau, and one mine to let the voters make up their minds on what they want to call it.

Mrs. Loken: (To Mr. Craddick) So you do feel there is a problem maybe...

Mr. Craddick: I don't think there is a problem, no, but it was raised as an objection to the charter and so I'm proposing it as an amendment so that we can consider it and so that

we can tell the electorate that we did consider it and that the concept is rejected and I put in there one of the reasons to eliminate any problems there may be. I personally don't feel there are any.

Mr. Parker: Mr. Craddick, what would you think about actually putting this before the voters as an advisory ballot in the next general election?

Mr. Craddick: Ginny's? (yes) It sounds fine; I'm a little concerned about having three choices. It seems to me if we had two choices it might be a little better because that way we'd have a clear majority. If we have three choices we may have the name of the municipality being decided by 33% of those who vote which would be less than ...

Mr. Parker: I didn't mean to have it that meaningful; I meant to have an advisory ballot ...

Mr. Craddick: I think it's fine.

Mr. Parker: The borough assembly is capable of putting out an advisory ballot on any subject they want to.

Mr. Carddick: Oh an advance advisory ballot ...

Mr. Parker: Advance advisory ballot. In other words, any problem which we have which we find here before October, merely putting out an advisory ballot and letting the people show what their ...

Mr. Craddick: I don't think so. I think I would rather concentrate my efforts on passing the charter and I would rather just give the opponents to unification one more shot at it, which is when they have to vote on the charter. Every time we give them a vote on anything the opponents to unification are just going to come out and scream, scream, and pretty soon the public is going to be brainwashed even more than they were before. So my reaction would be no, no sample ballot on this, but the idea Ginny has of putting it up as a choice of name to the people when they ratify the charter, that sounds pretty good.

Mr. Parker; I had no feeling either way on this; we've used the advisory ballot in Juneau for years and sometimes it has been meaningful and sometimes meaningless.

Mr. Engstrom: Madam Chairman, I would move that there be an advisory ballot at the time of the ratification and election, with the choice between the City and borough of Juneau and the City of Juneau.

Mr. Craddick: Second. What you're doing, Allan, is recommending Ginny's proposal with (b) eliminated, is that right?

Mr. Engstrom: Yes.

Mr. Craddick: That is what I second.

Ch. Kline: This would be at the time of election on ratification of the charter.

Mrs. Loken: Madam Chairman, I'm no soothsayer, but I can almost guarantee the outcome of that one; in fact, I would be willing to put money on it right now.

Mr. Craddick: What?

Mrs. Loken: City of Juneau ... I think there was a great deal of objection to the City and Borough of Juneau. I don't know whether it all came from the vocal opposition or not, but I talked to an awful lot of people who just didn't see any purpose, even when we discussed the legal ramifications .. they just ... I'd almost be willing to let them choose between (b) and (c), the City of Juneau-Douglas and the City of Juneau.

Mr. Grummett: (To Mr. Engstrom) What is your reason for eliminating (b)?

Mr. Engstrom: I think Don's thought was valid, that if you have three you wouldn't get a majority for any one necessarily.

Mrs. Loken: I agree with that, but I see no point in having them choose between (a) and (c). I think we're wasting paper.

Mrs. Norwood: I think there are more pressing choices on other areas of the ballot where people will be more interested in making a choice than in this particular spot. It seems to me ...

Mrs. Loken: Well, except that this is an emotional sort of decision that they like to be able to decide. I don't think it's so bad.

Mr. Craddick: How about (b) and (c)?

Mrs. Loken: I think they have a better choice with (b) and (c).

Mr. Craddick: I don't think anybody really gives a damn about the name borough in there really...

Mr. Parker: I move to amend the motion on the table to (b) and (c).

Mrs. Loken: Second.

Ch. Kline: That would be the City of Juneau-Douglas, and the City of Juneau. Is there any discussion ... any more discussion?

(none) Pat, would you call the roll?

Mr. Craddick: How about just without any objection?

Ch. Kline: Is there any objection? (none) Is there any more discussion on the main motion? (none) Is there any objection to the main motion?

Mrs. Norwood: Well, I would speak against the main motion, Madam Chairman. I still feel -- it seems to me that we could come to a decision on this matter without bringing it to the electorate as a separate issue.

Mr. Craddick: We could, but we should face one fact and that is although we didn't like it, and although we didn't appreciate it, thought it unfair and unwise, we had an emotional argument thrown at us.

Mrs. Norwood: I agree; but I do feel that the same emotions will be there and the fewer issues we can raise the better off we'll be when the charter comes up for election.

Mrs. Loken: I feel almost the opposite; if they can (unclear)...their decisions on these two items then they are going to go for the charter. I think this gives them a chance to say, I can pick the name and it gives them a little more involvement and I think we sort of decided that it is going to be -- it may not even be legal to split the charter actu.... and I don't even know if this comes under that or not, but we've had some discussion about allowing them to vote on sections of the charter and have sort of decided that legally we should stay away from this. I don't think that this would hurt the charter, if we threw this in as a separate vote and I think it would -- I would be in favor of it.

Mr. Craddick: Certainly those who fear their loss of identity would not be able to attack us and say we have taken their identity away from them; they would be talking about the electorate who would be deciding, if they have an argument to make they can make it to the electorate; rather than criticising they will be making an appeal.

Mrs. Norwood: Are you saying that we have no other choice to offer them; this seems to be what you seem to be saying.

Mrs. Loken: We had alot of discussion, Jean, on the fact that it says we shall present a charter and there is no provision in 134 as to presenting various facets and possibilities to the electorate. Several times we have brought this up and several times have decided to stay away from it for that reason, because possibly it could get tangled up legally afterwards because it was done that way.

Mr. Craddick: A name wouldn't have that ramification, really.

Mrs. Loken: No, I don't feel that that would be a problem.

Mrs. Norwood: Well, this is one of the things I was thinking. I had heard much discussion on the possibility that we should for instance put up alternative methods of representation before the voters and let them decide how representation was to be done. This seems to me to be a much bigger and pertinent issue, because is seens to me the post office almost will decide what the city is to be called; it's a matter of practicality. These other things are things on which the voters feel quite strongly and rightly so.

Mr. Craddick: Going along with what you say, I would dearly love to see us to put up to the voters two choices: at large representation or a conbination -- I think that would be great. I don't know if we can do that or not.

Mrs. Norwood: I have thought of this, because I think this is very pertinent and some place where a majority opinion would have real meaning.

Mrs. Loken: As I said, this has been brought up many times.

Ch. Kline: Is there any more discussion?

Mr. Craddick: Yes, just one thing. Let's say we adopt this one, Jean, to put ~~it~~ in this choice. If in going through we decide to do this on representation and a couple of other things, and if when by the time we are through we find we have an unwieldly number, we can always go back and eliminate some of them -- we are not bound by what we do now. This is one that would obviously go out as being less important than some of the others if we have that many. But if we end up with only two or three I think that would be okay.

Mrs. Norwood: Well, I would go along with that thought but I hate to limit ourselves by putting this choice up.

Mr. Parker: We do have a new ball game and I didn't realize it until just now. We do have new players and while the rest of us sit around here with the old ground rules all down pat and we have stamped over back and forth and every which way, still we have a new member on the team, so this is understood when we start out here that we have a chance or an opportunity later on of going back and re-evaluating. Now Don has said 1,157 on the record, we are not going to re-evaluate everything we do every time, but there are these large choices, as she has just pointed out here, that we can go back and re-evaluate in the future, take another look at -- that these actions are so called not absolutely binding upon the body. We want to make them as binding as possible and we've all

agreed to this as ladies and gentlemen and the final writing is where we put our John Henry to what is going in and prior to that time we have all had an opportunity in the past to get up and say how we felt about things that we had actually taken action on before. Is that an unfair statement, Don?

Mr. Craddick: No, quite accurate. In fact, there were actually some changes made at the last.

Mr. Parker: Right.

Ch. Kline: Are there any objections to the motion now?

Mr. Engstrom: Yes.

Ch. Kline: Would you call the roll please, Pat?

Secretary:

Mr. Parker	Yes
Mrs. Norwood	No
Mr. Grummett	Yes
Mr. Craddick	Yes
Mrs. Loken	Yes
Mr. Engstrom	No
Mrs. Kline	Yes

5 yes, 2 no.

Mrs. Norwood: The reason I voted against it was because, as I said, I don't feel this is the pertinent issue and too, on this particular one I felt the vote should reflect a certain amount of dissension.

Mr. Engstrom: I move that the name be the City of Juneau.

Mr. Craddick: Second.

Mrs. Norwood: Madam Chairman, may I ask another question? I haven't read the bylaws, in fact I don't have the new copy or any copy of the bylaws of our commission. Do we have to adopt each resolution ...

Mr. Craddick: Everything by six.

Mrs. Norwood: By six?

Ch. Kline: By six, yes.

Mrs. Norwood: Well, this I didn't understand.

Mrs. Loken: That is in Section 134; that's our enabling legislation, that's not in the bylaws. This is a state statute.

Mr. Craddick: That's another thing you probably didn't know -- you

can change your vote if you want to, but you should do it right away -- not come back two hours later.

Ch. Kline: Before the vote is announced ...

Mrs. Loken: Yes, the only time she can change it is before it is announced.

Mr. Craddick: I see -- well, she didn't know that. Knowing that now, do you wish to change your vote on the last one?

Mrs. Norwood: Well, yes ... I will change my vote, then, on this last one. The fact that we must have six people voting on each issue, agreeing on each issue, when we meet in a quorum that has only six it means we must agree unanimously.

Ch. Kline: Yes.

Mr. Craddick: Do you have a copy of the enabling legislation for the commission?

Mrs. Norwood: I don't think so.

Ch. Kline: Larry is making copies -- he can do that, too.

Mr. Craddick: Okay, so as I understand it the choices are City of Juneau-Douglas and the City of Juneau, am I correct?

Ch. Kline: Right.

Mr. Engstrom: I understood the motion on the floor, seconded by Mr. Craddick that it be the City of Juneau.

Mr. Craddick: Well, Jean didn't realize that she could change her vote and if we had told her ahead of time, obviously she would have done so because she gave the reason for voting no and if she had known she had to change her vote before the vote was announced she would have done so ...

Ch. Kline: ... or that it took six to pass on it.

Mr. Craddick: Now that's in the preamble too, isn't it?

Ch. Kline: Yes. Obviously the dates have to be changed in Section 1.2, but I don't see any point in doing that now. We will want them to be on the last day the borough is in existence and until we set a date for an election and set a date of transition we won't know. I don't envision the borough boundaries changing at this point, but ...

Mr. Craddick: Maybe we ought to establish a committee right now, Madam Chairman, for -- a cleanup committee or some thing; somebody should be keeping record of these various things we are going to have to go back and clean up because probably we are going to find several of them. Maybe I'm wrong; or maybe you can do it as chairman.

Ch. Kline: Yes, I think I can follow this.

Are there any other amendments to Article 1? (none)- Article 2; are there any? (none)
Article 3. With the committee studying representation I don't think we should take any votes at this point, but I think if there are any other suggestions, other than the ones that have been mentioned so far, they should be brought up now to give the committee something to go on.

Mr. Craddick: I have one I think we'll all agree on. I move that in Section 3.15(a), which is found on page 8 of the charter, the word "impose" be changed to "determine".

Mr. Parker: Second.

Mr. Craddick: The reason for the amendment is that as it was quite properly pointed out by many people, my semantics in this was quite wrong -- the courts impose the penalties; the assembly prescribes or determines the penalty. We knew what we meant and there never would have been a legal problem had this passed, but we should certainly clarify it and make it correct now.

Mr. Parker: It still leaves one question for Mr. Engstrom and Mr. Craddick in that Doug Stark proposed"prescribe" and I was wondering what you thought of his proposal.

Mr. Craddick: I think "prescribe" is much better, because determine sounds sort of like courts too. Let's amend the motion, change "impose" to "prescribe".

Mr. Parker: Agreed.

Ch. Kline: Is there any objection to the amendment? (none) Is there any discussion on the motion? (none) Is there any objection to the motion? (none) So ordered.

Mrs. Loken: I just wanted to point out that Doug has alot of other things here that do not -- although they are in Section 3 -- don't relate and the representation committee will be considering those.

Mr. Craddick: I have another one, too. On Section 3.4(b) which is found on page 3 of the charter. I move to change the term of office from two years to three years.

Mr. Grummett: I'll second it.

Ch. Kline: Is there any discussion?

Mr. Craddick: At first I was inclined to go along with two years because I felt it called for responsibility of the voters more often, but on reflection I feel that the three years has alot going for it. First, it is the same as the school board term which certainly shows that we are not going to have any difficulty getting people to run for the three years; second, it gives enough time for a person to find out what is going on; thirdly, it doesn't cost them as much to run for office. On reflection, I think it has more merit than a two year term.

Mrs. Norwood: What were the objections to a four year term?

Mr. Craddick: Too long; we have a population that is somewhat transient and four years is just a long time. There may be other objections, I don't know; that was my objection.

Mrs. Loken: At one time the school board was five years; it seems to me it was two years ago that they dropped theirs to three years because nobody was serving the full five years, or very few of them. They were three, so the discussion here was mostly two or three; three seems reasonable.

Ch. Kline: The Chamber recommended this, Mike; did they -- they said to save money on elections. Is this what they meant? campaign money? You'd still have an election every year.

Mr. Grummett: I think they were mainly interested in having it the same as the school board term -- I think that was a part of it though; the fact that they didn't think they could get their ideas formulated and be able to do something in two years and two years would give them a better chance to be effective and four year would be a little bit too long.

Ch. Kline: They realize that you still have an election every year with a three year term. You wouldn't save any cost of municipal election.

Mr. Grummett: No. Anyway I can think of more reasons than just that and I'm sure that they would agree.

Ch. Kline: Is there any more discussion? (none) I there any objection? (none)

I think Doug has some other ones.

Mr. Parker: On page 3, (Ginny had one on 3.3 - mayor/assembly elected or appointed from individual districts).

Mr. Craddick: That goes to representation.

Mr. Parker: Good enough. That age was 21, I didn't know ...

Mr. Craddick: Did we pass that, Ginny?

Ch. Kline: No, we haven't discussed that.

Mr. Parker: Doug thought we should go to 21 years on that.

Mr. Craddick: Is anybody moving it?

Mr. Engstrom: Didn't the state go down to 18 this year? Oh, that's going up before the people, that's right.

Mr. Parker: Oh, that goes to referendum? I didn't realize that.

Mrs. Loken: It's a constitutional change. I still think our argument for 19 is a good one. (Mr. Craddick agrees.)

Mr. Parker: I'm willing to leave it at 19 myself. If somebody wants to get elected let him go to it.

Ch. Kline: Doug also has another one: "Candidates for any seat can only run for one seat in any election. Assemblymen may not run for another assembly seat unless their term of office is expiring."

Mrs. Loken: I thought that is what we said.

Ch. Kline: The only thing we state specifically is concerning the seat the mayor seeks.

Mr. Craddick: Well, that goes to representation, too. What he has in mind I think, are designated seats if we have them.

Ch. Kline: I thought he had in mind a candidate running for an at large seat and a designated seat. From a legal point of view do we need both sentences -- wouldn't the first sentence cover it? No, I guess not.

Mr. Parker: I thought we had something like this in the beginning and then we chose to leave it out for some reason or another.

Mr. Craddick: That's 3.4(c) -- that's what we came up with.

Ch. Kline: Then on page 4, Section 3.6(b), add after second sentence: "If a majority of the assembly cannot agree on a candidate within 30 days a special election shall be held to fill the vacancy."

Mr. Engstrom: With your permission, I'm going to a city council budget meeting.

Mr. Parker: There again, we come up with things here that are good ideas and again we could turn to what Marie said this

evening, they are good ideas that might be reflected in ordinance form. If we are going to lean toward brevity, I can see them expressed in ordinance form.

Mr. Craddick: How this is one where it could be: "A vacancy in the assembly shall be filled as the assembly prescribes by ordinance." We eliminate a whole paragraph.

Mrs. Loken: I'm in favor of that.

Mr. Craddick: Let's work it out right now. I move that Section 3.6(b) found on page 4 of the charter be amended as follows: Strike the entire section (b) as it now reads and insert in its place one sentence as follows: "The assembly shall by ordinance provide for the filling of vacancies on the assembly -- provide the manner for the filling of vacancies on the assembly."

Mrs. Loken: Second.

Mr. Craddick: (after deliberation) ... let's leave off"for the manner".

Ch. Kline: "The assembly by ordinance shall provide for the filling of vacancies on the assembly." Do we still need that last sentence, "notwithstanding section, etc...." Because according to our quorum requirements, they can't act.

Mr. Craddick: But wouldn't they take care of that by ordinance? Wait a minute -- they can't amend the charter by ordinance; so I guess we do need that last sentence. Is that okay with you, Pat?

Mrs. Loken: Yes.

Ch. Kline: Is there any discussion on the motion? (none) Is there any objection to the motion? (none) Then it is approved unanimously.

Mr. Parker: For the record, there are still six members present.

Mr. Craddick, I see no reason for re-arranging those categories ...

Mr. Craddick: No, I don't -- they're all equally important; that is to say, they have equal weight as reasons. Just because 2 comes after 1 doesn't mean it is any less legal implication.

Ch. Kline: Then on page 6 he suggests changing required meetings from one to two. 3.13(a) 3.12

Mr. Craddick: How many meetings does the assembly have?

Ch. Kline: They are only required by law to have one every three months.

Mr. Parker: They go far beyond.

Mr. Craddick: We don't have anything in the charter, do we, that limits action by the assembly to a regular meeting? (no) Well then, I don't think there is any reason to change this.

Mrs. Norwood: This says at least one -- they can have as many regular meetings as they want.

Mr. Craddick: That's right; I think this is a classic example of leaving it up to the assembly to do what they want. This just says they can't have any less than one. Doug evidently wants it to be no less than two but I think one is fine if they can get away with it.

Ch. Kline: Now, it seems this one on page 9, 4.3, has to do with changing the number of members on the assembly, so that this 5 to 6 is just to conform to a quorum. Unless someone has another amendment, that's all we have on the first four articles except the many dealing with representation.

Mr. Grummett: What did you do with Section 4.3 -- you referred it to representation committee?

Ch. Kline: This is more style and drafting than anything else -- if we change the number of members on the assembly, we'll just have to go through the charter changing fives to sixes.

Mr. Parker: "An ordinance may be presented for consideration only by a member or a committee of the assembly or by the manager at any regular or special meeting of the assembly." I'm reading on page 11, Article 5, Legislation, so that the record will show that we actually considered that in relation to these so called regular meetings. I was afraid that we had shaded that to a regular meeting.

6.3

Ch. Kline: Plus the fact we don't prohibit the assembly from scheduling more than one regular meeting a month. If there are no other amendments would you like to be excused, Mr. Grummett, and maybe we can sit and discuss for a few minutes informally methods of representation.

Mr. Grummett: I would appreciate that.

Mr. Parker: Well, officially, then, the body is adjourned?

Mrs. Loken: I move for adjournment.

Mr. Craddick: Second.

Meeting adjourned at 10:04 p.m.

Respectfully submitted,
Pat Cunningham
Pat Cunningham

Meeting #5, Second Session, Greater Juneau Charter Commission
June 10, 1969

Meeting #5 of the Second Session of the Greater Juneau Charter Commission was called to order by Chairman Virginia Kline at eight o'clock p.m., June 10, 1969, in the offices of the Greater Juneau Borough. The following roll call was taken:

Mr. Parker	Present
Mrs. Norwood	Present
Mr. Craddick	Present
Mr. Schmitz	Present
Mr. Grummett	Absent
Mrs. Loken	Late
Mr. Machyowsky	Excused
Mr. Russo	Present
Mr. Halsted	Excused
Mr. Engstrom	Absent
Mrs. Kline	Present

Mr. Parker advised the chairman that the council was working on the budget that evening and possibly Mr. Engstrom was in attendance there.

Ch. Kline: We have one set of minutes of the meeting of May 27, 1969, for approval tonight. In your folders you should all have a copy of the 2nd meeting, May 20, 1969. By our next meeting, two weeks from now, you'll have this meeting's and last meeting's. Are there any additions or corrections to the minutes of the meeting of May 27, 1969?

Mr. Parker: In the absence of the quorum of people then present, I suggest delaying any action on the 27th at least.

Ch. Kline: We will defer action on the minutes until next time, when we should have four sets of minutes for approval.
Is there any correspondence? (none presented)
Are there any announcements? (noue presented)
(The chairman noted that the folders contained a copy of Greater Juneau Borough Ordinance, Serial 69-20, but she did not know why it was distributed to commission members.)

Mrs. Norwood: I understand that the transitional committee will meet tomorrow night at Mr. Grummett's office; 7:30 p.m.

Mr. Russo: We were hoping that Mr. Grummett was here so that we could ask for a postponement of the meeting of that committee, or at least talk it over with him to see if we can change the time or the date.

Mr. Parker: One of the people on the present city council has stated that once this business with the budget is out of the way, he considers the first order of business to be the consideration of transitional measures that will be supported by the Juneau City Council, and for that reason I was wondering if we can coordinate our operation with them a little bit. He pointed out they would like to see the liabilities and assets of the city actually put out on a sheet and the council make up their mind as to

what they feel is fair and just in the transfer of these. We don't have to rely on that completely, but on the other hand, as a member of the committee I would certainly want to know their wishes.

Ch. Kline: I don't think the committee can get through its work in one night, so I am sure there would be time and I'm sure the committee would be interested in any cooperation from the city council. I suggest you call Mr. Grummett, Guy, for a postponement.

Article 5 is Legislation, on page 11; are there any amendments to Article 5?

Mr. Parker: I notice on page 12 we have emergency ordinances in here and I am trying to remember and recall from the discussions that were held whether there was any fault found with emergency ordinances in themselves, or just with the emergency creation of service areas. I know the word "emergency" was mentioned quite often but I think it was in connection with the creation of service areas.

Mr. Craddick: Right; that's what I recall.

Mr. Parker: I can't remember anything having to do with any of this article, (pages) 11 through 13.

Ch. Kline: Page 12, Section 5.4: "Emergency ordinances shall not be used to levy taxes, to grant, renew or extend a franchise, to acquire or dispose of property, or to regulate the rate charged by any public utility for its services."

Mr. Schmitz: Was this one of the issues raised?

Mr. Parker: I don't believe it was. I was trying to clear the record here, Bill, and I know this business of emergencies came up but I think it was entirely in relation to the service areas. You see, they were all worried -- that phrase in there "to acquire or dispose of property" limits you in what you would be doing as far as emergency service areas even. I can't see any needed change in this.

Mr. Schmitz: They would expire anyway after ... amount of time.

Mr. Parker: That's right.

Ch. Kline: Article 6, Elections, starts on page 14.

Mr. Craddick: Before we go further, in case you were wondering what that service area ordinance was, it is Section 11.3 which is found on page 33.

Mr. Parker: Doug (Stark) had some suggestions to offer in relation to Section 6.3. He wants qualification under the state law,

etc., in qualification of voters, and then he thought we should leave out number 2 and number 3, leave number 1 and leave number 4 and count that as number 2.

Mr. Craddick: Not leave number 1 -- just replace 1, 2 and 3 is what it amounts to, isn't it, Larry?

Mrs. Kline: Change No. 1 to "qualified under state law to vote in state elections". Also it would take care of it if there is change in the age from 19 to 18. Would somebody like to move that?

Mr. Parker: I'll so move ...

Mr. Craddick: Second.

Mr. Parker: ... and ask unanimous consent.

Ch. Kline: Are there any objections? This would be on page 14, Section 6.3, No. 1 would be: "qualified under state law to vote in state elections", 2 and 3 would be eliminated and 4 would be re-numbered 2. Do we need "under state law"? The phrase we've been using is "by law"; "qualified by law to vote in state elections" ?

Mr. Craddick: I wonder if you even need that, just say "qualified to vote in state elections".

Ch. Kline: Are there any objections to deleting "under state law", so it would read "qualified to vote in state elections"? (none)

Mr. Parker: Mr. Stark also suggested that 6.6 on page 15 be changed; change "designated" to "area"; add at the end of the first sentence "except that the two candidates for the at large seat in the October, 1969, election receiving the largest number of votes shall be declared elected".

Mr. Craddick: Shouldn't that go in transition?

Mr. Parker: That's what I thought, too. But I wanted to make sure we covered all of these things as we went along.

Mr. Schmitz: Is October a magic date?

Mr. Parker: It was as far as Mr. Stark was concerned because Mr. Stark has re-dated the (words unclear) ... and for that reason it was.

Mr. Craddick: Several of Mr. Stark's suggestions have been referred to the representation committee, so why don't we send this to transitional because that does seem to be the logical place for it. There is a transitional provision on elections.

Mr. Parker: This one and his next suggestion I think could go to committee. His next one is changing the number of election districts and that goes to representation.

Ch. Kline: Okay; Section 6.6 to transition, then, and 6.7 to representation.
He doesn't have anything on 6.1, though.

Mr. Parker: I realize that and I think he possibly omitted it when he was making up his notes, because that is going to have to go to committee anyway.

Mr. Craddick: Why, is there some problem with it?

Mr. Parker: Well, actually, of the two committees we have at the present time it probably wouldn't appear in one of those -- you're right, Don.

Mr. Russo: I don't recall any problem during our hearings.

Ch. Kline: I think the only problem would be if under finances we change the budget time, then I think we might want to go back and look at the day of our election.

Article 7 is Initiative and Referendum.

Mr. Parker: I don't recall discussion on any changes in this article; Mr. Stark didn't make any changes in this, nor did I find anything in Mr. Craddick's.

Mr. Craddick: Most of the things that I presented were things that I had picked out as objections that either had sufficient merit to be considered. I don't recall any objections to some of the articles we had in here and that was one of them that seemed to be fairly acceptable to people.

Ch. Kline: Article 8 is Recall ... (no changes suggested)
Article 9 is Financial Procedures.

Mr. Schmitz: May I ask why we put in the charter, for example 9.2(b): "Upon submission of the budget the capitol program and message (?) shall be of public record, available for public inspection." My question is, why do we have, "and for distribution at such reasonable price as the assembly may direct".

Mr. Craddick: I can't speak for everyone else, but my own feelings were that the assembly does not have to charge anything, it is permissive, but they should be able to do so because it is conceivable that a document such as the budget or some of these other things like ordinances and we have the same provision in ordinances, could be requested in

such numbers that it could be a significant financial outlay. An organization, for instance, could come in and instead of just asking for one to study could ask for thirty of them.

Mr. Schmitz: As far as that goes, all we are saying here is they are available for public inspection ...

Mr. Craddick: ... and for distribution, at such price, but the assembly doesn't have to set a price. For instance, they can say we'll make up 100 free, but after that anybody who wants one will have to pay a buck, or something like that. I just didn't want the assembly to be put in a position of having to put up a thousand copies of something for free; they should at least have the power to say they want to charge for it if they did.

Mr. Schmitz: Don't they have the present power to do it anyway? It isn't that important; I'm just saying why do we put this kind of stuff in the charter. If we are trying to shorten it certainly we can get rid of such things as this that would be left to the discretion of the assembly to handle the problem.

Ch. Kline: I think the distribution part could be in there because there has been a question in the past over getting copies of things like this. I don't see any reason why that last part can't go out.

Mr. Craddick: If you are going to obligate them to distribute ...

Mr. Schmitz: All we are doing is saying they shall be available for public inspection, that would be the simplest.

Mr. Craddick: If we leave it at that, okay, but once you put in the mandatory duty to distribute then you raise a good question as to whether or not the assembly can tack a price on unless you authorize them to do so, I think.

Mr. Parker: I know you have to be particularly careful. Most of you remember we had the Citizens for Sound Government at one time which was a powerful group in this community, and they made very dramatic demands upon city hall during their heydey for reams and reams of material. I had my people actually working night and day to not only copy, but to keep up to date and assemble the budget, because they demanded budgets on a daily basis. Each night the council worked on the budget the following day they would come in and demand thirty copies of the budget for their people. This gets to a point where it becomes a heavy financial drain upon the -- it became a drain upon us because frankly we didn't have the manpower to put a new

budget out after every working night of the council and still do our regular daily chores. We asked the council what we could do about this, but they didn't see fit to do anything about and they said simply give the people what they wanted.

Mrs. Norwood: If it is available for public inspection, the ease that we have now of copying things like this, if they wanted it badly enough they could ....

Mr. Craddick: That isn't quite right either because you'll find oftentimes that the state has records available for public inspection and it would be the easiest thing in the world to take it to your office and Xerox it, but by golly, they won't let you.

Mr. Parker: They will copy it for you at ten cents a page and this price is exhorbitant ...

Mr. Craddick: Ten cents a page is nothing; in the courts it is 25¢, 50¢ and $1 a page.

Mr. Parker: This is true, but I am saying that there are alot of times around town they will charge ten cents a page for copying material. I've had this problem myself of going to the city and asking them for a budget, and its ...

Mr. Russo: What's your charter say?

Mr. Parker: Well, the charter doesn't ...

Mr. Russo: That's where it is all at ...if the charter doesn't spell it out that you have to make it available to them as long as you have a copy there for public inspection, you can go one step further and have a copy available for a group -- it's up to your governing entity. I agree somewhat with Bill; if your governing entity says well, we can afford to go ahead, you go ahead. If you can't afford it you have a copy available for a group and if they want to make copies of it, there it is, take it down and have it xeroxed. I don't think its any big problem. It all depends on how rich they are at the time; they may want to give 1000 away and yet they may only want to give one away and tough luck to the rest of them.

Mr. Craddick: It doesn't hurt anything to have it in and it is only about six words to take it out and I don't think we are going to save space in the charter by taking six words here and six words there, but I think we will save space in the charter if we eliminate a whole paragraph like we did last time on one section -- that's the way to do it.

Mrs. Norwood: But some of this detail here, if you eliminate it you sort of neaten the thing up and make it a little tighter document.

Mr. Schmitz: It struck me as, why do we have this in the charter; that's the only reason I brought it up. It seems to me we've got bigger things to think about.

Ch. Kline: Hearing no motion ...

Mr. Parker: I'll move that we direct within the charter that this/(the budget) be published in the paper. In that way everyone gets a copy and there's no ...

Mr. Schmitz: Can we publish it?

Mr. Parker: This is exactly why I brought the question up, because I don't think you can. It is a live document and with all the changes and everything ... I'm trying to get this thing on the floor; if I can't get a second ...

Mr. Craddick: I appreciate your doing that, but this seems to be a reasonable way of handling it here. I might add one other reason, Bill, for having this in. In several of the model charters that we looked at, language like this was not rare so we adopted it; in fact it was quite general. That's no blanket magna carta, but it does show that it's pervasive.

Mr. Schmitz: In Section 9.8; here again, going back to this early approval by February 15. Is there any reason why the capital program should be tied into the regular budget as far as approval by February 15 which has nothing to do with the signing of contracts by teachers?

Mr. Craddick: I don't recall any specific discussion other than that in the model charters we looked at which went into this, did have the two submitted together. The general idea seemed to be that there was no reason to consider them separately since financially they are all tied to the finances of the community.

Mr. Schmitz: The only thing I'm saying here -- "The assembly by resolution shall adopt a capital program by February 15. If it fails to do so, the capital program submitted by the manager shall be deemed adopted by the assembly." I can see no reason why this should be tied into the February 15 date of the regular budget. That, as I understand it, is set so early because of the school problem. The capital improvement program isn't necessarily tied into the signing of school teachers.

Mr. Craddick: Isn't part of the capital program in your budget?

Mr. Schmitz: Part of it, yes.

Mr. Craddick: Well, I think that's probably the reason for it.

Mr. Schmitz: Excuse me here -- I'm probably thinking about the six year -- it's a six year program.

Mr. Craddick: Ah, now that is not ... I agree with you; that's a horse of a different color.

Mrs. Norwood: In 9.4(a)(3): "Capital improvements pending or proposed to be undertaken within the ensuing fiscal year shall ..." apparently be adopted; so you have to at least adopt that much of the capital program.

Mr. Craddick: That seemed to me to make sense, to have them both at the same time, that much ...

Mr. Schmitz: The other is just planning. Okay, I stand corrected.

Mr. Parker: The way we are working this year ... generally we call this, a capital improvement program, a six-year (word unclear), and then we call this the annual capital program, but ...

Mr. Craddick: Doug Stark has one here, Section 9.3.

Mr. Parker: I din't have a chance to talk to him about this particular one either. "The budget shall be a complete fiscal plan for all the operations of the municipality ..." and then he wants to exclude the next phrase, and it would go on to read, "... showing all reserves, all estimated revenues from all sources and all proposed expenditures for all purposes", but he wanted to omit, "including the educational function". As you see, later on he develops this as he goes along and he takes the educational function out of this budget. And what his point is ...

Ch. Kline: I don't believe he's taking it out of the budget, he probably wonders why we're singling out the education function where when we get all these muncipalities together and put them in one budget, the education isn't going to be 60-70-80% of the total budget, it's going to be a much smaller percentage, and why single out one function that's a small percentage.

Mr. Craddick: I can give you a very good reason; because if we don't we are going to have our tight little empire over here that is going to be squaking, objecting, bitching and moaning, just like they are doing now and I think it is a very good reason to have it in. Because whether it is 80%, 60% or 50% or 30%, education is education and they think they're God and sometimes they are, and as you know I'm the strongest defender of them on the charter commission, but by God, things have got to come to a screeching halt sometime. The assembly, as far as I am concerned, is the one that controls the purse strings for education.

Mr. Russo: They are the ones responsible for seeing that money is raised for it.

Mr. Parker: Guy didn't have an opportunity to go through the last meeting with us in which we delved into this quite deeply, but I think the reason we put it in here was because of the fact that this was the one function that was left out of the corporate budgets that we have at the present time. In a way it is in the budget of the borough, but it isn't -- it is a separate budget and it is treated as a separate budget even by the borough, even though it is funded from the general fund budget of the borough. So I think, at least my reason for including the educational function as such in here was simply to make sure that there was no question about it in anybody's mind.

Mr. Craddick: Not only that but to see that we had a comprehensive picture.

Ch. Kline: But then the service area budgets are also presented as separate ordinances, although it is all in the same package.

Mr. Craddick: Now just a second ... is the service area submitted as part of the budget.

Ch. Kline: Yes; service area budget.

Mr. Craddick: All right, but that's not part of the general budget, but the education function is.

Mr. Schmitz: Oh no, it would be part and package of the whole thing; a different assignment of the costs but it would still be part of your borough budget, which leads us to the next question -- where does the hospital come in on this?

Mr. Craddick: That's not mentioned one way or another.

Mr. Schmitz: I know; but has enough thought been given to the whole thing. In other words, getting back to this December 1st.

Mr. Craddick: Well, I think it's in here. I think the hospital is clearly covered.

Mr. Schmitz: The point I'm trying to make ...

Mr. Craddick: ... don't you, Bill -- it says all municipal functions.

Mr. Schmitz: Right, but I'm wondering if it always applies ... (portion unclear)... you say submit your budget by December 1st and for a period that starts seven months hence and runs for a period 19 months hence ...

Mr. Craddick: The first time ...

Mr. Schmitz: No, no -- any time that you're working the budget. The start of the year is July 1st and goes to June 30th and you have it prepared by December 1st of this year for a period that runs 19 months ahead.

Mr. Craddick: I don't follow you there. It seems to me that the first budget prepared may run into this year and a half difficulty, but every budget after that is going to be ...

Mr. Schmitz: ... the point from which you have submitted your budget 'til you have finally made your last expenditure that apply to that budget is 19 months, from December 1st. The hospital is a different operating entity that the rest of them; here we are working with appropriations and expenditures. Now a hospital is just like a business; they are working with revenues they may or may not earn and it is beyond their control to a certain degree how much they are going to earn. If they are real busy their expenditures are going to go up, they can't help but incur more expenditures. So you have to have a little more flexible approach to it, I would think.

Mr. Craddick: Again, I'm willing to give the assembly the power to allow leeway, but I think the concept, just like (covered)

Mr. Schmitz: Is there any reason why the hospital couldn't be an exception as far as this budget goes?

Mr. Craddick: Why should the hospital be an exception if the schools are not? Maybe the schools should be, too.

Mr. Schmitz: Actually the whole budget is an exception to comply with the schools' problems really when you get a December 1st date; surely it is not a real practical date for projecting ahead on what's going to happen. The longer you can wait the better idea you've got on what's going to happen at that point.

Mr. Craddick: This concerned me, too, and that is why we questioned the city manager and he says no problem, and Overstreet said the same thing, no problem. That concerned me too; what are we doing to these people if we tell them ...

Mr. Schmitz: What about the hospital? If we could refer this section to Jack Scollard and see if he could anticipate any problems relating to this thing.

Mrs. Norwood: It doesn't seem to me that you would have any jurisdiction unless you were going to set hospital rates in the budget and this kind of thing. Otherwise you just project expected revenues and expected expenditures, and this is all you can do.

Mr. Schmitz: I know, but have we given enough flexibility in here to handle that situation.

Mr. Craddick: I think so; you can have supplemental budgets -- emergency budgets.

Mr. Schmitz: Would it mean anything, really.

Mr. Craddick: You must be talking over my head; I can't quite come to grips with the problem here.

Mrs. Norwood: You don't have to spend all the money that you appropriated in the budget.

Mr. Parker: In a way, I feel much like Don does. We are talking about something that Bill knows a great deal about and it is certainly a tender part of this whole charter. I just wonder if we shouldn't "committee-ize" this thing and see whether we can come up with some different thoughts on it.

Mr. Russo: I think the hospital director, Mr. Scollard, is acquainted with the budget, this section of the budget, and if he had anything that worried him in the charter itself I'm sure he would have been down here or got Mr. Charney to intercede for him somewhere along the line -- I might be wrong; he might not be aware of it.

Mr. Schmitz: All I say is why not play it safe; why not check with him.

Mr. Craddick: Good idea.

Mr. Russo: There was no one from the hospital or the borough who came to us or ...

Mr. Schmitz: ... or may have even thought about it, as far as that goes. Probably there isn't a problem but I can see conceivably there could be something at least in the mechanics of working on the thing, and as a practical matter why not try to take care of it now instead of later, if there is such a problem.

Mr. Parker: Possibly this is one section we might want to delve into in more detail than we would ordinarily do ...

Mr. Craddick: Why don't we do it the easy way... (to Mrs. Kline) Could you call Mr. Scollard and point this out to him and ask if he has any reservations about it and if so would he like to come down and discuss it with us at our next meeting. After he has talked to us if it looks like a committee is called for we can do it.

Mr. Russo: I don't see any problem; I think it would be the same type of budget that the school board would submit -- here's my package, here's what I intend to do and here's the money I'm going to need from you, this is what we anticipate from revenue, here are our expenditures ...

Mr. Schmitz: The only thing is your expenditures are a little more variable with a hospital than they are ...

Mr. Russo: Revenues are in the same boat. Like you say, if business is good their expenditures are going up, so are the revenues on the other end of the scale.

Mr. Schmitz: That's right, but nevertheless, do you not have to live within your expenditures here, and how many adjustments do you have to make to the dern budget each year for something you didn't anticipate. Let's say you're doing twice as much business and every three months you say let's amend the budget again because our expenditures have gone up. I don't know; maybe there's no problem but I would like to at least have his comments on it.

Ch. Kline: I'll check with Mr. Scollard then.

Mrs. Norwood: It might be possible then in Section 9.10(b) -- the only provision they have as I see it in here for, if you have to have an emergency appropriation, is to authorize the issuance of emergency notes ...

Mr. Craddick: Not necessarily, you could have funds somewhere else that you could draw upon. It says "if there are no available funds", and then you can issue notes.

Mrs. Norwood: I was thinking in the hospital it might be necessary to raise your rates in order to meet unexpected emergencies. Maybe there should be a provision for something like that.

Mr. Craddick: I doubt that a raising of rates would be able to meet an emergency because you're projecting something into the future. It may be; I'm no hospital administrator but ...

Mr. Schmitz: Normally if your expenditures went 'way up it meant that your revenues went 'way up; you are only really worried about the expenditures that you've already got leveled, set here and all at once you find they are 50% higher even tho' maybe your revenues are 100% higher -- you're in no trouble theoretically, but to comply with the charter you have to go back to the assembly every several months and change your budget.

Ch. Kline: You wouldn't have to go the emergency route if you go the supplemental ...

Mr. Schmitz: Right.

Mr. Parker: Just for the record, as far as I'm concerned -- is there a group other than the hospital administrator, is there anyone has anything to say about the hospital such as the school board has something to say about the schools? I know we haven't created any here, but ...

Mr. Craddick: The assembly can, though.

Mr. Parker: A completely advisory operation.

Mr. Russo: There is one in existence today. (general agreement)

Mr. Parker: I suppose we should put on the record the other things that Mr. Stark suggested. In 9.7(a) he suggested that we omit the second sentence and this reads: "If it fails to do so the budget submitted by the manager shall be deemed adopted by the assembly as the budget for the following fiscal year." In .7(b) he suggests leaving out the second sentence and that happens to be the same language. In .7(b) he wants to add "for purposes of tax limitation for taxes of all types, those limitations provided by state law for first class cities shall apply. No higher or compounded limit shall be allowed because of the joint existence of a borough". I know he is trying to limit indebtedness at this point and possibly we should take that into consideration. Again in 9.8, he wants to leave out, "If it fails to do so the capital program submitted by the manager shall be deemed to be adopted by the assembly", and in 9.13(d) he wishes to omit "from whatever source, including the educational function". In 9.13(e) he wishes to omit "including the education function"; same thing in (f).

Mr. Craddick: There is a possible additional reason for having the phrase "including the educational function" in these various provisions. Title 14 and Title 7 deal with such things as accounting and budgets and I think they are the very heart of alot of problems that have been created in the past between the school board and the assembly. They are not clear, Title 7 and Title 14, as to where the power lies; whether education is included budgetwise and accountingwise, and it is ambiguous in some instances. I may have my interpretation of it but I can sit right across the board from somebody else who has another one. I think if we put "including the education function", it may look like we are singling out education but that is not merely the purpose so much as it is to clarify that we do intend education to be used here no matter what Title 14 or 7 may say, except, of course, where they are binding upon us. So I think it would be a mistake to eliminate our references to education function as we put them in because to me it clarifies an ambiguous area. And it is ambiguous because it is in two different chapters, and one chapter applies to home rule and one doesn't.

Ch. Kline: Are there any motions on Section 9 to omit "including the education function"? (none)
Are there any motions on 9.7(a) to omit the second sentence?

Mr. Craddick: May I point out something on that? Again in studying the various charters, this mandatory adoption provision was in them. I don't think the argument that anyone would have would be with the mandatory adoption; the argument

they have would probably be in whether it should be 30 days or 15 days or a month and a half or two months. The concept of not allowing the assembly by inaction to thwart what a department or agency wants to do, I think is a good one.

Mr. Parker: I'll go on record again, Madam Chairman, for the fifteen thousandth time -- this is in relation to what you say, Don -- that if you put this statement in, you can do a better job of selling bonds because it solidifies this continuation of government and continuation of your financial obligations and it shows a degree of maturity that you don't have when it is not there. So I still feel it should remain there as part of the charter.

Ch. Kline: Are there any motions on 9.7(b), the addition: "For purposes of tax limitation for taxes of all types, those limitations provided by state law for first class cities shall apply. No higher or compounded limit shall be allowed because of the joint existence of a borough."

Mr. Craddick: Is what he is trying to get at here -- you know, you have a 3% allowance for a city, and a 3% allowance for a borough, we got it unified, therefore we could theoretically have 6?

Mr. Parker: Right.

Mr. Craddick: Well, I think theoretically, actually we have 3 -- it cuts us down really.

Mr. Parker: Once you adopt the charter you become a municipality.

Mr. Schmitz: No, it doesn't give you 6.

Mr. Craddick: I don't think this is necessary.

Mr. Parker: That's why I don't think it's necessary either. I haven't moved on any of these things because I merely want to bring them to record.

Mr. Craddick: I would like to clarify something. It is my understanding, and I argued this in favor of the charter, that if we unify we can't have multiple or compound taxes, that we're stuck with the one rate that applies whether it is the 1% or 3%, or whether it is a millage rate of 30 mills, or whatever. I think that is a good thing.

Mr. Parker: Would you argue in the same manner in relation to the service areas, Don? Can you have a compounding of debt in relation to a service area. In your own mind, what are you thinking about there?

Mr. Craddick: I wasn't thinking about it at all. Maybe I don't understand you. Let's draw two circles, A and inside that

a smaller circle, B, and let's call A a service area and B a service area. Now it seems to me if there is a limitation somewhere that says a service area can have a millage rate of only 10 mills or something like that, and I think that yes, B in there could conceivably have two of them applied because it is being taxed for one service, the A service of 10 mills, and it is being taxed for another service, the B service up to ten mills. I think that could be multiple but I don't think that goes athwart of the other concept. Is that what you had in mind?

Mr. Parker: All I wanted to do is get it on the record. That's what I'm talking about; I wanted to know what your opinion was.

Ch. Kline: I thought in this thing he was referring not to sales tax but to a mill limitation.

Mr. Craddick: We have mill limitations, too. I think it is 30 mills, isn't it, Guy?

Mr. Russo: State law ...

Ch. Kline: Does it apply to home rule?

Mr. Russo: You bet it does.

Mr. Craddick: You better believe it does! There is no way in the world we could do 60, I don't think; or 90.

Mr. Parker: I don't think it is necessary to include that. When we have our hearings I think that in these areas certainly they can come in and argue them whichever way they like. For purposes of the record, I see no ...

Ch. Kline: Okay. 9.8 is the same as 9.7(a) and (b); capital program; omit the second sentence. .13(d), (e) and (f) are omitting "including the education function".

Mr. Craddick: Bill, is this where your comment would come in about possibly giving discretion to the assembly?

Mr. Schmitz: Right. (e) and (f). I would like it to say something to the effect that all accounting functions of the municipality with the exception of those areas as deemed by the assembly to be excepted from this provision, shall be performed by a central accounting office.

Mr. Craddick: How about if we added in front of (e) and in front of (f): "except as otherwise provided by the assembly by ordinance"?

Mr. Schmitz: Okay, fine.

Mr. Craddick: Not resolution, but ordinance. Would that take care of it?

Mr. Parker: That was a motion, wasn't it, Mr. Schmitz?

Mr. Schmitz: You can so deem it to be.

Mr. Parker: I'll second the motion.

Ch. Kline: That would be adding the phrase in front of subsections (e) and (f) of Section 9.13, "except as otherwise provided by the assembly by ordinance".
While we are on these two maybe we could clean up some style and drafting and make them the same, (d), (e) and (f) -- say, "the assembly shall provide for centralized accounting of all accounting functions ... "

Mr. Schmitz: I would include (d) there, too.

Ch. Kline: " ... and the assembly shall provide for a centralized treasury for all funds of the municipality from whatever source, including the education function."

Mr. Parker: I'll accept that.

Ch. Kline: Make (d) and (e) have the same wording as (f) -- this is just style and drafting, because we had (f) in transition and we moved it up, or miscellaneous.

Mr. Craddick: Who's going to take care of this now -- maybe we should change it right now; we might as well.

Ch. Kline: First of all, let's go back to Bill's motion. Are there any objections?

Mr. Schmitz: I would like that to include (d), (e) and (f).

Mr. Parker: For the record, that's okay.

Ch. Kline: So that (d) and (e) conform to the same wording as (f). I was trying to get away from that centralized accounting offic from saying that this had to be done in one specific office.

Mr. Craddick: No... it should be because it is "except as otherwise provided by the assembly", so if the assembly doesn't act it will be in a central office; but if the assembly sees a good instance whether it is the hospital or the schools where they want to shift part or all of it out, it can do so.

Mr. Russo: Then the intent is to add that sentence in front of (d), (e) and (f)? If that's correct, I have no objection.

Mrs. Norwood: In each case, "including the education function" will be included.

Mr. Parker: It will for the time being.

Mr. Craddick: Let's clarify this again. In my opinion if you took "including the education function" out, you wouldn't change it abit; it would still be included, but putting it in we are eliminating ambiguity in present state law because in our education article we incorporate that state law.

Mr. Parker: Madam Chairman, have we finished with 9.13?

Ch. Kline: Yes.

Mr. Parker: Mr. Stark suggested that the following sections be added and I'll read them one at a time. The first one, I believe it should be 9.17 ...

Mr. Schmitz: Could we cover 9.14 through .17 first? I would like your opinion as to 9.14: "The assembly by ordinance shall provide for competitive bidding and procedures for competitive bidding ... and contracts, etc., purchase of supplies, wherever practicable." In other words, who is to deem what is practicable?

Mr. Craddick: The assembly, unless someone disagrees with their decision in which case it goes to court and the court would decide whether the assembly was right or wrong; the presumption would be that the assembly is correct.

Mr. Schmitz: So in effect, all we are saying is you shall provide for competitive bidding within your own discretion.

Mr. Craddick: That's right -- it is an instruction to do so but they do have the loophole ...

Mr. Schmitz: Right, they do have the discretion to eliminate certain parts of their operation from this particular provision.

Mr. Craddick: Yes, but it is circumscribed ... but if the assembly does act to eliminate it, then the burden is on, I think, the person attacking their action. It may sound a little screwy but as a practical matter, that seems to be the way courts go. They seem to want to back up what an assembly does.

Mr. Schmitz: We're not really instructing them to do everything by competitive bidding; it just says you shall provide, however if you deem it not practical you can make exceptions to this.

Mr. Craddick: In these areas: public improvements ...

Mr. Russo: And purchase of supplies.

Mr. Schmitz: Which is just about the whole spectrum, so to speak, in your day to day operations. This is what I was getting at.

Mr. Russo: ...(first part unclear)... that last sentence covers some of it, too (reads same).

Ch. Kline: What we're doing here is telling the assembly that they have to decide in an ordinance the procedures for competitive bidding.

Mr. Schmitz: Right; but it's their decision.

Mr. Craddick: As to when it's to be used, do you mean?

Mr. Schmitz: In effect, yes. You can make when it's to be used just by the amount as far as that goes.

Mr. Craddick: I would say, Bill, that contracts for public improvements must be by competitive bidding.

Mr. Schmitz: Okay, I agree; but all the other ...

Mr. Craddick: ... all the others, right; there is discretion there. As I say, if it ever came to a court case I think the court would be on the side of the assembly in the sense that there's a presumption that they're acting validly.

Ch. Kline: Are there any motions on 9.14? (none) 9.15? (none) 9.16?

Mr. Schmitz: What is an enterprise fund? Is the hospital a perfect example of what you mean here?

Ch. Kline: Yes ... the airport ...

Mr. Schmitz: Revenue producing ...

Ch. Kline: Yes.

Mr. Craddick: There is one thing that bothered me on this particular one; I should have put it as an amendment, I think. Unless I'm in error, isn't what we are trying to say this: It shall first be used for debt retirement and then in the following order for ... etc., etc. Isn't that what we were trying to say?

Mr. Schmitz: I think you better have the first order of the day your operation of the enterprise, if you're going to set an order.

Mr. Craddick: It seemed to me that what we were trying to do was set a decreasing order. First was debt retirement, second construction, third acquisition, fourth operations; in other words, not all level. But the way it reads now it could be interpreted as meaning they are all level. They'll first be used for all of these things, then for anything else.

Mr. Schmitz: I think it doesn't mean much anyway, frankly, because if you get into these funds and you want to get around it all you'll do is charge them some kind of administration fee, perhaps like the city has done with their various funds, and raise that up and down and take dern near whatever money you want out of that enterprise.

Mr. Parker: This is one of the easiest things to get around I've ever seen -- this is like the old jail.

Mrs. Norwood: Is this the kind of language a bond attorney would insist on for revenue bonds?

Ch. Kline: No ... it's in revenue ... in the bonding section under revenue bonds.

Mr. Schmitz: I don't think, Don, you can put any kind of decreasing order because before a fund can go you've got to have funds for operation, that's the most important thing really, so ...

Mr. Craddick: Something's bugging me ... now there was a reason we put this in and I can't remember what it was now.

Ch. Kline: The reason we put it in is because right at the end there were hues and cries that we were going to be using airport revenues to fund general government operations and tax the people of the city of Juneau to pay for the airport. This was put in there to assuage the fears of people that the new assembly could take funds from all these enterprises and use them however they wanted.

Mr. Craddick: Right; so in other words the revenues must first be used for all of these things and then if there is anything left they can be used for other general fund purposes.

Ch. Kline: Right.

Mr. Parker: Didn't we start out with a very simple statement in the beginning about how funds from an enterprise would be used for the furtherance of that enterprise -- or something like that; it was just a general statement.

Ch. Kline: We had something simple in transition but it just applied to transition and then after putting this in the regular section we decided we didn't need the one in transition, I think.

Mrs. Norwood: It seems to me that it should be covered when you're talking about revenue bonds anyway. This is one of the things written into almost any bond agreement, isn't it?

Ch. Kline: Yes, but there are many enterprise funds that don't involve

bonding, or enterprises that receive revenues that you don't have a bond to pay off. The revenue bond thing puts paying off the bond as your top priority.

Mr. Craddick: I think this is a good idea to spell it out as we have done here, that it is first to be used for these things and then, if there is any surplus you can put it in the general fund. I just wanted to clarify that's what we were doing because somewhere or another I got the idea that when we put these out we were giving them a decreasing value -- it's clarified now in my mind and on the record.

Mr. Parker: I'm trying to clear up Mrs. Norwood's ... "The assembly by ordinance may issue bonds ... payable solely from the unpledged revenues derived or to be derived from such revenue producing facility." I'm reading on page 27. I wanted to take a peek at what we had said in relation to what Mrs. Norwood said. This thing is going in for a real house cleaning anyway so ... but we should consider that later on. The bond ordinance itself is where the language comes in guaranteeing, so that's something that is going to be created in the future under the regulations of each instance.

(Mrs. Loken arrived.)

Mr. Parker: I believe, in defense of our position here we should show on the record that when that door is closed out there (referring to the outside door of the borough office building) and locked as it was in this case it is not the locking of it by this body, because I know if people come and try to get in and they say the door was locked and we were having a regular meeting -- this is not the way it is supposed to be and whoever locks that door out there; that's their responsibility, not ours.

Ch. Kline: If it is a self-locking thing we could put a book in there or something to keep it open maybe.

Mr. Parker: Well, it doesn't lock by itself; somebody locks it when they leave. It has to be locked by a key because it's not panic proof hardware as it should be on a public building.

Mr. Craddick: ... which is really interesting; the borough is going around knocking all kinds of ... (unclear)

Mr. Parker: It is very interesting, Mr. Craddick. You ought to cite a case; I mean, if you have one to try you just cite that door out there because that's non-compliance in the very first and last word; a dead lock.

Mr. Russo: No different than the health department after the city of Juneau, city of Douglas and everybody else out the highway,

and yet the state vessels are going up and down the channel and emptying all their refuse in the channel; no holding tanks -- that's the marine highway system. Everybody that has property along the highway are getting it in the neck.

Ch. Kline: Back to Article 9, Financial Procedures; would you like to continue, Larry?

Mr. Parker: We wanted to clear 9.17; was there anything on 9.17? (none) The next one is Mr. Craddick's.

Mr. Craddick: Gosh only knows whether this does the job or not; I'm going to have to rely on an accountant or somebody that knows what they're talking about to get the proper sentence. If you'll recall, one of the objections raised to the charter was that there was no provision for distribution of certain funds that come back to the municipality from the State of Alaska, and so I propose this section to get the thing on the floor so we can discuss it. It would add a new section, 9.17 (?), to read as follows: "License Refunds. Business license, liquor license and other license refunds from the State of Alaska shall come directly to the municipality and go into the municipality's general fund. The assembly may provide for further distribution of such refund monies to service areas." It is a simple concept and what it says is the monies all come back to the general fund and the assembly decides whether a service area gets a share, and if so what share, or whether it is all expended out of the general fund. I had a hard time trying to figure out whether it should be this way or whether we should say or make a distribution based on population or size of service area or what not; and I finally just figured it is time we got over this idea of segmented interests in monies coming back to the whole area and let the assembly take care of it. So maybe Juneau's going to lose, I don't know, but if they do, they'll only lose if the assembly decides that they should lose and that's good enough for me. Whether I have covered all of the things or whether it is the proper way to handle it, I don't know, but at least it can get us started discussing it. I so move that it be added.

Mr. Parker: I'll second the motion and bring it to the floor.

Mrs. Loken: Another way to handle this is to put it into transitional ...

Mr. Craddick: It is recurring.

Mrs. Loken: Well, this can't be changed.

Mrs. Norwood: Is this the same as Section 9.19 that Mr. Stark has? (yes)

Mr. Schmitz: My own opinion is that we shouldn't move on this at this time; that we should table this and this would be one of the items, if the city of Juneau is going to get a committee on this regarding the transition, that this is one of the items that should be brought up and discussed with them and at least get their feelings on it. They do come out presently on the short end of the stick on this thing percentage wise because certainly in business license refunds, a great bulk would go to the city of Juneau. What you're comparing really is, if you put it in the general fund then, what is the assessed valuation of Juneau versus the total assessed valuation.

Mr. Craddick: We wouldn't be doing that -- maybe the assembly would, I don't know.

Mr. Schmitz: I know, but what I'm saying is that I'd much rather get their feelings on this subject because they will come out as it presently stands on the short end I would say.

Mr. Craddick: This is not really transitional, I still don't think, Pat; this is recurring.

Mrs. Loken: No, I was going to say turn this around and make it the other way so that they come back to the present service areas, then put it in transitional.

Mr. Craddick: It doesn't happen that way, as I understand it.

Mr. Schmitz: It could be allocated, of course; say, direct the assembly to allocate it on that basis.

Mrs. Loken: Yes, that is what I meant; and give them the chance to change it if they want to the other way rather than having them change it this way, have them start at the other end and change it ...

Mr. Schmitz: I would at least like to get their opinion. What do you think on it, Guy?

Mr. Russo: I think if the city of Juneau has an objection to this, I think they may be awful short sighted because I feel like most people feel that in ten year's time you don't have to worry about the business in downtown Juneau, there won't be any; it will be all out in the valley. The city of Juneau and the city of Douglas will be mostly residential and the bulk of the businesses will be strung out there. I think the balance will be the other way and then they'll be screaming how about some of the gravy from out there.

Mr. Parker: I'm not too sure on how much we've committed out of special funds and things like this toward the Auke Bay fire engine and other things like this. Remember when we had a public utility district out there? We used to

commit these funds actually, in some of those so-called bond issues that weren't bond issues that you couldn't bond, but there were notes we used to write.

Ch. Kline: Bill ought to know what the business license now outside the city -- just goes to the non-areawide fund doesn't it? It doesn't go to a service area?

Mr. Schmitz: No, I don't think it does; no, they don't ... but you've got so many variables; take the Forest Service receipts. That went, at least the last year or two, not to the city of Juneau, but the borough, and specifically probably Area 3 for their usage in the maintenance of roads, which really isn't fair when you come right down to it.

Mr. Craddick: Well, I don't know -- the borough makes a determination of where it goes ...

Mr. Russo: By the same token, the argument for the city of Juneau is a horse of a different color then.

Mr. Schmitz: All you are saying there is that it originated within the city.

Mr. Craddick: All I'm saying is that of the two concepts of trying to figure out a percentage to go one place and a percentage to go another and put it into a charter, as opposed to the concept of allowing the assembly to make a determination which can change from year to year as the assembly may see fit, and it doesn't even have to be by ordinance, I prefer the latter.

Mr. Schmitz: I think you can really get into some dog fights if you do that. I think there's alot of ramifications on the question, frankly, but I don't think we should decide it tonight.

Mr. Craddick: I have no desire to push it as long as we do consider it and act one way or the other.

Mr. Schmitz: I think we should; I think it should be covered.

Mr. Parker: It's going to be a matter we're going to act on now; it's on the table, so we're going to act on it in some manner.

Mrs. Loken: I move to table.

Mr. Schmitz: Second.

Ch. Kline: Is there any objection?

Mr. Craddick: Yes; tabling could be a little ... don't we have to have a two-thirds vote to take it off of the table or something?

Ch. Kline: No, just a majority.

Mr. Craddick: Do we want to table it or just want to do what we did with the other, where we just refer it -- hold it in abeyance; maybe it's the same thing ...

Ch. Kline: According to this little book, tabling doesn't kill something; if you want to kill it, you move to postpone indefinitely.

Mr. Craddick: Just as long as we don't lose sight of it.

Ch. Kline: I think we're going to have to have a committee to go over probably financial and bonding together.

Mr. Schmitz: Actually your transitional is mostly financial, too, is it not?

Ch. Kline: Yes. Now are there any objections to the motion? (none)

(Mrs. Alice Crosby entered and took a seat in the audience.)

Mrs. Norwood: Since this more or less covers the same subject matter as Mr. Stark's section 9.19, should we table the two together or can we state our preference for the two articles now?

Mr. Craddick: I think both should be tabled really, because they are the same thing.

Ch. Kline: There has been no motion to adopt the thing in Doug's presentation; we could earmark it for consideration when the other one is brought up, I think without formal action.

Mr. Craddick: We still have Doug's 9.18, sales tax.

Mr. Parker: Reading into the record then, Mr. Stark's suggestion for 9.18 is sales tax: "Any change in the amount of sales tax must be approved by referendum in the affected area."

Mr. Craddick: First of all, the maximum sales tax is 3%, right? (agreed)

Mr. Schmitz: If you have an overlay you can have five percent, like Fairbanks has, for example; a city and borough which equals five percent ...

Mr. Craddick: Right; but now if we unify we going to have a maximum of 3%. The only way that can be increased is if the state law goes up. If it was at 3% and the state law went up and allowed five, under our charter right now the assembly could raise it if it wants to without taking it to the people, right? So his amendment would be that it has to go to the people on a vote.

Mrs. Loken: Of course, this affects the areas outside the city now.

Ch. Kline: Don, definitely this sales tax limitation applies to home rule municipalities ...

Mr. Schmitz: Isn't this in most of your other charters, for example the Juneau charter, you can't just adopt a sales tax, you have to take it to a vote of the people?

Mr. Parker: The sales tax in Juneau has to go to referendum, right. I think it does in Douglas ...

Mr. Russo: Referendum.

Mr. Schmitz: It certainly must in the borough, at least we had a referendum on it.

Mrs. Loken: We did have, but I don't think it has to.

Ch. Kline: If we approve the concept we probably should conform it to that other language we have -- approved by a majority of the qualified voters voting on the question.

Mr. Craddick: Right now as I understand it, let's say we incorporate, the sales taxes will stay the same exactly where they are in the exact amounts they are. If we don't pass Mr. Stark's language or the equivalent, then the assembly could raise the sales tax out the road without the peoples' consent ... right?

Mrs. Norwood: It seems to me it would be a difficult thing to administer if it was not uniform throughout the area.

Mrs. Loken: They'd do it just like they do it now I imagine except you get one form instead of two.

Mr. Craddick: There is nothing really we can do about that. We would kill ourselves I think if we put in the charter there would be an automatic raise. If the people of Juneau had a vote on it and the people of Douglas had a vote on it, then it is hard for me to understand why I could sit here and say I don't want the people out the road to have a vote on it.

Mrs. Loken: They want to vote on it, I know that.

Mr. Russo: The reason we had it in Douglas, why we increased it, was for a specific thing; it wasn't for general funds.

Mr. Parker: We didn't go to the last of the three until in rather recent times and it wasn't until the last percentage of sales tax went on that any of it went to the general operating fund. The other two, the original 2% we had before was just exactly the same as Douglas; 1% was for

education which was districtwide, and then the other percent was for specific improvements within the municipality and they were very, very specific. Then when we put the 3% in that other percentage was first of all for municipal improvements and secondly, whatever overrun there was went into the general operating fund.

Mr. Craddick: I'm torn on it; I prefer to have the assembly have the power to do this because I think the government has to have revenues. The people are not always going to vote themselves out of their pocketbook. But on the other hand, I don't know how I can justify having allowed Juneau and Douglas to do it and not allow the people out the road to do it.

Mr. Parker: One of the ways we've looked at this thing was that the council sitting as a body has an opportunity to set the millage rate, that is something that no one says anything to them about.

Mr. Craddick: Right; good enough.

Ch. Kline: Is there anything in state law or our charter that would prohibit the assembly from excluding things from sales tax? The last time the borough assembly was talking on a sales tax they were talking about excluding food and drugs.

Mr. Craddick: I don't think our charter would prevent it.

Mr. Schmitz: I'll make a motion to the effect that we adopt it (Mr. Stark's proposed 9.18)

Mrs. Loken: Second.

Ch. Kline: Is there any more discussion?

Mrs. Loken: Larry, do you want to accept that original wording, by a majority of the, etc., to conform with our charter?

Mr. Parker: We've been doing some style and drafting tonight anyway...

Ch. Kline: "...by a majority of the qualified voters voting on the question in the affected area."
The whole thing is: "Any change in the amount of sales tax must be approved by a majority of the qualified voters voting on the question in the affected area."

Mr. Craddick: Does that really do what we want to do now? Does that say it has to go to them for a vote? I'm just wondering if this really makes it clear that it has to go to them.

Mrs. Norwood: It says "in the affected area"; we don't make any attempt to define an affected area?

Mr. Craddick: Right now in the city there is a 3% tax, so that wouldn't be affected by a proposal to increase it outside.

Mr. Schmitz: It would have to be a service area or an areawide vote, one of the two.

Mrs. Norwood: I should think so -- you'd either have to say ...

Mr. Schmitz: ... but either one would be an affected area, would it not?

Ch. Kline: You could have the area outside the two present cities which is not a service area and would not be an areawide vote, but it would be the affected area, if the assembly proposed to increase it to 3% areawide.

Mr. Schmitz: But I say areawide outside of those affected.

Ch. Kline: Or it could be the reverse, if they wanted to lower it inside the cities.

Mr. Craddick: Why don't we say any increase instead of change then? Why should we need voter approval of a decrease?

Mr. Schmitz: For the same reason of an increase, I would think.

Mr. Craddick: I don't buy that.

Mr. Schmitz: It could very well be if they decrease sales tax they will then increase the property tax to make up for the revenues. Maybe they don't want to go that route.

Mr. Parker: Don, say that we've now retired all of the bonding obligations against a class 1% of sales tax and the people feel we should make a change rather than dumping that additional money into the other improvements that are still out on bond. This would give them the opportunity to do it -- of course they could do it under referendum as far as that's concerned.

Mr. Craddick: Initiative, wouldn't it be?

Ch. Kline: Either way.

Mr. Parker: I'm not too sure that we left that available to them under initiative.

Ch. Kline: Do we want to continue having audits our last one and make this 9.17 and audits 9.18? Was that the feeling of the group? (agreement)

Ch. Kline: Is there any more discussion on the sales tax amendment? (none) Is there any objection to the sales tax amendment? (none) Would you like a roll call?

Mrs. Norwood: It seems to me that this wording leaves this open to alot of different interpretations; maybe I'm completely mistaken. But when you speak of the affected area you either are going to have to define that there are three areas -- the outside area, the two town areas -- or else you're going to have to say that when you have a service area, just take the Auke Bay area, and have this for an area where you might change the sales tax; this kind of thing.

Mr. Craddick: How about this, "...majority of the qualified voters voting on the question in the area in which the change would become affected." Would that do it?

Mr. Schmitz: You're talking about areas ... (remainder unclear)

Mr. Parker: We don't know what those things are going to be at the moment.

Mrs. Norwood: This is the thing that kinda bothers me.

Mrs. Loken: In the proposal for the service area the assembly will have to define the affected area.

Mr. Parker: We're trying to follow you on that thing; it's just that I can't quite follow your reasoning on not using affected area or words to that effect, because to us that means that it is the area in which the tax is going to be levied.

Mr. Craddick: I don't see any problem.

Ch. Kline: This area will be spelled out in the ...

Mr. Craddick: ... in the sales tax ordinance.

Ch. Kline: Yes; that's another thing. Do we require an ordinance for a sales tax?

Mr. Craddick: Yes, I think so.

Mr. Parker: Are we back into the discussion of this now? I think we were trying to decide whether we were going to vote on it or not.

Ch. Kline: I got a question on the objection so I thought we'd have to go back into discussion.

Mr. Parker: As long as we are in discussion, Madam Chairman; Mr. Craddick and I were plowing a little bit of a furough on initiative and referendum. "Referendum shall not apply

to ordinances establishing budgets, fixing mill levies, or to ordinances for other measures appropriating funds."

Mr. Craddick: But that's different, you see, so we're okay.

Mr. Parker: Right; that's okay. We're reading it into the record, that's all. There are peoples reactions on sales tax operation that could be covered by initiative and referendum.

Ch. Kline: But since this was one of the big objection during the campaign, it might be well to spell it out.

Mr. Parker: Certainly; this is a good idea, really.

Mr. Craddick: The article on legislation, ordinances, begins on page 11. Section 5.2 which lists those actions required to be by ordinance does not include the levying of sales tax. So unless it is somewhere else, it is not required to be by ordinance.

Mr. Parker: Madam Chairman, I call for the question.

Ch. Kline: Are there any objections to the sales tax amendment?

Mr. Craddick: Let me clarify something and I may not have one. Unless there is someplace in here that I have missed, I was wrong and we don't require a sales tax to be raised or lowered by ordinance, so if we adopt this language, if I understand it correctly what can happen is this. The assembly merely by resolution can decide to increase or decrease a sales tax and send it to the people for approval one way or the other, but the people must approve it. Is that right?

Mr. Parker: This is what I feel ...

Mr. Craddick: But when the assembly is making this determination they don't have to go through the various ordinance procedures. Is that correct?

Ch. Kline: This motion could be amended to include sales tax and that list of things required by a motion. (?)

Mr. Craddick: Well, let's pass this one first.

Ch. Kline: Okay ... is there any objection to the sales tax amendment? Hearing none, Section 9.17, Sales Tax: "Any change in the amount of sales tax must be approved by a majority of the qualified voters voting on the question in the affected area." is now adopted.

Mr. Craddick: Madam Chairman, I would like to go back to page 11 of the charter, Section 5.2 which covers actions by ordinance, and I would like to add a (g) to read as

follows: "Propose a change in sales tax."

Mrs. Loken: Second.

Mr. Craddick: The reason for it would be that the proper place for the education of the public andwhy there is going to be a change would be the ordinance procedures in front of the assembly and without this requirement the assembly could go ahead and propose it to the public, it would go up to the public, but there might not be the real, true opportunity for people to come and make their views heard that there would be in public hearings.

Ch. Kline: The motion is to add a subsection (g) to Section 5.2: "Propose a change in sales tax." Is there any discussion? (none) Are there any objections? Hearing none, the amendment is passed.

Doug has one more here.

Mr. Parker: Yes; he proposes that Section 9.20, under his numbering system, will be the next section: "Funds received by the municipality for a specific purpose such as education, must be used for that purpose."

Mr. Craddick: That was certainly a sore point with the school teachers and the school board during the debates we were having. There was an interpretation placed upon one of the sections of our charter in which they felt the assembly could dip into these funds and decide to use them otherwise. I don't know where they got that, but there was certainly an objection raised.

Mr. Schmitz: What ... funds are we talking about?

Mr. Craddick: Well, Mrs. Crosby is here, she could tell you, but I think the state actually does send funds to the municipality for use in the schools and if they send down one million dollars, then at least the million dollars would have to be used for education purposes.

Mr. Schmitz: But wouldn't it be covered in your budget ... (remainder unclear)

Mr. Craddick: I agree with you; all I am saying is that this was a point raised in argument against us during the unification struggle, that there was not a sufficient protection to the schools that funds coming to the schools would be used for school purposes.

Ch. Kline: Alice, do you have any comments on this?

Mrs. Crosby: No; as a matter of fact I don't remember this particular problem.

Ch. Kline: It wasn't a problem as far as the school board was concerned the

Mrs. Crosby: No.

Mr. Schmitz: I object to this kind of language in a charter when you say you've got to do this or you've got to do that. I think it should be limited as much as possible ...

Mr. Parker: Really we're back in a way to some of the things we discussed earlier this evening in the enterprise funds. Now those enterprise funds, each one of us has our own opinion of where those enterprise funds and how those enterprise funds should be used. I'm like Bill, if we're going to start building fences around here it is going to be kind of a vicious circle because you build a fence there and I'm going to say I want all these things that happen as far as the port is concerned out here, I want a port commission and I want to have all of the funds that come from the operation of our port authority, I want to have all set aside in a specific category here so that they can be used for the improvement of the port; that's our life line. We can go on and on if we start in this ball game; every one of us has our favorite little area that we want to protect.

Mrs. Loken: We have already separated service area funds; they must return to the service area. We separated out, as we said, utility funds ... And I'm sure that they would never touch education funds that are directed to education. I don't even know if they could touch state funds that were directed toward local education even if they wanted to.

Ch. Kline: Maybe we could keep this in mind and consider it when we get to the education section that there might be an ambiguity in language that we could clear up when we get to it.

Mr. Craddick: There is one of the amendments that I propose that might take care of that. Section 13.7: "After adoption of the school budget by the assembly, none of the funds allocated by the assembly for education purposes may be used for non-education purposes." That might get at what he's driving at.

Ch. Kline: Let's mark Doug's section 9.20 then to consider when we discuss the education article.

Mr. Parker: Don, I have two sections here; did you write two different sections on 13.7? I have one that has a couple of paragraphs to it and I have a little short one here.

Mr. Craddick: Right; there are two parts -- one is 13.7 and one is 13.7(b).

Ch. Kline: There are three then on 13.7.

Mr. Parker: Since this completes the agenda for this evening and Mrs. Crosby is here, if she would like to make comment on what was said last week, shouldn't she be given the opportunity to do so?

Ch. Kline: Yes. Alice, do you have some comments you'd like to make?

Mrs. Crosby: Not having been here, I'm not exactly certain what was said. Marie (Darlin) did mention a little bit about this business of perhaps having common members, shall we say, of the board of education sitting on the assembly. I honestly, my personal opinion is against this particular concept. I think the board of education members have quite enough to do without sitting on the assembly.

Mr. Craddick: Marie's idea was that if they did this they would only have one assembly function as far as committee work goes, and that would be education. They would be members of the assembly, they would vote on all assembly problems. But as far as committee work goes, they would only work on education.

Mrs. Crosby: I don't really go along with that concept, personally; it might work. I just now am beginning to piece it together, Don, what you said that part of the campaign was a concern, and this I think is involved in the area in which it now, the assembly just appropriates the money to be made available from local sources where the charter calls on it from all. Actually I see this more, you might say, as a detriment possibly to the assembly than to the board. For instance, if we should anticipate that we were going to get two million dollars from outside sources and if the assembly appropriates the money for the entire amount, then supposing we have over estimated what we are going to get from other sources and we only get say a million five hundred instead of two million. The assembly is then responsible for making up that deficit, whereas if you appropriate only from local sources, even though we fall short -- if we fall short, we, then, have to absorb this in some way. Of course, the opposite can be true and we might conceivably get more money than what we figured in which case, not having to go through the borough appropriation, it is ours to put to school use. So this is perhaps what we were talking about.

Mr. Craddick: In that regard, after I had a debate down at school with Joe Henri, and after the debate (name unclear) was there and pigeonholed me and made quite abit of comments on this local versus total and everything, and he felt that this was where we were giving the assembly the power to determine what programs you're

going to participate in, and what funds you were going to try to get, and all this sort of thing. I really didn't think it did but as long as he made the point and as long as he felt so strongly about it and the whole teachers group did, he was speaking for the teachers' group, I have proposed an amendment which goes back to the local sources thing and will read just exactly like the state law does except for a change in the dates involved and will probably take care of that objection. No body was trying to have the assembly determine revenues from all sources, that wasn't the purpose. The purpose was to have the assembly required to look at what all the revenues were going to be from all sources so that they could make up a budget which made sense and approve a budget which made sense, not to control the revenues from all sources.

Mrs. Crosby: This is in our proposed budget now, the anticipated revenues. This became a question the other night. Dave Horton was under the impression that you appropriated from all sources .... (remainder unclear)

Mrs. Loken: Alice, I'm sure you've been asked this before but I can't remember what the reply was. Do you feel that school board members should be excluded from running for the assembly, a position in which they are given the authority to vote on the school budget?

Mrs. Crosby: I really do, Pat, I think its a conflict of interests. I think that when we work on a budget and approve it on one side and then you go on the other side and vote on that; to me it represents a conflict of interests.

Ch. Kline: I don't think according to state law we can restrict an assemblyman from running for the school board ...

Mr. Craddick: No, we cannot.

Ch. Kline: ... because that's under the prohibitions to home rule -- your eligibility for school board membership, but we could restrict school board members from running for the assembly.

Mr. Parker: The council of the city of Juneau has more or less said they were going to come in here with some ideas of what they wanted in relation to the charter and transitional measures, etc., and give us some rather specific help or at least some specific ideas. Now we sit down and we talk with Marie one evening and we sit down and we talk with you; could you ask the body to give us something that is generally acceptable to the body as far as some of the thinking is concerned? Especially Marie's idea of, I

called it integration -- and when she came in here with that idea there were many points that came up on that discussion. We spent quite a little time, an hour and a half on that, and had some pretty good thoughts. So we just can't turn aside from that.

Mrs. Crosby: I agree -- it is my own personal feeling and thinking and has not really been discussed with the board. They do have their education committee which has been very attentive and has attended board meetings and we have felt that a real good liaison, carrying back to the assembly things that have transpired.

Mr. Craddick: Then they cut your throat.

Mrs. Crosby: Yes ...

Mr. Craddick: One of the things Marie said was that if we went the combined board route, then we could eliminate the mandatory meetings which, of course, makes alot of sense. She said if you don't go the combined board route, then keep the mandatory meetings but cut them down, you don't need four a year. What do you think about that?

Mrs. Crosby: I would buy that. I still feel that there is -- I honestly don't know how it would work, but I still feel there is enough involvement in the board of education, as you say, well they would be just part, they would be the education committee as far as the assembly is concerned. It might. I couldn't say I would really oppose it; I would again have to see just how it would work.

Mr. Craddick: The thing is, if we don't go that route, if we don't combine, her suggestion was that we cut down on the mandatory meetings that we have now. The charter says four a year. She says cut it down, you don't need that many. Do you think that is right?

Mrs. Crosby: Yes, I would certainly say that this would be actually could almost be non-existent if board members are going to be actual members of the assembly.

Mr. Craddick: No...I say if we don't do that ...

Mrs. Crosby: If you don't do that, then she feels that you should cut down on the mandatory meetings. I would say yes because I have felt that this is something that could perhaps be done by ordinance rather than being written up into law, but again I don't oppose this. I think anything you do to improve communications is a good thing. I have one question to ask. On this business now that it is permissive at the state level for a seven man

board, just asking what the procedure as you see it now would be if a board thought this was a good idea -- how would we proceed under present law to let someone know that we would be amenable to a seven man board? I'm not sure whether we go through the state department of education or whether we would just request the assembly or what we would do.

Mr. Craddick: I haven't even looked at the law so I can't tell you, I'm sorry. It was news to me ...

Mrs. Crosby: I had a couple of ideas that I thought were good having worked under a setup of this type. School sites I think are a real problem and I think everyone will agree that the problems we had out at Auke Bay, more work ahead of time should have gone into the site before the school was put there. However, what I'm wondering is would it be feasible to have a provision in the charter for a school site committee , and this could be made up of representatives of the assembly, planning and zoning and the school board. Then this would be a permanent committee; members would change as the different groups change. If you had a school site committee whose job it was to go out and look at sites and have them evaluated, then when they came in with a recommendation to the assembly, the assembly is responsible for school sites with recommendations from the school board; but it seems to me that if you came in with a recommendation for a school site which had previously really been run down with the standard operating procedures of soil test and this and this, so that we knew what we were buying and what we were building on, that ...

Mr. Craddick: We could very easily provide for that in the charter where we now have the mandatory, you know the four man committee that meets mandatorily four times a year, to consider plans for school construction; we could also say and school site location. That will take care of the assembly and the school board getting together at least four times a year on a committee, and then we have a mandatory meeting twice a year. Rather than putting in the charter that there shall also be a planning and zoning person or something like that, couldn't that be left up to the assembly to determine?

Mrs. Crosby: I'm sure that it could. My interest is in getting a setup which will involve the responsible people and certainly planning and zoning is a most important part of where a school is going to be. How ever it is done, I would just be for seeing that there were provisions for this and, of course, being the assembly is responsible for sites, again maybe it doesn't need to go into the charter; I don't know. But I would like to see something like this worked out. Again I think we build schools in a very bad way. I think that schools should have more

citizen participation in the planning stage and I don't think the school board should be the school building committee. I think there should be provisions for a building committee. Surely the plans have to be approved by the school board but they also have to have final approval of the assembly.

Mr. Craddick: Don't you have the powers right now to set up a committee like that?

Mrs. Crosby: I guess we probably do. We could probably determine that we would involve citizens in this, and this is probably a good thought --

Mr. Craddick: You always have the control, you're the ones that vote on it. But you could set up a citizens committee to make a report to you.

Mrs. Crosby: We could do that. I guess it's just a matter of talking up the idea and deciding what's the right place to start, because I would be the first one to say don't put too many things in here that would be binding.

Mr. Craddick: We don't have to put it in here; the school board has the power right now to appoint a citizens committee for recommendation and the assembly has the power, too. Even if we unify, those two powers won't change, so we don't have to put it in the charter. It sounds like a good idea.

Mrs. Loken: Once it was set up I don't think you'd have any trouble perpetuating it.

Mrs. Crosby: Do you have any idea what you're thinking of in dates as far as you've mentioned on the budget that the dates would probably be changed?

Mr. Schmitz: No ... evidently we've accepted it ...

Mr. Craddick: That's not necessarily so.

Mr. Schmitz: ... I still think it's too early and the only reason for it is because of the school evidently, because of contracts with the teachers you have to commit yourself. I object other than that to such an early date for preparation of the budget, in other words by December 1st.

Mrs. Crosby: My personal feeling is that this is pretty early, too, because you have a new school board in effect, and moreso now than before with the three man terms -- now there will be two new members on the board this fall, unless people are re-elected. But to have in October a new board working on a budget, and as you know we have been working on ours since November I think and it is now June and it is not yet resolved, to know what we have to work with, I feel December is pretty early.

Ch. Kline: We did change the election date so that new members to the board and to the assembly would be elected in May.

Mrs. Crosby: I wasn't aware of this ...

Ch. Kline: It would give them the experience; it's still a question from an administrative point of view, is December 1 too early.

Mr. Craddick: You mentioned something about a seven man board. We can put it in the charter; in fact, the charter provision was five, seven if law permitted. We can just cross off the five now.

Mrs. Crosby: Right; so that if unification becomes a fact, then it is no problem. I think the school board would be very happy with seven. We discussed it before but I think in this community particularly where we have a great deal of coming and going, although we've had a good year -- only one or two meetings when we haven't had a full board. But I think when you do run into a particular board when you may have people in a travel status it's pretty bad ...

Ch. Kline: How permissive is that? Is it permissive only as far as the school board is concerned, I mean does the school board have to make the decision or state law?

Mr. Russo: I would guess it would be the borough assembly -- whether to take action, formal action.

Mrs. Crosby: I would think so; so we would have to alert them to the fact that we were interested in going to a seven man board and request them to put ... (remainder unclear)

Mr. Craddick: In addition to doing that, why don't you send us a letter saying with reference to the proposed charter, the school board would like to have you institute a seven member board.

Mrs. Crosby: Okay, fine; will do.

Mr. Parker: One of the things we asked Marie to consider is that we are here creating something entirely different that anything we have at the moment and there is going to be an entirely different look at things as far as emphasis is concerned. After all, these people are going to be faced with problems of sewer, water, police, fire, and all the rest of these things. From the present assembly's point of view, it is going to drive any subject into a different aspect than it is at the present time. The bigness of the project that we have in education, or whatever, is going to be a little bit different situation when we come to facing this question along with all the other questions that we are going to have before the assembly. We asked Marie about her thinking about the members who would serve as school board members

as well as assembly and to take that into consideration. There is going to be alot of difference; that assembly is going to be an entirely different body than presently constituted. They are not going to have the specific interests that the city representatives have because they are not going to be sitting there as representatives of a service area.

Mrs. Crosby: What do you see as a real advantage of having school board members sit as members of the assembly?

Mr. Craddick: Well you must understand that this is not something we have proposed; it has been proposed to us and we are considering it.

Mrs. Crosby: Yes, okay; then I think this is something that the board should really discuss the pros and cons on and let you know what the feeling of the group is on that. I would like to go back again to the timing of the budget and of course the philosphy that goes with it. I think again that we have to negotiate with teachers, there's no two ways about it. In this day and age you do, you don't confer any more, you negotiate. And say we meet in May; this is the month of graduation, you have a summer, a three month period when teachers are out of town, a good many of them, so you would have a difficult time doing much in the line of negotiations at that point. You have October and November, it has to be in by December 1st, so you have just a couple of months after school opens for the teachers to get together and know what their demands are going to be before they meet with the board to negotiate. I'm just not quite sure about this -- I know the reasoning in back of it ... you see, we still would have to negotiate with them before we proposed a budget.

Mr. Craddick: There is something screwy here somewhere. The only reason this February 15 date is in here is because at one of our very first meetings the school board or someone from the school board, and I think Overstreet was there at the time, made a presentation to us and said one of the problems we are having is that we have to hire teachers by February 15 or March 15, or whatever it was, and our budget isn't approved until after that, and this is like a sword hanging over us and we want to have some consideration in this regard. Well, we gave you consideration in this regard and ever since then we have gotten nothing but static on it. If it is no good, we'll throw it out.

Ch. Kline: Can you think of handling this teacher contract deadline date without moving the budget dates up?

Mrs. Crosby: No ... that is, we have to let them know by the 15th of March whether they are going to have a continuing contract

for the following year. Of course, we let them know by then, they have X number of days to sign the contract, and they do want to know what the salary schedule is going to be for the following year.

Mr. Craddick: We were told that you had to know ahead of that so you could know that you could make this commitment to them.

Mrs. Crosby: It would almost seem that we could at least bring it up to January then, rather than December.

Mr. Schmitz: What are we talking about though.? Are we talking about the number of teachers we're going to have next year -- in other words, our budget, if approved, will determine that, or is it a line item in the budget -- how much are we paying our teachers. Just how are we affected here? Couldn't you submit your budget, so to speak, and with some kind of escalation clause ...

Mrs. Crosby: This is where we run smack-bang into trouble. This is where we have problems with the assembly as it is currently set up. The problem is one that we negotiate with teachers and set their salaries before the budget has been passed. It doesn't matter when you do this, it is still going to be the same way unless we say to them, unless we negotiate with teachers and say, we agree, this is what we should have for salary schedule, we want to keep our teachers, we want to be competitive with other communities. This has been board responsibility always because we decide what we need to pay the teachers to hang onto them, etc. So if we say, well we agree on this figure but we've got to wait and see what the assembly does with the budget before we decide whether we can give you this figure or whether we lower it; we agreed with the assembly we are not going to finalize this figure until we know what they are going to give us. So what happens? Either we come up with a figure we think is a reasonable figure and when the budget is passed, if the budget is cut we say in order to keep teachers this is what we have to do; it is our responsibility we'll give them what we agreed on. We are in trouble immediately with the governing body because they will say you agreed not to solidify these salaries until we passed the budget; we cut the budget and you gave the teachers the same damn thing you would have given them anyway. So that is the assembly's side of it. What happens then if the borough cuts the budget and we cut the teachers' salaries? If you don't know what you are asking for communitywise with the militant teacher situation you have today ...

Mr. Schmitz: That is my point -- do you have any flexibility in the first place? You've got to pay the teacher X number of dollars, regardless of what the assembly says. It

seems to me the only room you have to maneuver is once you decide this, is to say how many teachers you're going to have, will they accept some kind of pay cut because the assembly said no, we won't pay that much.

Mrs. Crosby: This is it -- they might just as well then negotiate with the assembly; you might just as well eliminate your school board.

Mr. Parker: We have just been listening to something here that we should take note of because within five years you are going to see your police organized, the fire department organized, you street department organized; your going to see probably your administrative within the city or within this form of government organized. If you take over the power company, which some people agree you should, you're going to be right into the IBEW immediately. In every one of these categories the people are going to have their union and the manager is going to have to negotiate with those unions. This is not uncommon for cities in Alaska by any means. My friends in Anchorage are doing it at the present time; my friends in Ketchikan and all the rest of these places. So this exchange that we have just been hearing going on here is not going to be just the teachers because by the time this thing actually gets into operation, you're going to have a highly organized group as far as your other categories of people are concerned. The question then comes how are you going to fit them into the budget, because they are going to have the same negotiating problems that education has at the present time; they just happen to be first, that's all.

Mrs. Crosby: But with whom do they negotiate?

Mr. Parker: They negotiate with the city manager.

Mr. Russo: Mrs. Crosby, what is the scale -- how does the scale compare to Anchorage?

Mrs. Crosby: I think Anchorage kept their base at $8,000 but they upped their master's level so that a beginning teacher with a master's is a little higher than we are. Kenai is still a couple hundred dollars over what we are, and of course, Fairbanks is way up.

Mr. Russo: What is your base here?

Mrs. Crosby: $8,200.

Mr. Russo: You're higher than Anchorage then? for base?

Mrs. Crosby: For the bachelor's degree, but for someone with a master's it is higher and then there in between steps are higher so that where we are a couple of hundred dollars more than

Anchorage at the beginning level, they overtake us as experience piles up.

Mr. Russo: Couldn't you adjust yours to be similar to Anchorage? I think the cost of living in Anchorage is probably lower, if not the same as Juneau.

Mrs. Crosby: I don't know that we'd save anything ...

Mr. Russo: I'm not talking about saving anything, I'm talking about making a feasible .... you're worried about competing for teachers, and your competition then would be basically Anchorage. I can only see that they would be competing.

Mrs. Crosby: Well, you know the answer is a statewide salary schedule and I think there is a push on for this type of thing. Because otherwise we don't know and if everybody waits for the other guy to decide, you know ...

Mr. Parker: I don't know if you realize this, Guy, but Chicago is now $8,400.

Mr. Russo: They're getting combat pay though. It's combat pay -- how many teachers want to teach in Chicago? They have a tough time finding them.

Mr. Parker: Fine and dandy, but I'm just saying, this took it out of the "come in and talk it over with me" class.

Mr. Schmitz: Larry, haven't we suggested to Mrs. Crosby that she go back to the school board, discuss the various items with them and come back with some suggestions, and I would think this December 1st approach should also be covered in that ...

Mr. Craddick: There is no question, Alice. This February 15 and December 31 business has really caused a bunch of problems in the charter and with the city and the borough trying to assimilate into it and try to figure out whether they want to go along with it or not. It would be alot happier for us if we could do away with it but we thought we were doing a good thing when we did it.

Mrs. Crosby: I don't honestly see where it is going to make the difference. I think the problem is still going to exist as to whether its the school board that negotiates with the teachers and decides the salary or whether the salary is going to be contingent on what amount of money is voted in the budget.

Mr. Craddick: If that's the feeling of the school board we would surely like to know because that would make it more compatible with our fiscal year to change our budget dates.

Ch. Kline: I didn't think the problem was in negotiations but in the legality of signing contracts that would be obligating money before this money was appropriated.

Mrs. Crosby: I'm sure you have a point there; that is part of the problem as far as the state law gives us the authority to sign contracts at a given date and it also up to this point has controlled the budget within, so ...

Ch. Kline: And these are conflicting, right?

Mrs. Crosby: I would say that they are conflicting. So that this would then erase that particular problem, yes.

Ch. Kline: Could the school board maybe consider ways of solving this problem -- the legal problem, not the negotiating problem, because no matter when you have your budget that's going to be a problem -- of obligating money before the money is appropriated in a way other than moving back our budget dates?

Mrs. Crosby: It just has never actually been a problem and this is the time of the year when if you're going to get teachers they are all out looking for positions, and I don't think it ever really has been raised as far as being a legal problem, although I can see where there is an ambiguity there.

Mr. Parker: It has been our experience municipalwise that these people always want to negotiate, we'll say, within about two months of the time the budget is going to be written and/or actually solidified. And I'm not speaking about educators now, I'm speaking about the other unions we are going to have to face. We are in an entirely different ball game ...

Mr. Craddick: Alice, what does the school board do now if you've signed a contract with a teacher and if the teacher, when it comes time to show up, sends you a letter saying I've decided I don't want to work for you after all?

Mrs. Crosby: Nothing to do but recruit and find someone to fill the spot; we don't just discount the position. There isn't much you can do; somebody is way down there someplace and just says I'm not coming -- we don't have very many of those things happen.

Mr. Craddick: I wasn't thinking of down there. You could have a teacher here in Juneau as far as that goes who says I've just decided I'm going to take a year off and go into contracting; I know I signed a contract with you, and I couldn't enforce a contract against you because it was illegal, so you can't enforce it against me.

Mrs. Crosby: There is a mutual agreement clause that a contract can be broken, can be dissolved by mutual agreement, and this has happened to us many times since we've hired teachers for this coming year. For instance, Jean Harlow expected to teach for us next year, she had an opportunity for a good promotion in the state department and she simply writes and asks to be released from her contract. There's no problem, we wouldn't ...

Mr. Craddick: So the legal technicality then would not appear to be a practical problem?

Mrs. Crosby: No.

Mr. Craddick: The only problem I can see would be that a teacher could say I'm sorry I just don't want to work for you and since your contract is illegal anyway, you couldn't obligate yourself to ... (unclear)
I couldn't enforce it against you, so you can't force against me, I'm leaving. If you've not had that kind of problem and the school board's not concerned about it, why okay.

Ch. Kline: But what about our provision in there that you can't expend any money or commit any money until, unless ...

Mrs. Crosby: ... until it has been appropriated? (yes) Well, I would agree that ...

Mrs. Loken: It has just been ignored.

Mrs. Crosby: Apparently it has just been a working situation here within the state and they have made permissive for hiring and contracts as early as March, I believe but I'm not just sure how state law reads on that, but I know we checked it out.

Ch. Kline: The wording of this thing on page 38: "No payment may be made and no obligation incurred except in accordance with appropriations duly made."

Mr. Craddick: That's the charter ... Alice is talking about state law.

Mrs. Crosby: So in this event to bring the passage of the budget earlier, it would have to be, then, I would say, prior to the first of March that it could have to be approved and even then I don't know when the appropriation on this would all have to tie into this.

Ch. Kline: Could we just put another exception -- except for signing of teacher contracts.

Mr. Craddick: Except Larry has raised a good point, and he's right. In a matter of years it's going to be not only school

teachers it's going to be ....

Mr. Parker: I don't want to make a decision on this tonight myself. This crystal ball gazing we have been doing here this last half hour has given me an entirely different look at this whole situation.

Ch. Kline: Maybe we should consider this in our financial section in administration of budgets; put an exception in there for employee contracts.

Mr. Parker: When you take a look at what's happened here now, and I know what the manager is going to be up against, then ...

Mr. Craddick: Now that exception could make sense, a simple exception -- excuse me Larry. "Except for employee contracts." You don't have to say school, or police, or fire, you say "for municipal employee contracts".

Mr. Schmitz: Then you are going to have to add something to give the assembly some control over it.

Mr. Craddick: They have the control over the budget.

Mr. Schmitz: Not those particular line items in the budget.

Mr. Craddick: The assembly doesn't have line item control now.

Mr. Schmitz: Well, those particular items.

Mrs. Loken: How big a percentage of your budget, generally speaking ...

Mr. Russo: It doesn't make any difference what the school board comes out with negotiating with teachers, as far as their budget is concerned it goes to the borough assembly and they can slash it all to heck and they can be paying teachers $2000 a year; they still get their budget slashed all to heck and then tell the teachers we can only go $1500 ...

Mr. Craddick: The assembly doesn't tell them teachers salaries any way.

Mr. Schmitz: I think this could be covered more in depth by the school board, perhaps coming up with some suitable solution.

Mr. Russo: I think the answer is what you mentioned earlier that the statewide scale ...

Mrs. Crosby: Yes and surprisingly enough the teachers I think are also in favor of maybe going this route and I thought this was surprising too, because they like the competitive aspect of it. Thank you so much.

(Mrs. Crosby returned to the audience.)

Mr. Parker: Since the councilmen are here, Madam Chairman, can we

Meeting #6, Second Session, Greater Juneau Charter Commission
June 24, 1969, Eight O'clock p.m.

Meeting #6 of the second session of the Greater Juneau Charter Commission was called to order by Chairman Virginia Kline at eight o'clock p.m., June 24, 1969, in the offices of the Greater Juneau Borough. The following roll call was taken:

Mr. Parker	Present
Mrs. Norwood	Present
Mr. Grummett	Present
Mr. Engstrom	Present
Mrs. Loken	Present
Mr. Halsted	Present
Mr. Russo	Present
Mr. Schmitz	Present
Mr. Craddick	Excused
Mr. Machyowsky	Present (late)
Mrs. Kline	Present

The chairman stated there were four sets of minutes for approval as follows:

	Corrections
May 20, 1969	Mr. Engstrom arrived late and should not be shown as absent. Approved as corrected.
May 27, 1969	Mr. Craddick's name was inadvertently left off the attendance shown on page 1 and he was present. Approved as corrected.
June 3, 1969	On page 1, in regard to the two committees appointed, Mr. Craddick is shown on the representation committee and Mrs. Norwood should be shown on the transitional committee. Approved as corrected.
June 10, 1969	Approved as presented.

There was no correspondence presented, however Mrs. Loken submitted a bill to the chairman.

The chairman advised that she had talked to Mr. Dick Hall, chairman of the hospital board, and Mr. Jack Scollard, hospital administrator, who advised they would present a statement from the hospital board, but they both said that the later they could submit the budget the better it would be, further that they did not see why the whole area budget needed to be tied to an early date just because of the school problem.

Mr. Grummett advised that Mr. Felix Toner was going to set up a work session with council members to work in conjunction with the transition committee, and he tentatively set a meeting for Thursday night, June 26th, but stated that meeting plans would be firmed up with committee members after tonight's meeting.

Mrs. Pat Loken, as chairman of the representation committee, presented the committee's report, a copy of which was given to each member of the commission for perusal. In her remarks in regard to the report, she stated the committee did not want to go into actually writing legislation until the broad proposals had been presented and the feeling of the commission was made known to the committee. The first proposal is an at-large designated seats proposal with the only district being the district of the entire boundaries, maintaining the nine-member assembly. The second proposal is a combination as before but upping the at-large seats from three to five which enlarges the assembly to eleven members and then allows every voter in the municipality to vote for a majority of the members on the assembly. Mrs. Loken advised that the committee had discussed other proposals, such as the one made by Mrs. Kline and the possibility of dual set up with school board members also being on the assembly, but the committee rejected both of these proposals in favor of the foregoing. She further advised that of the suggestions made by Doug Stark in regard to representation, three had been recommended for approval by the committee and were included in the committee report. It was pointed out that the recommendation requiring six assemblymen voting to suspend or remove the manager is directed only to a nine-member assembly.

In response to a question from Mr. Parker regarding consideration of the proposal of nominations from an area and voting on the nominees by all the people, Mrs. Loken stated there was no support in the committee for this proposal.

Mr. Halsted stated he would like to be on record as a member of the representation committee as not concurring in any of the principal recommendations contained in the committee report. In response to questions from the chairman and Mr. Schmitz, Mr. Halsted advised he did not have a minority report nor any alternatives, but he did not favor the principal proposals, as presented by the committee.

Mr. Engstrom inquired if the committee had any discussion of all districts, it appearing to him that it would be possible to elect ten assemblymen from districts, using the present city of Douglas of approximately 1150, it would seem to break out nicely into ten seats, with an elected mayor. Mrs. Loken advised that Mr. Craddick had worked out a similar proposal, but it was not recommended by the rest of the group, because of working with ten districts and ten boundaries which tends to overload the situation. The committee felt that if this goes to the public, they should be given only two proposals so that there is a majority in favor of one or the other, and this last one was not one of the two favored by the committee.

Mr. Russo expressed the opinion that he favored districting as he had in the first charter and that the relationship in the number of voters or residents in each district was equally divided, but the people in Juneau were unhappy because West Juneau was part of the Douglas district. He also felt that if unification is to be achieved, boundary lines should be eliminated.

Mrs. Kline called for discussion on the question of submitting two proposals to the voters, to which Mr. Halsted stated he found no justification for this in the enabling act which charges the commission with the responsibility of preparing a charter -- not two or three. Mr. Parker replied that on the other hand there is no prohibition, and the legal aspects would have to be researched. Mr. Schmitz stated that he felt Juneau should be one district with its present boundaries, with which Mr. Engstrom concurred further pointing out that no matter how many members are elected from Juneau, they should be elected at large from Juneau.

Chairman Kline called for a straw vote to give the committee some direction in regard to giving the voters two proposals on the ballot, advising that she would check into the legality of that in the meantime. The vote was as follows:

Mr. Parker	Yes
Mrs. Norwood	Yes
Mr. Schmitz	No
Mr. Grummett	No
Mr. Engstrom	Yes
Mrs. Loken	Yes
Mr. Russo	No
Mr. Halsted	No
Mrs. Kline	No

The motion failed, 5 no to 4 yes.

Mrs. Loken asked why those voting against the motion did not favor putting two proposals before the voters, outside of the legality of the matter. Mr. Grummett felt one reason would be a matter of voters understanding both or one or the other, and secondly that with the information available to the commission presently, it can come up with a workable solution rather than having the voters attempting to solve the problem for the commission. Mrs. Loken pointed out that the commission is at a disadvantage of trying to out guess the population and may pick a proposal not generally favored and that this might be the most important part of the charter as far as the public is concerned, because this is an issue closest to home with everybody. Chairman Kline felt it could possibly backfire politically because voters may vote against the charter because they favored one or the other of the two proposals and would vote no if they were afraid the proposal they favored would not win. Mr. Halsted did not feel the enabling legislation allowed this type of decision to be left to the voters, that a charter was to be proposed, not alternative charters. Mr. Grummett asked Mrs. Loken if the committee itself preferred one of the proposals over the other, to which she replied that both had been discussed extensively and that the committee did not place one above the other. However, she pointed out that the committee also felt that if the public was willing to go for the at-large proposal it certainly would eliminate a great many problems; if not, the combination is the next best where everybody gets to vote for one more than half of the assembly. She stressed that as far as desirability goes, the two were equal in the eyes of the committee.

There was further discussion among the members in regard to the committee report and its proposals, with no further action being taken except that Chairman Kline said that the following meeting would include a further report from the representation committee in light of tonight's discussion, as well as a report from the transition committee.

Mr. Parker brought to the chairman's attention that Mr. Bill Winn was in attendance and requested the commission hear his comments.

Mr. Winn's comments concerned the restrictions on L.I.D. and service area bonds in the charter, which he felt should be removed, particularly the bidding obligation. He feels that these restrictions are all well and good when on a bond market; however, he felt the board or the district ought to decide whether bid or negotiation would be to the best interests, and that a restriction, moneywise, should not be in the charter. Mr. Winn strongly suggested removing the bidding requirement from the charter.

Mr. Schmitz said he had noted some support to just starting with section 10.1 and lopping off the rest, just say in effect that the municipality shall have the debt, type of obligation, and that there shall be a vote of the people affected, and let it go at that. He felt the section is too wordy and tries to detail too many things to tell the people of the future what they can do, when situations may be much different than now, and that it is too restrictive and does not accomplish what is intended.

Chairman Kline advised that a committee would be formed on the financial and bonding articles, and requested Mr. Winn to work with the committee when it is formed, and he graciously agreed to do so.

The commission then continued with their agenda. Mr. Parker said that Mr. Stark suggested in Section 11.2 (b), on page 33, that the last sentence be deleted. Mrs. Norwood pointed out that in the same connection, Mr. Stark suggests a change to 11.13 to cover area-wide services instead of mandatory establishment. His suggestion for 11.13 is: "Provision of areawide services shall be handled in the same manner as any other service area. Elimination of services provided on an areawidebasis shall be by areawide vote." Mr. Parker further commented that Mr. Stark wished to omit the last sentence of 11.2, change mandatory establishment to areawide services and include the foregoing language. Mrs. Loken commented that this has been a policy decision that the commission has been faced with quite a few times--that is, elimination of mandatory establishment. Mrs. Norwood pointed out that Mr. Stark makes provision in Section 12.4 for emergency establishment of sewer or water improvements in case of an existing health emergency. There was discussion among the members as to the intent and feasibility of the suggested changes, with particular reference to eliminating emergency authority, with Mr. Parker pointing out that this had alot of discussion during the campaign. Mr. Engstrom felt that 11.3 was not too necessary, merely providing again that the assembly by ordinance can establish or abolish service areas but that it is not subject to (b) which provides for something less than a referendum would provide; however, the voters would still

have the right of referendum in regard to any ordinance adopting a service area and could nullify an ordinance.

After conclusion of further discussion, Mr. Parker moved that Section 11.3, Mandatory Establishment, be stricken.

Seconded by Mr. Halsted.

The vote was as follows:

Mr. Parker	Yes
Mrs. Norwood	Yes
Mr. Schmitz	Yes
Mr. Grummett	Yes
Mr. Engstrom	Yes
Mrs. Loken	Yes
Mr. Russo	Yes
Mr. Halsted	Yes
Mrs. Kline	Yes

Motion unanimously carried.

Mrs. Norwood moved to strike the last sentence of Section 11.2(b), which reads: "There shall be no election under this subsection to eliminate a service to be provided on an areawide basis."

Motion seconded by Mr. Schmitz.

The members discussed the effect of deleting this sentence, citing specific examples, whereupon Mr. Schmitz advised that in light of the discussion he would withdraw his second to the motion.

Mr. Engstrom moved that the entire subsection 11.2(b) be stricken on the basis that it is covered by the referendum procedure and further that there would be no trouble getting 25% of the voters on a petition to establish, alter or abolish a service area. It was Mr. Schmitz' view that this would make it easier for the voters to protest an areawide service being forced upon them and Mr. Halsted pointed out that this was the very definite intent of the subsection.

Mr. Parker seconded the motion to get it on the table for further discussion.

For informational purposes, Chairman Kline pointed out that the committee report originally had an automatic election for the establishment of a service area or addition of a service, and adopted (b) to save the expense of an election if there was no objection.

Mr. Grummett asked which section in Article 7 would cover what is intended to be eliminated in subsection (b), to which Chairman Kline replied Sections 7.3 and 7.10.

Mrs. Loken stated that she felt this section represents a very firm policy that the commission had in protecting people in the formation of services in various parts of the municipality.

There was discussion among the members as to the percentage or number of voters required on a petition in regard to this subsection, with various proposals being advanced.

Chairman Kline called for the vote on the motion on the floor, which is to delete subsection 11.2(b) in its entirety. The vote was:

Mr. Parker	Yes
Mrs. Norwood	Yes
Mr. Schmitz	No
Mr. Grummett	No
Mr. Engstrom	Yes
Mrs. Loken	No
Mr. Russo	No
Mr. Halsted	No
Mrs. Kline	No

Motion fails, 6 no to 3 yes.

Mr. Schmitz moved to raise the figure in the subsection from 25 to 100.

Seconded by Mrs. Loken.

There was no further discussion on the motion and the vote was:

Mr. Parker	Yes
Mrs. Norwood	Yes
Mr. Schmitz	Yes
Mr. Grummett	Yes
Mr. Engstrom	No
Mrs. Loken	Yes
Mr. Russo	Yes
Mr. Halsted	No
Mrs. Kline	No

Motion carried, 6 yes to 3 no.

(Mrs. Loken left the meeting.)

There being no other proposed amendments or changes to Article 11, Chairman Kline called for amendments to Article 12, Local Improvement Districts.

Mr. Parker stated that in Mr. Stark's recommendations, he suggested changing the last sentence of 12.4 on page 35 to read: "However, the assembly by ordinance may authorize a sewer or water improvement by an affirmative vote of 11 members if the health officer certifies that the improvement is necessary to alleviate an existing health emergency." Mr. Parker said his feeling was that Mr. Stark possibly missed the point of the protest situation that the commission tried to picture here, and for that reason he would not place it on the floor.

Mr. Halsted moved to delete the last sentence of 12.4.

Motion seconded by Mr. Russo, who then asked Mr. Halsted his intent.

Mr. Halsted said the intent was to limit the activities of the legislative body in this field.

There was considerable discussion by the group in regard to the problem of absentee owners and their effect on proposed local improvement districts.

Mr. Machyowsky arrived and the chairman explained the motion on the floor prior to voting.

The chairman called for the vote on the motion to delete the last sentence of Section 12.4 which reads: "However, the assembly by ordinance may authorize the improvement by an affirmative vote of seven members." The vote was as follows:

Mr. Parker	No
Mrs. Norwood	No
Mr. Schmitz	No
Mr. Grummett	No
Mr. Engstrom	No
Mr. Russo	No
Mr. Halsted	Yes
Mr. Machyowsky	Yes
Mrs. Kline	Yes

Motion fails, 6 no to 3 yes.

Mr. Schmitz moved that the sentence be amended to require the affirmative vote of all but one of the assembly.

Seconded by Mr. Halsted. The vote was:

Mr. Parker	Yes
Mrs. Norwood	Yes
Mr. Schmitz	Yes
Mr. Grummett	No
Mr. Engstrom	No
Mr. Russo	Yes
Mr. Halsted	Yes
Mr. Machyowsky	Yes
Mrs. Kline	Yes

Motion carried, 7 yes to 2 no.

Mr. Machyowsky inquired if discussion had been held in regard to the possibility of eliminating the article entirely and leaving it to local ordinance to set up assessment procedures, in accordance with Mr. Henri's recommendation. Mr. Machyowsky was of the opinion that it is not mandatory on the commission under the unification law to cover local improvement districts.

Mr. Parker said that during the campaign there was considerable confusion between service areas and local improvement districts. He felt that Mr. Henri could appear before the group and the commission could explain its position and then hear his viewpoints and re-consider the article at a later date.

There were no other motions proposed in regard to Article 12.

The next item on the agenda was consideration of Article 13 on public schools, however Mr. Schmitz and Mr. Parker felt that anything on this article should be postponed until the school board had presented their views . There being no objection, action on Article 13 was deferred.

In regard to Article 14, Mr. Engstrom pointed out that this was not a very controversial article. No amendments or motions were presented.

Article 15 was then brought under discussion. Mr. Schmitz questioned the definition of the term "a substantial indirect financial interest." Mr. Machyowsky stated that this language came mainly from the borough act. There was discussion by the group concerning this or similar terminology and the desirability or necessity for its inclusion.

Mr. Machyowsky moved to amend by inserting after "vote on," the words "or participate in the discussion of," .

Mr. Russo seconded the motion.

Mr. Machyowsky explained that this intent is to prohibit participation in the discussion as an assemblyman. Mr. Machyowsky then requested the consent of the second to amend the motion so the added words would be, "or participate in assembly discussion". Mr. Russo, who seconded the motion, consented to the amendment.

Mr. Parker said that in an assembly meeting a person could vacate his chair and go to the floor. How could he be denied the right to discuss the matter as a private citizen, yet it would be an assembly discussion. Mr. Schmitz also pointed out that this person could be representing his district or the voters having a common interest with him.

The vote on the motion was as follows:

Mr. Parker	No
Mrs. Norwood	No
Mr. Schmitz	No
Mr. Grummett	No
Mr. Engstrom	No
Mr. Machyowsky	Yes
Mr. Russo	No
Mr. Halsted	No
Mrs. Kline	No

Motion fails, 8 no to 1 yes.

Mr. Engstrom moved that Section 15.1(a) and (b) be stricken.

Mrs. Norwood seconded the motion and requested it be amended to also strike the word "additional" in section (c). Mr. Engstrom said that he had intended to move that change if the motion he proposed had succeeded, but it could be included in the motion. Mr. Engstrom them explained that the reason for the motion is to leave up to the assembly the making of the rules for conflicts of interest and not have it in the charter. It is his feeling that the assembly would adopt a much more specific set of rules. Mr. Machyowsky's position is that a minimum of protection is needed and that this establishes it. Mr. Parker tended to support Mr. Engstrom's motion because now only one facet is covered, and that it should have all facets included here or go to the ordinance and code ofethics type of thing. Mr. Machyowsky pointed out that this covers employees as well as assemblymen and essentially the same provisions are in the present city charter of Juneau. Mr. Halsted felt that the assemblymen could be very lenient with respect to themselves in anything they might enact, but with this section of the charter a violation almost automatically removes them from office.

The following roll was taken on the motion to strike Section 15.1(a) and (b) and delete the word "additional" from (c):

Mr. Parker	Yes
Mrs. Norwood	Yes
Mr. Schmitz	No
Mr. Grummett	No
Mr. Engstrom	Yes
Mr. Machyowsky	No
Mr. Russo	No
Mr. Halsted	No
Mrs. Kline	Yes

Motion fails, 5 no to 4 yes.

Mr. Schmitz moved that in Section 15.1(a), third line, the words "or indirect" be deleted.

Motion seconded by Mr. Grummett.

Mr. Schmitz changed his motion to delete "direct or indirect", and his second, Mr. Grummett, agreed.

Chairman Kline asked Mr. Schmitz if he wanted to carry it through and delete it wherever it appears -- it appears again in the fourth line. Mr. Schmitz answered affirmatively and Mr. Grummett continued his second.

Mr. Engstrom questioned whether or not it would be advisable to strike the word "substantial" also. Mr. Schmitz replied he did not want it that restrictive.

The group continued discussion of the term "substantial financial interest" and the problems which could arise in its application.

The chairman then called for the vote on the motion to delete the words "direct or indirect" in both places it appears in Section 15.1(a), which was as follows:

Mr. Parker	Yes
Mrs. Norwood	Yes
Mr. Schmitz	Yes
Mr. Grummett	Yes
Mr. Engstrom	No
Mr. Machyowsky	No
Mr. Russo	Yes
Mr. Halsted	No
Mrs. Kline	Yes

Motion carried, 6 yes to 3 no.

The chairman advised that in a discussion with Mr. Berrier, he suggested deletion of the substantive change thing in the ordinance procedure which requires a second public hearing, which goes right along with the present discussion on "substantial" and "direct or indirect". This is on page 11, Section 5.3, the last sentence: "The ordinance as amended after the hearing as to any manner of major substance, the ordinance shall be treated as a newly introduced ordinance." Mr. Berrier feels this sentence should be dropped. Mr. Parker pointed out that this section was written this way because people thought it was necessary in that it is, in fact, a new ordinance. Mr. Machyowsky favored deletion of the sentence because it is something that comes up so much that the protection of the public is not that much a matter of concern as to warrant this cumbersome procedure for the governing body.

Mr. Machyowsky moved that the sentence be deleted, the last sentence in section 5.3.

Motion seconded by Mr. Engstrom.

Mr. Russo asked if it was possible by deleting this sentence, to add that before final passage of an ordinance as amended public notice shall be given by the news media or posted, or both, and final passage shall not be in effect until seven days (or words to that effect) and anyone could be heard on the particular subject.

Mrs. Norwood pointed out that provision is made for public hearings to be adjourned from time to time and wording could be included that final adjournment of public hearings shall not be until after the ordinance is in its final form and all amendments have been adopted, so that there would always be a chance for public hearing after the ordinance was in its final form.

The group further discussed the pros and cons of defining major substance, costs of the procedure, delay involved, etc., whereupon the chairman called for the vote on the main motion of deleting the last sentence of Section 5.3, which was as follows:

Mr. Parker	No
Mrs. Norwood	No
Mr. Schmitz	Yes
Mr. Grummett	Yes
Mr. Engstrom	Yes
Mr. Machyowsky	Yes
Mr. Russo	No
Mr. Halsted	No
Mrs. Kline	No

Motion fails, 5 no to 4 yes.

No further amendments were offered in connection with Article 15.

The chairman brought to the attention of the group that the borough was finding it quite expensive for the commission to have verbatim minutes of its meetings. Mr. Halsted suggested that the minutes be edited in the future, and Mr. Engstrom agreed with this suggestion. Mr. Parker pointed out that inclusions of statements of intent by members was important in the minutes of all meetings.

Mr. Halsted moved the minutes be summarized; seconded by Mr. Engstrom.

There was no objection to the motion and it carried unanimously.

Mr. Halsted moved to adjourn.

Seconded by Mr. Engstrom.

Meeting adjourned at 10:35 p.m.

Respectfully submitted,

Pat Cunningham

Pat Cunningham

Meeting #7, Second Session, Greater Juneau Charter Commission
July 7, 1969
8 o'clock p.m.

Chairman Virginia Kline called the special meeting of the Greater Juneau Charter Commission to order at eight o'clock p.m. on July 7, 1969. The chairman announced that the purpose of the special meeting was to have an informal discussion with members of the school board in attendance concerning items in the proposed charter of particular interest to the school board and the public school system.

The members of the charter commission attending were:

Don Craddick
Bill Schmitz
Mike Grummett
Jean Norwood
Allan Engstrom
Virginia Kline

The members of the school board attending were:

Alice Crosby
Marie Darlin
Dan Plotnick

Also at the table with the commission members and board members was Dr. John Gunnison, Acting Superintendent of Schools.

Mrs. Crosby said that the school board would like to know from the commission what changes it intended to make in the charter, and the chairman replied that the commission had skipped over the section on public schools until the school board had had a chance to meet and determine what changes it deemed necessary. However, the chairman did point out that in the financial section a change had been made so that mandatory centralized treasury accounting and purchasing is now at the discretion of the assembly; i.e. the intent is for centralized accounting but exceptions may be made by the assembly. 9.13

Chairman Kline advised the board members that the commission had discussed at length the date for submission of the school budget as well as all other budgets in the municipality, and also the legality of signing teacher contracts before the money has been appropriated. She further advised that the dual seat concept, school board/assembly, had been discussed; increasing the size of the school board to seven members; and the division of power between the school board and the assembly over school construction.

Mrs. Crosby pointed out that submission of the school budget as early as December 1st necessitated projecting too far into the future without actual knowledge of costs and needs. She said the teachers had to be advised by March 15 if they were to be retained and the state law makes it permissive for boards to make the agreements with teachers.

Mr. Craddick said that from previous discussions with the school board and the superintendent the commission had set the budget dates at what it understood the board and the superintendent wanted, but apparently it was not right in view of the criticism. He requested the board members to definitely state when they wanted to submit their budget, and Mrs. Crosby replied that they were happy with it the way it is. Mr. Plotnick felt the time factor of the legislature had to be considered and suggested the possibility of setting the date at when the legislature adjourns. Mr. Engstrom pointed out that the state law set approval of school budgets at May 1. There was continued discussion as to the submission and approval dates of the budget, and Mrs. Crosby pointed out that if the budget is not adopted or approved by the deadline date it is accepted as presented by the board. Chairman Kline felt it inadvisable to tie the budget date to legislature adjournment because the legislative sessions are getting progressively longer. Mr. Craddick asked if the problem could be solved by providing in the charter that it be left to the assembly to set the date by ordinance, which would require public hearings, etc., and in that manner the assembly would not be apt to change it too often. He checked Titles 7 and 14 to determine if it is possible to change the date under home rule, and was of the opinion it could be done.

In regard to signing of employee contracts prior to the appropriation of money, Chairman Kline suggested inserting an "except" clause in both the public school article and the financial article (pages 24 and 38), so it would read: "No payment may be made and no obligation incurred, except employee contracts." Mr. Engstrom did not feel this could be done because of the size of the item in the overall budget. Mrs. Crosby said that she had checked with Mr. Isaac who advised that basically because school boards have the authority to contract in this manner it has not been a problem.

There was considerable discussion as to actually changing the budget submission and approval dates, and school board members seemed to feel submission by April 1 or 15, and approval by May 31 would be desirable or acceptable.

Chairman Kline inquired about the question of total amount versus local share as far as assembly approval of the budget. Mr. Craddick stated he had a proposed amendment which would read the same as it does in state law so that it is the amount available from local sources that is approved. Mrs. Crosby pointed out that the way the law now reads is that the borough shall approve the total amount but they appropriate only from local sources. Mr. Craddick said he had another amendment as follows: "After adoption of the school budget by the assembly, none of the funds allocated by the assembly for education purposes may be used for non-education purposes." The underlying premise of this amendment is that the assembly would not have the power in any event to touch funds that come to the school board from the federal government, but the assembly could, after adoption of the budget shift it from one place to another -- this amendment assures that no funds will be taken away from it.

Mr. Engstrom discussed with Dr. Gunnison the situation where federal funds are allocated for educational purposes for which local funds have already been appropriated, which in his opinion, should release the local funds for other purposes. Dr. Gunnison felt it would be difficult to separate what was federal, what was local and what was state. He cited the example of $57,000 that came in to Title 1 which was for the reading program, but could you say that the local funds are not used to teach youngsters to read -- it would be extremely difficult to say what is a different category than what is already in the program. Mr. Engstrom said the point he was trying to make is if the federal funds are granted are they used in addition to the local funds in the approved budget, or do you still use the total amount appropriated using the federal funds supplemented by what is necessary of local funds to get it up to the amount appropriated in the approved budget, hence releasing the balance of the local funds in the amount of the federal funds received. Dr. Gunnison said it might discourage applying for federal funds if there was any risk of losing local funding, because the tremendous amount of paper work and the controls imposed by the federal programs might not be worth it. The group continued discussing the federal programming, the disposition of unanticipated state or federal funds received, release of local funds upon receipt of federal funding, etc. Chairman Kline pointed out that if the assembly gets extra federal money that it had not counted on, they spend it by means of a supplemental appropriation ordinance. Mrs. Crosby advised that in the case of the school board, the board itself approves the expenditure of the funds whereas the assembly only appropriates local funds. Mr. Engstrom said that in the past the school board has increased the budget and allowed the expenditure, when funds have come in that make expenditures go over the amount of the budget adopted by the assembly; and that now there is an attorney general's opinion saying this is illegal and recently the school board received $60,000 over and above, and for the first time the borough assembly has approved by ordinance the increase in the budget to allow the expenditure. Mrs. Crosby explained that there had been no consultation between the attorney and the superintendent in the past or at the time cited by Mr. Engstrom, and that the school board was under the impression that it was acting within its province. Mr. Engstrom said that his feeling is, as a result of the AG's opinion, that the school board must on any funding, federal or state, over and above the amount of the budget, get assembly approval of the increase in the budget figure. Mrs. Crosby agreed with this. The group further discussed the ramifications of total amount and local share as applied to the charter.

The group then turned its attention to a point brought up by Mrs. Crosby in regard to not overspending on a major object without approval. Mr. Craddick proposed one of two things be done with this -- either it be thrown out completely, or replace it with language such as, "After adoption of the school budget by the assembly, the board shall not exceed the allocation for any major object of expenditure without first holding a public hearing on the proposed allocation." The reason for this second proposal would be that the school board had held public hearings on the budget and explained to the public what

they intended to do beforehand, so at least the board should be accountable to the public for a major change. Mrs. Darlin inquired how a major change would be defined -- whether by dollar value or what. Mr. Craddick said he felt it was not a question of definition but of concept: Is the school board going to be free to change a major item in the budget after it has been approved or not; and if so, to what degree should it be accountable to any entity. Mrs. Crosby said she relies on state law which states: "Each borough or city school district shall be operated on a districtwide basis under the management and control of a school board." She further stated that traditionally, once the total figure was approved, it has been within the province of the school board to use their discretionary powers on transfer of funds within their own budget. Mrs. Darlin felt that the time element would make public hearings undesirable.

Mrs. Crosby said that the dean of the school of education at Stanford was in Juneau a short time before and at a conference which was directed toward the problem of school financing, and he said that Alaska is absolutely the worst state in all states in the situation which exists as far as a school board being able to assume its authority which is vested in school boards; that the borough/school board setup imposes more restrictions than anyplace he knows of in the United States. Consequently, in Mrs. Crosby's opinion, the school board is on the look out for areas which do inhibit the powers which the board feels rightfully belong to a school board. Mr. Engstrom said that by giving all those powers to the school board and taking away the protection of the borough from the school board, you will have alot of politicians running for the school board which would be a poor thing.

Mr. Craddick stressed the point he had previously made that it did not seem proper for the school board to present a budget, hold public hearings to enlighten the public, have the budget approved, then be in a position to change it drastically without an accounting to either the assembly or the public. Mrs. Norwood felt the school board was completely insulated from the electorate. It was Mr. Schmitz' opinion that public hearings would not be an effective device and that the board could go ahead and do what they wanted to anyway, with which Mr. Craddick agreed but pointing out that at least the public would have the right to be informed about it. The group continued discussing the question and the advisability or desirability of having it set out in the charter. Mrs. Darlin pointed out that the amendment proposed by Mr. Craddick to require public hearings on a major change would appear to include additional money coming in. Mr. Craddick agreed that at the time he worked this up he had not been thinking of any additional funds. Mr. Plotnick agreed that politically public hearings would be good but he agreed with Mr. Schmitz that they probably would not accomplish the purpose.

Mr. Engstrom tossed out the idea of the assembly having to adopt the school board budget and adopt the required millage rate; in other words, give full control of the budget to the school board including the millage rate. Mrs. Crosby felt it would take a constitutional amendment to permit fiscal independence of the school board. Mr. Plotnick pointed out that this would make the school board members completely responsible to the electorate. This proposition was

animatedly discussed among the group.

The next subject that came under discussion among the group was the idea of dual seats on the school board and the borough assembly. Mrs. Crosby stated at the outset that she did not favor this, because of the difficulty of trying to be an effective member of the assembly, cognizant of all matters coming before it, and in addition serving as the education committee which could and possibly should take all the members' time. This may lead to doing a poor job on either. Mr. Plotnick stated that he was against the principle of holding dual offices but he could see that it may be the answer to the dilemma faced since the implementation of the borough and fighting borough legislation/school legislation.

In this regard, Mrs. Darlin asked if any changes had been made in connection with the representation issue, to which Chairman Kline replied there had been much discussion but no action as yet. Mr. Schmitz briefly reviewed the meeting of the transition committee with the city council at which a great deal of time was spent on representation because it affected their thoughts as to the protective provisions in the transition and finance phases. They thought because of the fact that so much is tied in economically, it would be well to divide up the area using Douglas as the basic unit, then take the service area of Juneau, four or six, and the outside area would be four, and have a primary so that you end up with two persons running for each seat, then everybody votes on these remaining people. Thusly, (1) you have representation of the district, the economic district; and (2) everybody has a chance to vote on them. The council seems very concerned with adequate representation. This idea was further explained and expanded on by Mr. Schmitz.

Mrs. Crosby questioned the philosphy of the commission on giving the responsibility of routine maintenance to the borough, leaving custodial services with the schools; she disagrees with this. Chairman Kline explained that the feeling of the commission was that it is easier to define the difference between custodial services and routine maintenance that to define the difference between routine maintenance and major rehabilitation; mainly the argument of one of the commission's engineers was that as soon as you let routine maintenance slide a bit it becomes major rehabilitation. Mr. Craddick said he felt that repairs and maintenance ought to be with the school board, but the engineers were able to show that efficiency lies with having the public works department take care of it instead of the schools. Mrs. Crosby favored leaving it as provided in state law now that the schools have routine maintenance and custodial services and that major rehabilitation and school construction is with the borough. There was general agreement among the group with this view.

Mr. Craddick pointed out that there were certain portions that had to be spelled out or clarified, such as Section 13.8(c), to which must be added "and other capital improvements", because Title 7 is not clear as to who has control over these various things. It says

the school board makes the recommendations subject to assembly approval, etc., and it is the same with the hiring of the architect. It should be put in the charter that the school board hires the architect, the school board does this and this, and the assembly does that; none of this dual business back and forth, subject to approval, etc. Mrs. Crosby pointed out that there are certain things that do require dual consideration, such as site selection and cooperation of planning and zoning people.

Chairman Kline stated that Al Shaw had made a suggestion at one of the meetings and that was that construction of schools be handled the same way the budget is. In other words, the assembly approves the total amount and the school board works within that amount, so you don't have the assembly approving plans, architects. The assembly would have some say in site selection, however.

Mrs. Crosby stated that the way it was handled now, there never was a nickel left over for landscaping or playground facilities, just a building rather than a complete school plant.

Mr. Schmitz inquired about outstanding bond issues as far as the needs of the schools are concerned. He was advised there was the Floyd Dryden and another elementary, on bond issues about four years old.

Mr. Schmitz inquired of Dr. Gunnison what percentage of the budget comprised teachers' salaries, and Dr. Gunnison advised him it was about 75%.

Mr. Schmitz observed that tonight's meeting had not resulted in a determination of what budget date should be in the charter, other than it should be moved up, nor what to do with signing teachers' contracts prior to appropriation of money; though it was felt by those present that the exchange of views was beneficial.

The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Pat Cunningham

Pat Cunningham

Meeting #8, Greater Juneau Charter Commission, Second Session
July 8, 1969
Eight O'clock p.m.

The meeting of the Greater Juneau Charter Commission was called to order by Chairman Virginia Kline at eight o'clock p.m. July 8, 1969, in the offices of the Greater Juneau Borough. The roll call was as follows:

Present	Excused	Absent
Larry Parker	Don Halsted	Allan Engstrom
Guy Russo	Greg Machyowsky	
Bill Schmitz		
Jean Norwood		
Don Craddick		
Pat Loken		
Mike Grummett		
Virginia Kline		

There was no correspondence presented, however Mrs. Loken submitted a bill to the chairman. No announcements were made.

The chairman called for corrections or additions to the minutes of June 24, 1969. None were offered and the minutes were approved as presented.

The chairman advised that Mr. Doug Stark had contacted her and requested permission to appear before the commission to further explain his suggested changes to the charter. Mr. Stark joined the members and commenced going through his proposals one by one.

Mr. Stark's main points were:

1. Desirability of having election on ratification separated from election of candidates.

2. Advantages to having ratification election by September, election of candidates by October, and take over by new government November 1st; or in any event, having the charter ratified prior to the October election in Anchorage on the question of whether or not to unify that area.

3. Merits of public hearings on commission's second charter from a political standpoint.

4. Statewide effect of ratification of charter in relation to the capitol move issue.

The members discussed at length with Mr. Stark the time factor involved in attempting to complete necessary work on the charter in order to get it out for vote on his suggested schedule; the anticipated effect of the Anchorage vote in October in view of the fact that they will be voting merely on the unification concept rather than accepting or rejecting a charter; the problems of educating the electorate prior to the vote; and possible arguments that will be advanced by those opposing any charter.

Mr. Schmitz explained to Mr. Stark the discussion between the transitional committee and members of the city council, who were quite concerned about getting adequate representation on the assembly to the point that they would not have to worry about certain finance and transitional provisions. A proposal was discussed for a nine man assembly with Douglas being one unit, adding to it from across the channel or North Douglas enough population to make it one district, Juneau would have four districts, and the remaining area would have four districts. There would be a primary so that from each of these districts the people within the districts would vote on the candidates reducing them to two candidates from each district, then in the general election everybody would vote on all candidates. The advantages are (1) keeping the economic units together; (2) representation by districts in that each district selects their own two men who will run in the general election; and (3) everybody gets to vote on all candidates. The mayor position would be appointed by the assembly.

Mrs. Loken felt that the foregoing plan combines all of the bad features of every proposal discussed and considered by the commission, namely the cost of having two elections which does not seem to be justified in a community of this size, the combining of cumbersome districts with an at large vote which means that in the final analysis the district does not get to elect its own representative, and further that the districts don't even have to be equal, populationwise.

The opinion was expressed by Mr. Stark that whatever is necessary to achieve unification has to be done because the total value of a unified government is much greater than having a perfect document. Mrs. Loken commented that the goal would seem to be lower now than that which was in mind in the beginning.

Mr. Stark continued his point by point explanation of the changes or amendments to the charter covered by his written statements, a copy of which each commission member had, particularly discussing local improvement districts as compared to service areas, necessity of an areawide vote for an areawide service, the problem of absentee ownership when the absentee would possibly own the substantial interest and hence pay the largest share and the inadvisability of this except in the case of a health hazard. Mr. Schmitz pointed out that several items were covered in the transition committee report which would be presented later in the meeting.

Five minute recess.

When the meeting resumed, Chairman Kline introduced Mrs. Yvonne Mozee who was in attendance representing the Empire newspaper.

Mrs. Virginia Blanchard was also in the audience and joined the members to discuss certain aspects of the revised charter. She felt the members should seriously consider the timing of the election and

try to have it prior to the coming of the legislature. She suggested that the commission meet every night, or as often as necessary to complete its work at the earliest possible date, stressing the desirability of having the election in September, definitely prior to the borough and city elections in October. It could be set out in the charter that the present government body would carry on until the new assembly was elected. Mrs. Blanchard further suggested that distribution of the charter be accomplished through the newspaper, having it in larger print and as an insert and not make any other publication of it. Mrs. Loken pointed out that possibly a legal opinion would be required as to whether or not public hearings are necessary because if so, a published document is necessary prior to public hearings. Mrs. Blancard agreed with Mr. Stark that public hearings would be desirable and as he suggested, could be held three nights in a row. Mr. Parker disagreed with both Mr. Stark and Mrs. Blanchard in that he does not feel that the charter can be put before the people now and attain a favorable reaction because the people would feel that not much had been accomplished in such a short time. Mrs. Blanchard said there were probably less than ten controversial issues which the commission could iron out, and then a public relations campaign could be initiated to overcome emotional or psychological blocks. Mr. Grummett pointed out the importance of converting the opponents to the charter over in favor of it, which may take more time than is available before September. Mr. Schmitz advised that the reception by the council members seemed favorable but that it appeared the mayor would be opposed to any charter.

Mrs. Blanchard then rejoined the audience.

Chairman Kline asked if there was a report by the representation committee, and Mrs. Loken said there was not but that a meeting would be called for the following Tuesday.

Mr. Craddick suggested that the commission meet more often to get the document completed. Mrs. Loken agreed if a target date in the near future was to be set, but if the target date was not so set, it would not seem feasible to meet several times a week, with which most members agreed. Working with a calendar, the members discussed the date the work would have to be completed in order to have a published document, have public hearings, allow time for candidates to file, and have the election.

Mrs. Loken moved that the commission ask for an election date of September 23.

Motion seconded by Mr. Craddick.

Further discussion ensued involving time to file, whereupon Mrs. Loken changed the motion to be September 16 rather than the 23rd, with which Mr. Craddick, who seconded the motion, concurred.

Mr. Schmitz stated that he thought this was rushing it too much and that not as good a job would be done. Mr. Russo pointed out that the biggest stumbling block would be the transitional section and it is hard to tell how long it will take to satisfy the Juneau and Douglas city councils.

Mr. Schmitz inquired as to what committees were still to be heard, and Chairman Kline advised that the only new committee would be on financial and bonding, and that transitional and representation were not finished. Mr. Craddick said in regard to the representation committee work, that the committee was somewhat stymied without further direction from the commission as to what it wanted, but as soon as a policy decision was made by the commission the representation committee could work it up.

The vote on the motion to set a target date of September 16 was as follows:

For	Against
Mr. Schmitz	Mr. Russo
Mrs. Norwood	Mr. Parker
Mrs. Loken	Mrs. Kline
Mr. Grummett	
Mr. Craddick	

Motion failed, 5 yes, 3 no.

Mrs. Loken gave notice of reconsideration.

Mr. Craddick moved that the commission try for the target date of September 19.

Motion seconded by Mrs. Loken.

The following vote was taken:

For	Against
Mr. Schmitz	Mr. Russo
Mrs. Norwood	Mr. Parker
Mrs. Loken	Mrs. Kline
Mr. Grummett	
Mr. Craddick	

Motion failed, 5 yes, 3 no.

Mr. Craddick gave notice of reconsideration.

Mr. Craddick then moved that the commission meet Thursday (July 10).

Seconded by Mr. Grummett.

Mr. Parker asked if the two notices of reconsideration had to be heard at the next regular meeting or the next meeting, and Mr. Craddick said he meant his notice to be heard at the next meeting, whether regular or special.

The vote on the motion to meet Thursday, July 10, was as follows:

For	Against
Mr. Schmitz	Mr. Russo
Mrs. Norwood	Mr. Parker
Mrs. Loken	Mrs. Kline
Mr. Grummett	
Mr. Craddick	

Motion failed, 5 yes, 3 no.

Mr. Craddick moved to adjourn.

Motion seconded by Mrs. Loken.

Mr. Schmitz pointed out that the commission had not covered tonight's agenda, to which Mr. Craddick replied that there was no point in doing it because obviously time was no longer important.

The vote on the motion to adjourn was:

For	Against
Mr. Craddick	Mr. Schmitz
	Mr. Russo
	Mr. Parker
	Mrs. Norwood
	Mrs. Loken
	Mr. Grummett
	Mrs. Kline

Motion failed, 1 yes, 7 no.

The next item on the agenda was the transition committee report which was distributed by that committee's chairman, Mr. Grummett. The committee report was reviewed by Mr. Grummett and Mr. Schmitz for the benefit of the commission members. It was pointed out that the Juneau city council members went along with the proposals of the committee report including the expiration date, premised on the assumption that adequate representation was achieved. There was considerable discussion in regard to the wording of the second paragraph on page 2 of the report, objection being voiced to the phrase "no credit shall be given". It was the general feeling that this phrase could be softened to explain why no credit would be given if a more equitable arrangement deemed otherwise. In view of

extensive discussion on the first two paragraphs of page 2 of the committee report, it was the general feeling that the word "may" in the two sentences of the first paragraph should be changed to "shall". Mr. Craddick suggested the following wording for the second paragraph on page 2 of the committee report: "Provided however, that the assembly may by a two-thirds vote of its membership determine that no such credit shall be given where it is not necessary to give the credit in order to maintain a fair and equitable burden of taxation." Chairman Kline pointed out that it was the general procedure to present the committee reports at one meeting and take action at the next meeting.

The chairman of the committee, Mr. Grummett, continued with Section 16.3 on page 2 of the report. In regard to the second paragraph of this section on "Boards", the status of the library board was not definitely determined by the commission, however Mr. Parker pointed out that the City of Juneau has to carry a library board at all times even though it is only a paper board. It was pointed out by Mr. Grummett that it would appear the phrase "and other federal programs" would cover the urban renewal project not being mentioned specifically.

There was discussion among the members as to the present and future status of the tidelands, both in Juneau and Douglas, and the possibility of areawide take-over. Mr. Parker felt this is a separate area and is an enterprise operation; he outlined the tidelands area owned by the City of Juneau.

Mrs. Norwood moved to adjourn.

Seconded by Mrs. Loken.

There was no objection, and the meeting adjourned at eleven o'clock p.m.

Respectfully submitted,

Pat Cunningham

Pat Cunningham

MEETING #9, GREATER JUNEAU CHARTER COMMISSION, SECOND SESSION
July 29, 1969
8 o'clock p.m.

Meeting #9 of the Greater Juneau Charter Commission was called to order by Chairman Virginia Kline at eight o'clock p.m. on July 29, 1969, in the offices of the Greater Juneau Borough. The following roll was taken:

Present	Absent
Jean Norwood	Guy Russo
Pat Loken	Bill Schmitz (excused)
Mike Grummett	Don Craddick (excused)
Don Halsted	Greg Machyowsky (excused)
Larry Parker	
Allan Engstrom	
Virginia Kline	

Consideration of minutes was deferred and the meeting commenced with a presentation by Mr. Jack Scollard.

"My name is Jack Scollard. As administrator of the Greater Juneau Borough Hospital I have been asked by the hospital's board of directors to represent the board at this meeting in response to a letter from Mrs. Kline. First on behalf of the board of directors I have been requested to express its sincere appreciation for the opportunity to express its views to the charter commission as these relate to a charter for unified government and specifically relative to financial procedures and mention of the board in the charter. Referring to Mrs. Kline's letter and financial procedures, the hospital board felt that it was appropriate for the assembly to make decisions as to the centralization of purchasing, accounting and treasury. Expressly, it recommends centralization where it is practicable.

"Budget time table: The hospital, of course, will go along with the requirements of the charter; however from the standpoint of practicability, a budget time table which allows maximum utilization of the current year's experience will be of the most value to the hospital. For example, costs and revenue elements may change during a year; the census picture may change radically. In essence, we are saying the more current the experience, the more accurate the budget. The schedule being considered by the commission, and this is as mentioned in Mrs. Kline's letter, moving the budget dates to April 1 and May 31 are quite satisfactory from the hospital's viewpoint.

"Mention of the hospital board: Here I want to take the opportunity to tell you a little bit about the board and leave the way open for any questions that might later arise, and if we don't have the answers we'll get them. The composition of the present board of directors of the Greater Juneau Borough Hospital consists of twelve members appointed by the Borough Chairman and whose appointments have been confirmed by the assembly. One board member shall be and is a physician selected from a list of three names submitted by the medical staff. Also in attendance at hospital board meetings are usually one or two members of the borough assembly representing the assembly hospital committee. General powers of the board of directors are derived from Borough Ordinance 68-5. Standing committees of the board of directors include the executive committee, financial committee, building and maintenance committee and joint conference committee; and if you like, when I am through I'll be

glad to review the duties and responsibilities of these committees as assigned.

"In review of Mrs. Kline's letter first with the joint conference committee of the board, which is a liaison committee consisting of three members of the medical staff and three members of the board of directors, concern was expressed by medical staff representatives on the committee that a change in the authorities and responsibilities as presently assigned through the hospital board by the borough assembly might definitely affect the status of medical staff members and quite possibly the medical practice. There was a unanimous feeling by the members of the committee that a great deal had been accomplished by the board with its presently assumed responsibilities. Appreciation was expressed that the charter commission had given the hospital board of directors an opportunity to express its views. It was moved by Mr. James, seconded by Dr. Ray, and unanimously approved that the joint conference committee prepare and submit a recommendation to the board of directors for consideration at its next meeting. The joint conference committee recommendation to the board of directors in answer to the Greater Juneau Charter Commission is as follows:

"1. Whereas, the Department of Health and Welfare of the State of Alaska in its regulations for the licensing, maintenance and operation of hospitals provides as a licensing requirement that in a non-profit hospital, 'there shall be a board of directors or other similar body in each institution which shall be the supreme authority in the hospital responsible for its management, control and operation, including the appointment of a qualified medical staff, a conservation and use of hospital monies in the formulation of administrative policies; and whereas, for a hospital organized and operated for profit in the State of Alaska, the owner, partners, or in the case of a private corporation, the board of trustees of a profit making hospital, shall carry out the same functions reserved for the governing board of a non-profit institution; and whereas the legislature of the State of Alaska approved an Act relating to the power of a city council to establish and operate a hospital, and by such Act provided for the board of directors to be appointed by the municipal executive subject to the confirmation by the council and delegates to the board those responsibilities for the management, control and operation of the hospital that the council considers appropriate; and whereas, the Greater Juneau Borough Assembly adopted Ordinance Serial No. 68-5 providing for the governing and operation of the Greater Juneau Borough Hospital, and in such ordinance provided for the appointment of a board of directors, defined its general powers, provided for adoption of bylaws by the board subject to approval by the assembly and made provision for the organization of the board of directors; and whereas, such Act was introduced into the legislature upon the recommendation of the assembly of the Greater Juneau Borough; and whereas, the board of directors of the Greater Juneau Borough Hospital did adopt certain bylaws which were approved by the borough assembly and which are in general conformance with the requirements of the Joint Commission for Accreditation of Hospitals; and whereas, regulations of the Social Security Administration relative to federal health insurance for the aged provides under conditions of participation for hospitals',

the hospital has an effective governing board, legally responsible for the conduct of the hospital as an institution; however, if the hospital does not have an organized governing board the persons legally responsible for the conduct of the hospital, carry out the functions herein pertaining to the governing body. The bylaws of the board of directors and provisions of Ordinance 68-5 conform in general to the requirements as stated foregoing; and whereas, the individual members of the board of directors have each given unstintingly of their time and a great deal has been accomplished by the board in the performance of its functions for the benefit of the hospital and the community, it is the recommendation of the joint conference committee of the board of directors of the Greater Juneau Borough Hospital that the hospital board should be mentioned specifically in the charter and that the scope of its powers continue to be derived from the local governing body.

"In looking back over hours given by various board members during the eighteen months that the board has been in operation, I found that there had been approximately 590 man hours of board time accounted for at meetings and not counting special committees, special discussions and so on, that go along with this. In connection with that, we also calculated that there had been 22 man hours devoted to such meetings by members of the assembly hospital committee. Thankyou very much."

Chairman Kline called for questions from commission members.

Mrs. Loken: What is the meaning of legally responsible?

Mr. Scollard: Just exactly that. For example, if there is negligence occurring that can be proved and a patient suffers thereby, the board of directors is legally responsible -- they can be sued.

Mrs. Loken: In looking at it from a standpoint of the local municipality, how would legally responsible for an efficient operation apply?

Mr. Scollard: In that, the borough assembly, which is a group of extremely busy people, delegates authority to the board of directors and with that authority also delegates responsibilty for the maintenance and operation of the hospital.

Mrs. Loken: I realize this, but I just wondered how they could be legally responsible for financial operation of the hospital.

Mr. Scollard: Allan (Engstrom), you're an attorney; can you answer that better than I can?

Mr. Engstrom: Just off the top of my head, if I were suing, I would sue the Greater Juneau Borough. I don't think that individually the board of directors would be liable. They would only be liable as an entity. The hospital is a function of the borough; actually the end result liability is the Greater Juneau Borough.

Mr. Scollard: In the cases of common law with which I am familiar, and there's enough of them, the board in most non-profit hospitals is the ultimate authority; also the same is true in profit hospitals. The board, individually and severally, the administrator, and any appointed officer of the hospital could be so joined in a suit. I think the intent here is that a great deal of time is required in the operation of a hospital, and the board is composed of widely representative groups -- we have the bar association, physicians, etc.

Mr. Engstrom: I think actually Jack may be right on that as far as a joinder ....

Mr. Scollard: The Joint Commission for the Accreditation of Hospitals is very positive in terms of responsibilities they see that a board ought to provide. Incidentally, Medicare's responsibilities are copied almost verbatim from this -- let me read this because I think it is imformative:

"The ultimate authority and responsibility for the conduct of the hospital lie in the governing body. Responsible and controlling authority may be designated by such terms as board of trustees, board of governors or board of managers, elected or named by the hospital exercise complete and supreme authority for the management of the institution. Composition, size and membership depend on the purpose and ownership of the hospital but its responsibilities are definite."

These are outlined in the standards:

"The governing board is legally and morally responsible for the conduct of the hospital, discharge of its duties and places responsibility for medical care of the patient in the hospital primarily upon the medical staff. For effective performance the governing body should do the following:

"1. Adopt bylaws in accordance with legal requirements. (These bylaws have been adopted and have been approved by the borough assembly.)

"2. Meet at regular stated intervals. (This the board does as is provided in Ordinance 68-5.)

"3. Appoint committees. There should be an executive committee and others as indicated for special purposes.

"4. Establish a formal means of liaison with the medical staff preferably by a joint conference committee.

"5. Appoint members of the medical staff. (And this, in and of itself, is no light responsibility.)

"6. Appoint a qualified administrator as the official representative of the governing body who is responsible for the management of the hospital and who provides liaison among the governing body, the medical staff, the nursing staff and other departments of the hospital.

"7. Provide a physical plant equipped and staffed to maintain the needed facilities and services for patients."

> As you see, as this thing is set up, I don't think there is any question whatsoever that the hospital board in this borough derives its powers, authorities and responsibilities from the assembly and this it feels is appropriate.

There was continued discussion among the members in regard to the ordinance setting up the hospital board of directors, further explanation of the term "legal responsibility", and the governing body.

Mr. Parker inquired of Mr. Scollard if the institution is currently accredited and Mr. Scollard replied that it is not accredited but they are working toward this goal. Mr. Scollard further advised that the board at his request has obtained the services of a physician who had previously been an inspector for the Joint Commission on the Accreditation of Hospitals, and with his guidance and counsel with the medical staff a series of rules, regulations and bylaws for the medical staff were drafted, were approved by the medical staff, recommended to the joint conference committee, from thence to the board of directors, and since have been in effect.

Mr. Engstrom asked Mr. Scollard for his thought as to what ought to be included in the charter on the hospital board. Mr. Scollard replied he felt it would be a very healthy thing to provide for the board and the board itself recommends that the scope of its power continue to be derived from the local governing body; the intent being that the working relationship as it has existed has been workable and practical and provides for changes, exercise of judgment and authority by the assembly, open discussion between the board and assembly.

Mr. Engstrom suggested putting into the miscellaneous section, one paragraph such as, "There shall be a board of directors and it shall derive its authority and power from the borough assembly." Chairman Kline said it could also be handled under transitional, Section 16.11, dealing with boards. Mr. Parker commented he would prefer it be handled under miscellaneous.

Mr. Scollard pointed out that the provisions within the ordinance itself governing the way the bylaws were written provide for appointment of the board, general powers, adoption of bylaws, organization, vacancies, meetings, membership in associations, hospital administration, medical

staff; and in the medical staff there is very clear language which defines professional care, responsibility, membership on the medical staff, professional work to be performed in the hospital, contracts for rendering of professional services, action by the board, decisions, rules and regulations.

Mr. Engstrom asked if Mr. Scollard had any strong feelings as to whether the hospital is even mentioned in the charter. Mr. Scollard felt it should be and advised that the doctors particularly were somewhat nervous and some board members were concerned also that the flow of experience would be interrupted and they felt they have something that is working, and that it has taken a long time to get to the present position entailing alot of hard work.

Mr. Scollard concluded by advising that any documents or anything any member of the commission would like, they are available.

The next person to join the group for discussion was Mr. Milton Daugherty, who advised the members that contrary to what had been printed in the evening paper, he was not present to discuss the pros and cons of a negotiated sale versus a public sale, but that he was speaking to the group as a private citizen.

Mr. Daugherty advised that he had been in touch with some bonding people and had discussed with them some of the portions of Article X, however in his capacity as commercial lending officer with the bank, he would not represent the bonding people fairly due to the intricacies of bonding; however, the bond people to whom he talked would be receptive to an invitation from the group to appear and discuss at length the bond article.

Mr. Daugherty said that not only was Article X very long and all-encompassing, but the entire charter was extremely long and all-encompassing, which would tend to discourage people from reading it in full and the more apt they would be to have negative thoughts on it. He recommended that the document be shortened.

In regard to Article X specifically, Mr. Daugherty stated that all tools of municipal borrowing should be available to the municipality, to be used only within the intent of the tool, not bent to meet circumstances.

Mr. Daugherty went through the following points:

1. Section 10.2(b), page 26: The phrase "subject to taxation by the municipality without limitation as to rate or amount", is very distressing to the average person reading through the charter, and suggested this language be scrutinized.

2. In regard to Section 10.4 (page 27), he does not feel this clearly states to the average person that a service area bond, if it is going to have the full faith of the municipality as a whole, has to have both local improvement district and areawide voting qualifications, although that is the intent.

3. Section 10.5(a) raises the question of what type of revenue producing facilities is the municipality going to get into -- can it run water companies, telephone companies, electrical service company; can it run a bank or law firm? All of these could be revenue producing facilities. He personally felt it should be specified by public service utilities that are not otherwise being provided, to limit the municipality from stepping into private enterprise as a competitor.

4. Section 10.6, Refunding Bonds, does not state under what conditions you might consider a refunding bond issue and there should be a reason or reasons that you would have the authority for refunding where you don't have to come back to the general public.

5. Section 10.7(b), second sentence, the word "next": Mr. Daugherty questions the wisdom and legal status of paying the notes out in the next fiscal year because they are against anticipated revenue in the current budget. The legality and ethics of one assembly burdening or commiting into the suceeding tax year is questionable, without general obligation bond authority or some other authority other than a borrowing authority.

6. Section 10.7(c) again has the statement, "without limitation of rate or amount." It appears that in the middle of things there is the authority to change mill rate, in the event of borrowing against anticipated revenue and against the mill rate already established.

7. In regard to Section 10.8, Bond Anticipation Notes, Mr. Daugherty expressed his philosphy as a taxpayer which is when a bond issue comes on the ballot, there are two considerations: (1) the capital improvement is necessary and needed at that moment, and (2) the cost of borrowing the money at the moment is acceptable. A taxpayer voting for the bond issue with these things in mind does not with an affirmative vote give anybody in the municipality any authority to take a tool such as an anticipation note and gamble with his money. Under this section, it can be renewed three times, and in addition a twenty year period is created as an escape valve, which, in his opinion, is an unacceptable misuse of the tool.

There was considerable discussion among the members in regard to the provisions of subsection (c) on page 29 in light of Mr. Daugherty's remarks concerning it. Mr. Engstrom asked if it would be his suggestion to eliminate bond anticipation notes. Mr. Daugherty said he was not against this municipality having any tool that could possibly at some time be advantageous to it. The reason bond anticipation notes came into existence was to help a municipality in an unusual problem and using the tool in an unusual problem is acceptable; however, its use in this municipality as a gambling device is unacceptable. In his opinion, this tool is meant to be used as a means of going forward on a vital project while you settle a legal problem or an unusual circumstance. It is his recommendation that the use of this "tool" be limited if at all possible.

8. Mr. Daugherty said he was very pleased with Section 10.9 (page 30), only questioning item (2) -- would that be expressed as an annual debt service, or as a percentage of budget; exactly how would it be expressed, what does it mean?

(There was some discussion between Mr. Daugherty and Mr. Parker in regard to Regulation Z and its application, if any, to the charter, and the problems involved.)

There was discussion by the members and Mr. Daugherty as to the meaning and intent of item (2) under Section 10.9(a), and it was agreed that this needed clarification.

9. In regard to Section 10.9(d), page 31, Mr. Daugherty questioned whether it made sense that a bond issue would go unsold for ten years. In his opinion, the cost factor would change so in ten years to render the bond issue useless. He feels it should be determined whether or not there is a valid reason for using the ten year figure. Mr. Halsted pointed out that this was intended to clear the air and scrub pending but unused bond issues for the protection of the people, and this was the longest length of time one could reasonably be expected to drag.

10. Mr. Daugherty questioned the wording and intent of item (h) on page 31, pointing out that a corporation by law is "a person", with the same rights and subject to suits, etc. In many instances communities do use bonding concerns who give a tremendous amount of technical assistance in putting a bond issue up for sale. It would appear that this subsection would prohibit these concerns from bidding at a public sale, which, in his opinion, should not be the intent. (He did agree that such concerns should not participate in a negotiated sale, however.)

There was considerable discussion among the members in regard to the intent of subsection (h), with Mr. Halsted pointing out that it was his understanding that it would eliminate the tendency of a bond consultant recommending notes on which he would get a commission. Mr. Daugherty commented that many small Alaska communities would not be able to get out a bond issue without the valuable technical assistance rendered by various bonding concerns.

11. Mr. Daugherty's next item was on page 32, item (2) under subsection (k). Is there any limitation on for what purpose this money can be borrowed; under what conditions would the municipal government need to borrow? To the layman, it would appear that it is just a means that for any idea that the council might have and agree on, they have the authority to go borrow from surplus funds and go ahead with it without telling anybody or doing anything except enter it in the minutes of the council.

Mrs. Loken pointed out that under home rule, they would have the authority even if this subsection were left out, with which Mr. Engstrom agreed, assuming it was not negated by state law.

Mr. Daugherty feels the public has a reasonable right to be informed.

This concluded the points Mr. Daugherty wished to cover, and there followed general discussion in regard to means of shortening the bonding article; the possibility of eliminating it altogether just leaving it up to general law; the appearance before the commission of a member of a bonding firm, etc. The group seemed to feel it would be advantageous to have the advice and recommendations of a bonding firm .

Mrs. Kline asked for Mr. Daugherty's opinion on voting on revenue bonds as opposed to having them merely authorized by the assembly. Mr. Daugherty leans toward involving the public for two reasons: (1) what type of revenue things the city would go into and the impact on competition with private industry; (2) revenue from a project on paper can vary greatly by who made up the figures originally and how he personally felt about the project; the concern for realistic revenue projections.

Mrs. Kline then asked for Mr. Daugherty's personal opinion or comments on Section 10.9(g), page 31. Mr. Daugherty's feeling is that with his limited knowledge the expense of putting out a public bid, to meet all the criteria to be acceptable for a general public bid, is substantial and there has to be someplace where this cost in relationship to the money accrued does not make good sense; whether $100,000 is that level or not, he does not know.

In regard to the remainder of the charter, Mr. Daugherty stated that he has no real arguments anywhere; that most arguments advanced had to do with creation of various sections and their voting rights and representation.

Concerning the proposed change in the budget time table, Mr. Daugherty felt that this time change might make it easier for the assembly and school board to work out their problems together so there would be some budget control in the area of teacher contracts, with which the public would probably be very pleased.

There were no further questions, and Mr. Daugherty concluded his testimony.

After a ten minute recess the meeting continued with the report of Mrs. Loken's representation committee, a copy of which was distributed to each member present.

Mrs. Loken said the main discussion of the committee was what have been the main objections to the proposals that have been put forth before the commission, and what portions the majority of the commission has favored. The report lists the four things which seem to be favored:

1. No more than nine members;

2. Representatives should represent economic areas rather than just lumps of population or some other interest;

3. Public interest in being more involved in electing the

assembly, rather than having only one representative to vote for plus the at large;

4. Getting away from 8 or 10 districts with complicated boundaries and the necessity for reapportioning them fairly often because of shift in population.

After reworking the figures, what worked best was Douglas Island excluding West Juneau which came to 1543, the City of Juneau 1650, and the mainland 1639. So the districts would be 1, 4, 3 and a mayor who runs at large and can come from any district. Districting within districts was eliminated. If elected at large (everyone voting for everyone), the intent of the committee is that the charter specify that these, although not absolutely necessary according to the Supreme Court, do remain as closely comparable in population as possible and that they do be redistricted when population falls below a reasonable figure, which would be necessary under the alternative possibility where representatives are elected only by the people in their own districts. Primarily, the proposal is an assembly of nine members, 4 districts -- Douglas Island, City of Juneau, mainland district incorporating everything else, and 1 at large district encompassing the entire borough boundaries, to be elected at large which is the committee recommendation, with an alternate recommendation that they could be elected in their own districts.

Mr. Parker inquired about the primary election proposal. Mrs. Loken advised that the committee had discussed this but they could not justify it.

Chairman Kline requested the commission members to review the committee report and all proposals over the next two weeks with the intent of taking votes or making some decisions at the next meeting.

Mrs. Loken moved to adjourn; seconded by Mr. Grummett; unanimously carried.

The meeting adjourned at 10:35 p.m.

Respectfully submitted,

Pat Cunningham

Pat Cunningham

MEETING #9, GREATER JUNEAU CHARTER COMMISSION, SECOND SESSION
July 29, 1969
8 o'clock p.m.

Meeting #9 of the Greater Juneau Charter Commission was called to order by Chairman Virginia Kline at eight o'clock p.m. on July 29, 1969, in the offices of the Greater Juneau Borough. The following roll was taken:

Present	Absent
Jean Norwood	Guy Russo
Pat Loken	Bill Schmitz (excused)
Mike Grummett	Don Craddick (excused)
Don Halsted	Greg Machyowsky (excused)
Larry Parker	
Allan Engstrom	
Virginia Kline	

Consideration of minutes was deferred and the meeting commenced with a presentation by Mr. Jack Scollard.

"My name is Jack Scollard. As administrator of the Greater Juneau Borough Hospital I have been asked by the hospital's board of directors to represent the board at this meeting in response to a letter from Mrs. Kline. First on behalf of the board of directors I have been requested to express its sincere appreciation for the opportunity to express its views to the charter commission as these relate to a charter for unified government and specifically relative to financial procedures and mention of the board in the charter. Referring to Mrs. Kline's letter and financial procedures, the hospital board felt that it was appropriate for the assembly to make decisions as to the centralization of purchasing, accounting and treasury. Expressly, it recommends centralization where it is practicable.

"Budget time table: The hospital, of course, will go along with the requirements of the charter; however from the standpoint of practicability, a budget time table which allows maximum utilization of the current year's experience will be of the most value to the hospital. For example, costs and revenue elements may change during a year; the census picture may change radically. In essence, we are saying the more current the experience, the more accurate the budget. The schedule being considered by the commission, and this is as mentioned in Mrs. Kline's letter, moving the budget dates to April 1 and May 31 are quite satisfactory from the hospital's viewpoint.

"Mention of the hospital board: Here I want to take the opportunity to tell you a little bit about the board and leave the way open for any questions that might later arise, and if we don't have the answers we'll get them. The composition of the present board of directors of the Greater Juneau Borough Hospital consists of twelve members appointed by the Borough Chairman and whose appointments have been confirmed by the assembly. One board member shall be and is a physician selected from a list of three names submitted by the medical staff. Also in attendance at hospital board meetings are usually one or two members of the borough assembly representing the assembly hospital committee. General powers of the board of directors are derived from Borough Ordinance 68-5. Standing committees of the board of directors include the executive committee, financial committee, building and maintenance committee and joint conference committee; and if you like, when I am through I'll be

glad to review the duties and responsibilities of these committees as assigned.

"In review of Mrs. Kline's letter first with the joint conference committee of the board, which is a liaison committee consisting of three members of the medical staff and three members of the board of directors, concern was expressed by medical staff representatives on the committee that a change in the authorities and responsibilities as presently assigned through the hospital board by the borough assembly might definitely affect the status of medical staff members and quite possibly the medical practice. There was a unanimous feeling by the members of the committee that a great deal had been accomplished by the board with its presently assumed responsibilities. Appreciation was expressed that the charter commission had given the hospital board of directors an opportunity to express its views. It was moved by Mr. James, seconded by Dr. Ray, and unanimously approved that the joint conference committee prepare and submit a recommendation to the board of directors for consideration at its next meeting. The joint conference committee recommendation to the board of directors in answer to the Greater Juneau Charter Commission is as follows:

"1. Whereas, the Department of Health and Welfare of the State of Alaska in its regulations for the licensing, maintenance and operation of hospitals provides as a licensing requirement that in a non-profit hospital, 'there shall be a board of directors or other similar body in each institution which shall be the supreme authority in the hospital responsible for its management, control and operation, including the appointment of a qualified medical staff, a conservation and use of hospital monies in the formulation of administrative policies; and whereas, for a hospital organized and operated for profit in the State of Alaska, the owner, partners, or in the case of a private corporation, the board of trustees of a profit making hospital, shall carry out the same functions reserved for the governing board of a non-profit institution; and whereas the legislature of the State of Alaska approved an Act relating to the power of a city council to establish and operate a hospital, and by such Act provided for the board of directors to be appointed by the municipal executive subject to the confirmation by the council and delegates to the board those responsibilities for the management, control and operation of the hospital that the council considers appropriate; and whereas, the Greater Juneau Borough Assembly adopted Ordinance Serial No. 68-5 providing for the governing and operation of the Greater Juneau Borough Hospital, and in such ordinance provided for the appointment of a board of directors, defined its general powers, provided for adoption of bylaws by the board subject to approval by the assembly and made provision for the organization of the board of directors; and whereas, such Act was introduced into the legislature upon the recommendation of the assembly of the Greater Juneau Borough; and whereas, the board of directors of the Greater Juneau Borough Hospital did adopt certain bylaws which were approved by the borough assembly and which are in general conformance with the requirements of the Joint Commission for Accreditation of Hospitals; and whereas, regulations of the Social Security Administration relative to federal health insurance for the aged provides under conditions of participation for hospitals',

the hospital has an effective governing board, legally responsible for the conduct of the hospital as an institution; however, if the hospital does not have an organized governing board the persons legally responsible for the conduct of the hospital, carry out the functions herein pertaining to the governing body. The bylaws of the board of directors and provisions of Ordinance 68-5 conform in general to the requirements as stated foregoing; and whereas, the individual members of the board of directors have each given unstintingly of their time and a great deal has been accomplished by the board in the performance of its functions for the benefit of the hospital and the community, it is the recommendation of the joint conference committee of the board of directors of the Greater Juneau Borough Hospital that the hospital board should be mentioned specifically in the charter and that the scope of its powers continue to be derived from the local governing body.

"In looking back over hours given by various board members during the eighteen months that the board has been in operation, I found that there had been approximately 590 man hours of board time accounted for at meetings and not counting special committees, special discussions and so on, that go along with this. In connection with that, we also calculated that there had been 22 man hours devoted to such meetings by members of the assembly hospital committee. Thankyou very much."

Chairman Kline called for questions from commission members.

Mrs. Loken: What is the meaning of legally responsible?

Mr. Scollard: Just exactly that. For example, if there is negligence occurring that can be proved and a patient suffers thereby, the board of directors is legally responsible -- they can be sued.

Mrs. Loken: In looking at it from a standpoint of the local municipality, how would legally responsible for an efficient operation apply?

Mr. Scollard: In that, the borough assembly, which is a group of extremely busy people, delegates authority to the board of directors and with that authority also delegates responsibilty for the maintenance and operation of the hospital.

Mrs. Loken: I realize this, but I just wondered how they could be legally responsible for financial operation of the hospital.

Mr. Scollard: Allan (Engstrom), you're an attorney; can you answer that better than I can?

Mr. Engstrom: Just off the top of my head, if I were suing, I would sue the Greater Juneau Borough. I don't think that individually the board of directors would be liable. They would only be liable as an entity. The hospital is a function of the borough; actually the end result liability is the Greater Juneau Borough.

Mr. Scollard: In the cases of common law with which I am familiar, and there's enough of them, the board in most non-profit hospitals is the ultimate authority; also the same is true in profit hospitals. The board, individually and severally, the administrator, and any appointed officer of the hospital could be so joined in a suit. I think the intent here is that a great deal of time is required in the operation of a hospital, and the board is composed of widely representative groups -- we have the bar association, physicians, etc.

Mr. Engstrom: I think actually Jack may be right on that as far as a joinder ....

Mr. Scollard: The Joint Commission for the Accreditation of Hospitals is very positive in terms of responsibilities they see that a board ought to provide. Incidentally, Medicare's responsibilities are copied almost verbatim from this -- let me read this because I think it is imformative:

"The ultimate authority and responsibility for the conduct of the hospital lie in the governing body. Responsible and controlling authority may be designated by such terms as board of trustees, board of governors or board of managers, elected or named by the hospital exercise complete and supreme authority for the management of the institution. Composition, size and membership depend on the purpose and ownership of the hospital but its responsibilities are definite."

These are outlined in the standards:

"The governing board is legally and morally responsible for the conduct of the hospital, discharge of its duties and places responsibility for medical care of the patient in the hospital primarily upon the medical staff. For effective performance the governing body should do the following:

"1. Adopt bylaws in accordance with legal requirements. (These bylaws have been adopted and have been approved by the borough assembly.)

"2. Meet at regular stated intervals. (This the board does as is provided in Ordinance 68-5.)

"3. Appoint committees. There should be an executive committee and others as indicated for special purposes.

"4. Establish a formal means of liaison with the medical staff preferably by a joint conference committee.

"5. Appoint members of the medical staff. (And this, in and of itself, is no light responsibility.)

"6. Appoint a qualified administrator as the official representative of the governing body who is responsible for the management of the hospital and who provides liaison among the governing body, the medical staff, the nursing staff and other departments of the hospital.

"7. Provide a physical plant equipped and staffed to maintain the needed facilities and services for patients."

> As you see, as this thing is set up, I don't think there is any question whatsoever that the hospital board in this borough derives its powers, authorities and responsibilities from the assembly and this it feels is appropriate.

There was continued discussion among the members in regard to the ordinance setting up the hospital board of directors, further explanation of the term "legal responsibility", and the governing body.

Mr. Parker inquired of Mr. Scollard if the institution is currently accredited and Mr. Scollard replied that it is not accredited but they are working toward this goal. Mr. Scollard further advised that the board at his request has obtained the services of a physician who had previously been an inspector for the Joint Commission on the Accreditation of Hospitals, and with his guidance and counsel with the medical staff a series of rules, regulations and bylaws for the medical staff were drafted, were approved by the medical staff, recommended to the joint conference committee, from thence to the board of directors, and since have been in effect.

Mr. Engstrom asked Mr. Scollard for his thought as to what ought to be included in the charter on the hospital board. Mr. Scollard replied he felt it would be a very healthy thing to provide for the board and the board itself recommends that the scope of its power continue to be derived from the local governing body; the intent being that the working relationship as it has existed has been workable and practical and provides for changes, exercise of judgment and authority by the assembly, open discussion between the board and assembly.

Mr. Engstrom suggested putting into the miscellaneous section, one paragraph such as, "There shall be a board of directors and it shall derive its authority and power from the borough assembly." Chairman Kline said it could also be handled under transitional, Section 16.11, dealing with boards. Mr. Parker commented he would prefer it be handled under miscellaneous.

Mr. Scollard pointed out that the provisions within the ordinance itself governing the way the bylaws were written provide for appointment of the board, general powers, adoption of bylaws, organization, vacancies, meetings, membership in associations, hospital administration, medical

staff; and in the medical staff there is very clear language which defines professional care, responsibility, membership on the medical staff, professional work to be performed in the hospital, contracts for rendering of professional services, action by the board, decisions, rules and regulations.

Mr. Engstrom asked if Mr. Scollard had any strong feelings as to whether the hospital is even mentioned in the charter. Mr. Scollard felt it should be and advised that the doctors particularly were somewhat nervous and some board members were concerned also that the flow of experience would be interrupted and they felt they have something that is working, and that it has taken a long time to get to the present position entailing alot of hard work.

Mr. Scollard concluded by advising that any documents or anything any member of the commission would like, they are available.

The next person to join the group for discussion was Mr. Milton Daugherty, who advised the members that contrary to what had been printed in the evening paper, he was not present to discuss the pros and cons of a negotiated sale versus a public sale, but that he was speaking to the group as a private citizen.

Mr. Daugherty advised that he had been in touch with some bonding people and had discussed with them some of the portions of Article X, however in his capacity as commercial lending officer with the bank, he would not represent the bonding people fairly due to the intricacies of bonding; however, the bond people to whom he talked would be receptive to an invitation from the group to appear and discuss at length the bond article.

Mr. Daugherty said that not only was Article X very long and all-encompassing, but the entire charter was extremely long and all-encompassing, which would tend to discourage people from reading it in full and the more apt they would be to have negative thoughts on it. He recommended that the document be shortened.

In regard to Article X specifically, Mr. Daugherty stated that all tools of municipal borrowing should be available to the municipality, to be used only within the intent of the tool, not bent to meet circumstances.

Mr. Daugherty went through the following points:

1. Section 10.2(b), page 26: The phrase "subject to taxation by the municipality without limitation as to rate or amount", is very distressing to the average person reading through the charter, and suggested this language be scrutinized.

2. In regard to Section 10.4 (page 27), he does not feel this clearly states to the average person that a service area bond, if it is going to have the full faith of the municipality as a whole, has to have both local improvement district and areawide voting qualifications, although that is the intent.

3. Section 10.5(a) raises the question of what type of revenue producing facilities is the municipality going to get into -- can it run water companies, telephone companies, electrical service company; can it run a bank or law firm? All of these could be revenue producing facilities. He personally felt it should be specified by public service utilities that are not otherwise being provided, to limit the municipality from stepping into private enterprise as a competitor.

4. Section 10.6, Refunding Bonds, does not state under what conditions you might consider a refunding bond issue and there should be a reason or reasons that you would have the authority for refunding where you don't have to come back to the general public.

5. Section 10.7(b), second sentence, the word "next": Mr. Daugherty questions the wisdom and legal status of paying the notes out in the next fiscal year because they are against anticipated revenue in the current budget. The legality and ethics of one assembly burdening or commiting into the suceeding tax year is questionable, without general obligation bond authority or some other authority other than a borrowing authority.

6. Section 10.7(c) again has the statement, "without limitation of rate or amount." It appears that in the middle of things there is the authority to change mill rate, in the event of borrowing against anticipated revenue and against the mill rate already established.

7. In regard to Section 10.8, Bond Anticipation Notes, Mr. Daugherty expressed his philosphy as a taxpayer which is when a bond issue comes on the ballot, there are two considerations: (1) the capital improvement is necessary and needed at that moment, and (2) the cost of borrowing the money at the moment is acceptable. A taxpayer voting for the bond issue with these things in mind does not with an affirmative vote give anybody in the municipality any authority to take a tool such as an anticipation note and gamble with his money. Under this section, it can be renewed three times, and in addition a twenty year period is created as an escape valve, which, in his opinion, is an unacceptable misuse of the tool.

There was considerable discussion among the members in regard to the provisions of subsection (c) on page 29 in light of Mr. Daugherty's remarks concerning it. Mr. Engstrom asked if it would be his suggestion to eliminate bond anticipation notes. Mr. Daugherty said he was not against this municipality having any tool that could possibly at some time be advantageous to it. The reason bond anticipation notes came into existence was to help a municipality in an unusual problem and using the tool in an unusual problem is acceptable; however, its use in this municipality as a gambling device is unacceptable. In his opinion, this tool is meant to be used as a means of going forward on a vital project while you settle a legal problem or an unusual circumstance. It is his recommendation that the use of this "tool" be limited if at all possible.

8. Mr. Daugherty said he was very pleased with Section 10.9 (page 30), only questioning item (2) -- would that be expressed as an annual debt service, or as a percentage of budget; exactly how would it be expressed, what does it mean?

(There was some discussion between Mr. Daugherty and Mr. Parker in regard to Regulation Z and its application, if any, to the charter, and the problems involved.)

There was discussion by the members and Mr. Daugherty as to the meaning and intent of item (2) under Section 10.9(a), and it was agreed that this needed clarification.

9. In regard to Section 10.9(d), page 31, Mr. Daugherty questioned whether it made sense that a bond issue would go unsold for ten years. In his opinion, the cost factor would change so in ten years to render the bond issue useless. He feels it should be determined whether or not there is a valid reason for using the ten year figure. Mr. Halsted pointed out that this was intended to clear the air and scrub pending but unused bond issues for the protection of the people, and this was the longest length of time one could reasonably be expected to drag.

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11. Mr. Daugherty's next item was on page 32, item (2) under subsection (k). Is there any limitation on for what purpose this money can be borrowed; under what conditions would the municipal government need to borrow? To the layman, it would appear that it is just a means that for any idea that the council might have and agree on, they have the authority to go borrow from surplus funds and go ahead with it without telling anybody or doing anything except enter it in the minutes of the council.

Mrs. Loken pointed out that under home rule, they would have the authority even if this subsection were left out, with which Mr. Engstrom agreed, assuming it was not negated by state law.

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In regard to the remainder of the charter, Mr. Daugherty stated that he has no real arguments anywhere; that most arguments advanced had to do with creation of various sections and their voting rights and representation.

Concerning the proposed change in the budget time table, Mr. Daugherty felt that this time change might make it easier for the assembly and school board to work out their problems together so there would be some budget control in the area of teacher contracts, with which the public would probably be very pleased.

There were no further questions, and Mr. Daugherty concluded his testimony.

After a ten minute recess the meeting continued with the report of Mrs. Loken's representation committee, a copy of which was distributed to each member present.

Mrs. Loken said the main discussion of the committee was what have been the main objections to the proposals that have been put forth before the commission, and what portions the majority of the commission has favored. The report lists the four things which seem to be favored:

1. No more than nine members;

2. Representatives should represent economic areas rather than just lumps of population or some other interest;

3. Public interest in being more involved in electing the

assembly, rather than having only one representative to vote for plus the at large;

4. Getting away from 8 or 10 districts with complicated boundaries and the necessity for reapportioning them fairly often because of shift in population.

After reworking the figures, what worked best was Douglas Island excluding West Juneau which came to 1543, the City of Juneau 1650, and the mainland 1639. So the districts would be 1, 4, 3 and a mayor who runs at large and can come from any district. Districting within districts was eliminated. If elected at large (everyone voting for everyone), the intent of the committee is that the charter specify that these, although not absolutely necessary according to the Supreme Court, do remain as closely comparable in population as possible and that they do be redistricted when population falls below a reasonable figure, which would be necessary under the alternative possibility where representatives are elected only by the people in their own districts. Primarily, the proposal is an assembly of nine members, 4 districts -- Douglas Island, City of Juneau, mainland district incorporating everything else, and 1 at large district encompassing the entire borough boundaries, to be elected at large which is the committee recommendation, with an alternate recommendation that they could be elected in their own districts.

Mr. Parker inquired about the primary election proposal. Mrs. Loken advised that the committee had discussed this but they could not justify it.

Chairman Kline requested the commission members to review the committee report and all proposals over the next two weeks with the intent of taking votes or making some decisions at the next meeting.

Mrs. Loken moved to adjourn; seconded by Mr. Grummett; unanimously carried.

The meeting adjourned at 10:35 p.m.

Respectfully submitted,

Pat Cunningham

Pat Cunningham

Meeting #11, Greater Juneau Charter Commission
Second Session
August 26, 1969
8 o'clock p.m.

Chairman Virginia Kline called Meeting #11 of the second session of the Greater Juneau Borough Charter Commission to order at eight o'clock p.m. in the offices of the Greater Juneau Borough. The following roll call was taken:

Present	Absent
Mike Grummett	Greg Machyowsky (excused)
Jean Norwood	Pat Loken (excused)
Larry Parker	Guy Russo
Bill Schmitz	Allan Engstrom
Don Craddick	
Don Halsted	
Virginia Kline	

Minutes of the meeting of July 29, 1969 (Meeting #9) were presented and there being no additions or corrections, were approved.

Minutes of Meeting #10 were deferred until the next meeting.

Chairman Kline advised she had not received any correspondence but had written to the assembly requesting the straw vote. The request was approved at their meeting, however no correspondence from the assembly had been received. She further advised that the Clerk had requested the commission to provide the wording which would appear on the ballot.

Mr. Craddick suggested replacing the words "with no residential requirements", with "who shall be a resident of the municipality". There were no objections to the change in wording.

Chairman Kline asked is there was any objection to giving the wording to the Clerk as amended to be placed on the ballot. Mr. Halsted objected.

Chairman Kline called for any other amendments; none presented, except Mr. Schmitz suggested the addition of the words "with one of these (seats)", to make it clear that the mayor would be one of the nine rather than an additional seat. There was no objection to this suggestion.

Chairman Kline called for any other correspondence or announcements; none were presented.

The commission then directed its attention to the transitional committee reports of August 7 and 26, 1969. Mr. Grummett stated that on the August 7 sheet there were no changes until Section 16.2(e), and then there is a change and an alternate. The committee took subparagraph (d) of Section 16.2 of the charter and substituted that for what was 16.2(e). In other words, subparagraph (e) was moved down and becomes (f) and subparagraph (d) from the original charter is inserted. The changes in (f) are to be noted in the fourth line where the words "local contribution" replace "investment", and the word "may" is added before "determine" in the third from the last line. The alternate would be to maintain everything as is and

change the wording of subparagraph (e) on the August 7 presentation as now shown on the August 26 presentation, the change being in the first sentence where detail was added for the assembly determining what facilities were to be used for areawide functions, in addition to dealing with the allocation of the tax credit in an attempt to get both ideas in one paragraph.

Mr. Schmitz then amplified on the two reports presented by the transition committee, again stressing that by allowing the 2/3rds vote by the assembly to determine that no credit shall be given gives the assembly enough leeway to escape certain types of hassles which could occur in determining the amount of the credit to be given to the service area. The members extensively discussed the proposal and alternate.

Mr. Craddick said that considering this so-called escape clause could be used as a major point of attack against the proposed charter by opponents to unification or opponents to the charter, it might be made more palatable if instead of a 2/3rds vote a vote of 7 were required. Mr. Schmitz had no objection.

At the conclusion of the discussion, Mr. Craddick moved that in alternate subparagraph (e), the words "two-thirds vote" be changed to read "by a vote of no less than seven." Seconded by Mr. Grummett. There was no objection and the motion was carried.

Chairman Kline inquired if there was any discussion of Doug Stark's suggestion that in regard to bonded debt (as opposed to other debt), if this debt is going to be spread to a larger area a vote be required. There was discussion of this suggestion, its desirability or necessity. Mr. Craddick expressed disapproval of the suggestion and felt it would be wiser to trust the assembly to do its duty in this regard.

After discussion it was agreed among the members to amend the alternate new paragraph, Section 16.2(e) to read: "Other than sewage collection systems, water distribution systems, storm drain systems and streets, the assembly by a vote of no less than six of its membership shall determine what facilities are to be used for areawide functions."

Mr. Parker brought up the need for doing this by ordinance which would require public hearings, etc., in view of the fact that this is taking on service area aspects. Mr. Craddick suggested that the words "by ordinance" by added after the word "shall" in the amended alternate paragraph (above). All members agreed.

Mr. Halsted said it was not clear that the requirement of six would apply to anything other than selection of those facilities to be used for areawide functions; the value fixed could be by simple majority. Mr. Parker pointed out that if six people were not satisfied with the value fixed, they would not vote for the ordinance. Mr. Craddick suggested adding, "The ordinance shall also fix ...." , with which all members agreed.

Mr. Grummett moved for the adoption of alternate new paragraph 16.2(e) as amended; seconded by Mr. Schmitz. Mr. Halsted objected and the following vote was taken:

For	Against
Grummett	Halsted
Norwood	
Parker	
Schmitz	
Craddick	
Kline	

Motion carried, 6 to 1.

Mr. Parker said he would like to move that this particular paragraph now be placed before the council for its official consideration, since it is of so much interest to it. Mr. Grummett said he would be happy to carry it through. Mr. Craddick at first felt this was unnecessary because the commission has passed it, however upon further explanation by Mr. Parker that transitional measures had been discussed with the council previously and committee members had agreed to review the commission's finished product with both city councils, so any serious flaws or points of disagreement could be ironed out now, all members then agreed it would be a wise thing to do.

Chairman Kline then directed the members' attention to the report dated August 7, presented on August 12, saying it should be either formally adopted or rejected.

Chairman Kline asked why the sections mentioned in the report were to be transferred to the financial procedures article. Mr. Grummett said the reason was to have them extend further than they would and the limited effect they would have in the transitional section; assuming that the transition section is such that within 4 or 5 years, it is no longer in existence. Mrs. Kline felt that sections in the transitional article remained in effect as long as they were valid, however Mr. Parker expressed the opinion that the line was too fine and the point is why put it in transitional and have it questioned.

Mr. Grummett said he would put the two reports together with the amendments made so it would be clear to members what is under consideration. Chairman Kline felt this would be a good idea and also to get the comments of the city councils and the assembly.

Mr. Parker moved that Section 16.2 be removed from the transitional provisions of the charter and placed in the financial procedures article and that it be given to the councils and assembly as part of the financial procedures article; seconded by Mr. Grummett. Objection was voiced by Mr. Halsted, and the following vote was taken:

For		Against
Grummett	Norwood	Halsted
Parker	Schmitz	
Craddick	Kline	

Motion carried, 6 to 1.

Mr. Craddick suggested that state subventions be numbered 16.2 (rather than(a), and budgetary surplus be numbered 16.3 (rather that (b); then election of assembly will be 16.4 and continue on down. All members agreed with this suggestion.

Chairman Kline called for any other comments on the transitional committee reports, however none were presented.

Chairman Kline then called for any other amendments to the charter for proposal at this time.

Mr. Craddick inquired if it is still the intention to submit the name of the new municipality to the voters at the election on the charter. The chairman replied that as it stands right now, this is the intention.

Chairman Kline stated that the commission still had to consider the financial procedures article, bonding and completion of public schools. In regard to bonding, she has written to Tom Dowd and Mr. Thorgrensen at the suggestion of Mr. Daugherty, but had not heard from either one of them.

Mr. Craddick suggested that the chairman be authorized to send telegrams to these men requesting prompt consideration and reply.

Mr. Parker said he felt it would be well to consider some kind of target date, with which Mr. Craddick agreed.

Mr. Schmitz recommended that the commission start having weekly meetings. After discussion among members it was decided that weekly meetings would commence with the next Tuesday with the hope that deliberations could be concluded by the end of October.

Mr. Parker moved to adjourn; seconded by Mr. Schmitz. There being no objection the meeting adjourned at 9:45 p.m.

Respectfully submitted,

Pat Cunningham

Pat Cunningham

MEETING #12, GREATER JUNEAU CHARTER COMMISSION, SECOND SESSION
September 2, 1969
8:00 p.m.

(1) Meeting #12, Greater Juneau Charter Commission, Second Session, was called to order by Chairman Virginia Kline at eight o'clock p.m., September 2, 1969, in the offices of the Greater Juneau Borough. The following roll was called:

Present	Absent
Allan Engstrom	Don Craddick (excused)
Bill Schmitz	Jean Norwood
Larry Parker (late)	Greg Machyowsky
Don Halsted	
Mike Grummett	
Virginia Kline	
Pat Loken	
Guy Russo	

(2) Chairman Kline announced that the wording for the ballot had been given to the Borough Clerk, Ed Hildebrand and copies were distributed to the Commission members.

(3) Chairman Kline announced that Foster and Marshall had been contacted regarding the bonding article and had teletyped Mr. Tom Dowd who was asked to send a letter immediately.

(4) Guests present included Mrs. Marie Darlin, Greater Juneau Borough School Board, and Mr. John Gunnison and Mr. John Coffee representing the school administration.

(5) Mrs. Loken moved the following amendment to the By-Laws: Article II, Section 5. "Written notice of special meetings shall be required and shall be given to Commission members no less than 24 hours before the time (five days before the date) of any special meeting.

(6) Mrs. Loken said this was in order to make it possible for the secretary to get notices out and come under the requirements of the By-Laws.

(7) Chairman Kline said that according to the By-Laws this amendment has to be presented and cannot be acted upon for 10 days so this will be on the agenda for the meeting week after next.

(8) MINUTES - The minutes of the meeting of August 12, 1969, (Meeting #10) were approved as presented.

(9) Chairman Kline said the business before the Commission was the consideration of amendments to the Public School Article.

(10) Mr. Schmitz asked if there was anything on the prior meetings and was informed that the minutes were available but nothing in the form of a committee report.

(11) Discussion followed concerning the proposed amendments.

/Five minute recess while copies of amendments were made and distributed/

(12) Mrs. Loken moved the adoption of the following amendment: Delete article XIII and add the following section to either the assembly article or the general provisions article: Conference Committees. (a) The assembly shall appoint a four man committee from its membership to deliberate with the board of education in formulating recommended plans for school construction. The assembly committee and board shall meet together at least two times a year at public meetings.

(b) The assembly and board of education shall meet jointly at least once a year at a public meeting to deliberate upon matters of mutual interest. Minutes of the board shall reflect the business carried on at such meetings.

Mr. Schmitz seconded the motion.

(13) In reply to a question from Mr. Russo, Chairman Kline said it was not necessary to create a board of education because that was taken care of by state law and as to the number of members, that according to the state law that was passed after the first charter was completed that that is up to the school board with the concurrence of the assembly. Mr. Russo said it could be put in the charter and Chairman Kline replied that it would not be binding unless the board and the assembly agreed to it because that particular statute applies to home rule.

(14) Mr. Russo asked Mr. Gunnison that since the number of members of the board was based on school attendance, how far away from the 7 man board was the attendance now and the reply was about 1,200.

(15) Mrs. Loken asked Mrs. Darlin if this had been discussed at the school board meetings and Mrs. Darlin replied that it had but until such time that the matter of unified government had been decided the majority of the board did not feel they should take any action as a board.

(16) Mr. Schmitz asked why it was suggested to say "a four man committee" rather than just say "a committee" and Mrs. Kline replied that the "four man committee" was in the original charter although she could not remember offhand the reasons behind this. Mrs. Loken pointed out this kept the number of working members an odd number.

(17) More discussion followed. It was stated that the proposed amendment would be the school article. There would still be the centralized purchasing, accounting and treasury provisions in the Financial Article.

(18) The question was called on the proposed amendment and the following vote was recorded:

Yes	No
Kline	Engstrom
Loken	Schmitz
Russo	Halsted
	Grummett

The motion failed, 3 to 4.

(19) Mr. Engstrom moved to amend sec. 13.6(b) to read as follows: The school board shall submit the annual budget for the following school year to the assembly by December 1 of the current year for approval of the total amount. By February 15 the assembly shall determine the total amount of money to be made available from local sources for school purposes and shall furnish the board with a statement of the sum to be made available. If by February 15th the assembly does not furnish the board with a statement of the sum to be made available, the amount requested in the budget is automatically approved."

Mr. Grummett seconded.

(20) Mr. Engstrom explained the reason behind the motion by saying that it clarifies that the assembly would approve that those funds be made available from local sources rather than the total amount. This deals with the adoption of the budget which gives the assembly, with the present reading, the power to determine the total amount to be made available from all sources. The purpose of the amendment would be for the assembly to determine the total amount of money to be made available from local sources. Since this amendment was originally proposed by Mr. Craddick, Mr. Engstrom pointed out Mr. Craddicks reasons for proposing it. They were as follows: "The purpose of the amendment is to eliminate confusion and one of the large bones of contention of the school board and teachers with the charter, as it was their idea that this charter provision as it presently reads, which allows the assembly to determine the "total amount to be made available from all sources", meant that the assembly was to have control of what type of federal and state programs the school board would be participating in. The amendment will make this provision read in the same way that the present Alaska Statute 07.15.330 reads, i.e., a referral to funds from local sources."

(21) Mr. Halsted asked Mr. Engstrom how, with his experience on the assembly, could he properly judge a budget when he could only see a fraction of the funds that are being expanded. Mr. Engstrom replied that this was a good point and said he was also having second thoughts since this conflicts with sec. 13.7.

(22) Mr. Engstrom said that clarification was needed regarding the words "total amount" in the first sentence and "total amount" in the second sentence of the proposed amendment. He felt the first "total amount" would be the state-federal-local and the second "total amount" would just be the local.

(23) Chairman Kline suggested deleting the second "total". Mr. Engstrom agreed saying that would make it sufficiently clear that you're approving the whole budget and you're also approving the amount from local sources.

(24) Discussion followed as to the need for the proposed amendment if the word "total" was struck from the second sentence. Mr. Schmitz said he felt the gist of this would be in a case where you appropriated some funds, for example, to carry out the program because you're uncertain as to what the amount of the federal contributions would be and so rather than risk the program you would fund the whole thing and later on the federal funds would come through and be granted. Therefore, what would happen to the federal funds? Would they go into the school board or should they go back to the assembly or the general fund?

(25) Mr. Engstrom said the revenue is what increases it over the approved budget, that you have to have the revenue before you can have the expenditure.

(26) Mr. Gunnison asked if he could speak on this subject and said that many times after the budget has been set and approved that federal funds can be obtained and categorically the appropriations are such that it would very much diminish the regular on-going educational program to have those funds revert in any way.

(27) Discussion continued.

(28) Mr. Engstrom moved that the proposed amendment to sec. 13.6(b) be amended by deleting the second "total". Mr. Grummett seconded. There being no objection it was so ordered.

(29) Mr. Engstrom asked that the minutes reflect that "total amount" in the first sentence is the total amount of the budget including federal-state-local sources.

(30) Mr. Halsted moved to strike the last sentence. Mr. Russo seconded.

(31) In reply to a question from Mr. Schmitz, Mr. Halsted said he was proposing elimination of the automatic feature.

(32) Discussion followed regarding dates of submission of the budget but Chairman Kline pointed out the automatic approval was the concept under consideration.

(33) The question was called on Mr. Halsted's amendment and the following vote was recorded:

Yes	No
Schmitz	Engstrom
Halsted	Grummett
Russo	Kline
	Loken

The motion failed, 3 to 4.

(34) Chairman Kline stated that the question now on the floor was the approval of the proposed amendment on sec. 13.6(b) as amended with the second "total" deleted. The question was called and the following vote was recorded:

Yes	No
Engstrom	Halsted
Schmitz	Russo
Grummett	
Kline	
Loken	

The motion failed, 5 to 2.

(35) Mr. Russo moved to amend sec. 13.6(b) of the proposed charter by deleting the second "total" and change "all sources" to "local sources". Mrs. Loken seconded.

(36) Mr. Halsted said this was the exact motion that was just defeated so after a brief discussion Mr. Russo withdrew his amendment and moved to reconsider the previous question. Mr. Engstrom seconded.

(37) The question was called to allow the reconsideration and the following vote was recorded:

Yes	No
Engstrom	Halsted
Schmitz	
Grummett	
Kline	
Loken	
Russo	

The motion passed, 6 to 1.

(38) So once again the question was called on the question to approve the proposed amendment on sec. 13.6(b) as amended with the second "total" deleted. The following vote was recorded:

Yes	No
Engstrom	Halsted
Schmitz	
Grummett	
Kline	
Loken	
Russo	

The motion passed, 6 to 1.

(39) Mr. Engstrom moved to amend sec. 13.7 by changing the words "appropriation duly made" to "the budget as approved" and to strike the second sentence. Mrs. Loken seconded. Mr. Engstrom stated that this would clarify the situation on budget versus local appropriation. Discussion followed.

(40) The question was called and the following vote was recorded:

Yes	No
Engstrom	Halsted
Schmitz	Loken
Grummett	Russo
Kline	

The motion failed, 4 to 3.

/Mr. Parker arrives/

(41) Mr. Schmitz moved that section 13.9 read as follows: "The board shall provide custodial services and routine maintenance for school buildings. The assembly shall provide (maintenance) major rehabilitation, repair and construction of school buildings." Mr. Russo seconded.

(42) Chairman Kline pointed out that this is exactly what is stated in state law but Mr. Schmitz wished it to be included as a point of clarification anyway. After brief further discussion the question was called and the following vote was recorded:

Yes	No
Engstrom	Parker
Schmitz	Halsted
Grummett	Loken
Kline	
Russo	

The motion failed, 5 to 3.

(43) Mrs. Loken moved the deletion of sec. 13.9. Mr. Schmitz seconded. The question was called and the following vote was recorded:

Yes	No
Schmitz	Engstrom
Grummett	Halsted
Kline	Russo
Loken	
Parker	

The motion failed, 5 to 3.

(44) Mr. Schmitz asked for comments from the school board on the pros and cons of the school board employing the architect, (sec. 13.8[b]). Mrs. Darlin said that present state law says that the assembly makes the selection from a recommendation from the school board so this would give the power of the actual selection of employment to the board. Mr. Gunnison said that the school board has much more contact in dealing with the architect and the planning of schools and this ought to be their function rather than the borough assembly's.

(45) Discussion continued with Mrs. Darlin and Mr. Gunnison expressing the opinion that it was important that the architect be one who would work with the school board and school personnel to build the building to fit the program, not the other way around.

(46) Discussion continued on whether the Commission could put anything in the charter that would void any prior bond authorization and what happened to those bonds and it was stated that there was already in the charter a provision that any bonds authorized but unsold after 10 years became void.

(47) It was stated that the school board worked with 2 architects in the past 10 years and that the assembly had not, as far as anyone could remember, turned down a recommendation by the school board for an architect.

(48) Mr. Halsted stated that the assembly has the ultimate approval of the plans and if this is to remain the case the person who has to prepare those plans must also be hired by this same authority.

(49) Mr. Engstrom moved to amend sec. 13.7 by changing the last sentence to read "After the adoption of the school budget by the assembly the board shall not exceed the total budget without assembly approval" and strike "allocation for any major expenditure". Mr. Engstrom said his reason for proposing this amendment was because you get extra money from the federal and state government during the school year. The school board has a budget of 3 million dollars but during the year it gets say, $100,000 for one program and $100,000 for another that is completely unrelated to programs existing under the budget. In other words it isn't the type of money that is extra money that could slip into the budget, these are either designated or separate programs and the money has to be used for these programs. Prior to this year the school board on its own has used these monies and spent them and in the last few years the school board has overspent the budget by these extra sums of money that have come in. Now, because of an interpretation of state law by the Attorney General's office it's required for any of these extra monies over and above the budget to get assembly approval before they can be spent. Mr. Engstrom felt if the assembly had total budgetary control that that would be sufficient and even though it is covered by state law he would like to see it in the charter to make it clear.

(50) Mr. Schmitz seconded. The question was called and the following vote was recorded:

Yes	No
Engstrom	Halsted
Schmitz	
Grummett	
Kline	
Loken	
Russo	
Parker	

The motion passed, 7 to 1.

(51) The subject of the frequency of the meetings on school construction was brought up and Mrs. Darlin felt the number of meetings could be cut.

(52) Mrs. Loken moved to amend sec. 13.8(c) by changing the words "four times" to the word "twice". Mr. Engstrom seconded. The following vote was recorded:

Yes	No
Engstrom	Halsted
Schmitz	
Grummett	
Kline	
Loken	
Russo	
Parker	

The motion passed, 7 to 1.

(53) Mr. Halsted moved to amend sec. 13.8(c) by deleting the second sentence. Mr. Schmitz seconded. The following vote was recorded:

Yes	No
Schmitz	Engstrom
Halsted	Grummett
Kline	
Loken	
Russo	
Parker	

The motion passed, 6 to 2.

(54) Mr. Parker moved to amend sec. 13.8(c) by adding the following words to the end of the first sentence: "and other capital improvements." The purpose of the amendment is to clean up this provision so that it reads the same as sec. 13.8(a) (1) and sec. 13.8(b). Mr. Schmitz seconded. The following vote was recorded:

Yes	No
Schmitz	Engstrom
Halsted	Grummett
Kline	Loken
Russo	
Parker	

The motion failed, 5 to 3.

(55) Mrs. Loken moved to amend the proposed charter by deleting sec. 13.3. Mr. Schmitz seconded.

(56) Mr. Parker felt that if provisions were spelled out for the assembly then provisions should be spelled out for the school board, that what was done for one should be done for the other.

(57) The question was called and the following vote was recorded:

Yes	No
Schmitz	Engstrom
Kline	Halsted
Loken	Grummett
	Russo
	Parker

The motion failed, 3 to 5.

(58) There were no more amendments.

(59) Chairman Kline stated that according to the enabling act that each article must be voted on again. She gave a recap of the amendments that had been adopted.

(60) Chairman Kline announced that at the next meeting any amendments to all articles except the bonding article and the transitional provisions article would be in order and then the vote would be taken on these articles.

(61) The meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Marilyn Miller

Marilyn Miller

MEETING #13, GREATER JUNEAU CHARTER COMMISSION, SECOND SESSION
September 9, 1969
8:00 p.m.

(1) Meeting #13, Greater Juneau Charter Commission, Second Session, was called to order by Chairman Virginia Kline at eight o'clock p.m., September 9, 1969, in the offices of the Greater Juneau Borough. The following roll was called:

Present	Absent
Allan Engstrom (late)	Don Craddick (excused)
Bill Schmitz	
Larry Parker	
Don Halsted	
Mike Grummett	
Virginia Kline	
Pat Loken	
Guy Russo	
Jean Norwood	

(2) MINUTES - The minutes of meetings numbers 7 and 11 were approved as presented.

(3) CORRESPONDENCE - Copies of a letter from Mr. Tom Dowd of Foster and Marshall were distributed. Mr. Dowd informed the Commission that he would not be able to attend any of their meetings. However he did include some suggestions that will be considered by the Commission at their next meeting along with some from Mr. Milt Daugherty.

(4) Mr. Grummett said he had sent copies of the Transitional Article to the Cities of Juneau and Douglas and to the Greater Juneau Borough.

(5) There being no further announcements the consideration of amendments to all Articles except Municipal Borrowing and Transitional Provisions was in order. Chairman Kline asked Mr. Grummett to assume the Chair in order that she be able to talk on her proposed amendments, copies of which had been distributed to all members present.

(6) Mrs. Loken refered back to a motion that was passed last week on page 39 and proposed the following change: Section 13.8. Insert "shall deliberate with the board". She felt if this was not acceptable then the whole thing should be dropped.

(7) She explained this section appointed a four man committee from the assembly to deliberate with the board of education in formulating recommended plans for school construction. The motion last week was to drop the "four times" to "two times" a year since the feeling of the school board was that two times was plenty and then the motion was made to remove the entire last sentence. The argument at the time this was first brought up was that even though the committee was appointed that there was nothing in here that says they have to meet and the feeling was that we should either correct the situation or forget about it.

(8) After further discussion Mrs. Loken moved the following: Section 13.8(c). The assembly shall appoint a four man committee from its membership which shall deliberate with the board in formulating all recommended plans for school construction.

/Engstrom arrives/

(9) The motion was seconded by Mrs. Kline, the question was called and the following vote was recorded:

Yes	No
Schmitz	
Halsted	
Grummett	
Kline	
Loken	
Russo	
Parker	
Engstrom	
Norwood	

The motion passed, 9 to 0.

(10) Mrs. Kline said that one of the major criticisms of the Charter was that it was too long so in keeping with this she proposed a set of amendments, copies of which had been distributed to the Commission members. Mrs. Kline then moved the following: Replace Section 3.7 with "Forfeiture of Office. The assembly by ordinance shall provide forfeiture of office procedures." The motion was seconded by Mrs. Loken.

(11) Mr. Engstrom moved and asked unanimous consent that the motion be amended to read: "The assembly by ordinance shall provide for forfeiture of office." There being no objection it was so ordered.

(12) Mr. Halsted said he felt these provisions were quite necessary and appropriate.

(13) Mrs. Loken said that the point of view that had prevailed is that this is informational.

(14) Mr. Parker said if it isn't important enough to be treated in the Charter then it isn't important enough to be put in at all.

(15) Mrs. Loken said there are other places where the assembly has been given the perogative and she didn't feel it was because it wasn't important. She felt that it was properly their responsibility since they would have to work with whatever provisions they make.

(16) Mrs. Kline said the Juneau City Charter had a forfeiture clause and quoted same. She said the Model City Charter has a paragraph on forfeiture also. No where neither spell out the specific procedure.

(17) The question was called and the following vote was recorded:

Yes	No
Schmitz	Halsted
Kline	Grummett
Loken	Russo
Engstrom	Parker
Norwood	

The motion failed, 5 to 4.

(18) Mrs. Kline moved that Section 3.11, Attorney and Boards, be moved to Section 3.13 and Sections 3.12 and 3.13 be renumbered. Mr. Halsted seconded. Mrs. Kline said this was more style in drafting than anything and felt it was more appropriate to have Section 3.11 directly precede Section 3.14. There being no objection it was so ordered.

(19) Mr. Russo asked to refer back to the Section 3.17 and said that although he did not approve of replacing this Section with the one line that Mrs. Kline had proposed that he would be in favor of using the material from the City of Juneau Charter. Mr. Parker agreed. Mrs. Kline said whe would revise this Section and propose another amendment.

(20) Mrs. Kline moved the deletion of the new Section 3.12(b) and replace the material with the following: "The mayor or any three assemblymen may call special meetings. At least twenty-four hours before the meeting, written notice designating the time, place, and purpose of the special meeting shall be given to each assemblyman and to the newspapers of general circulation in the municipality and to the commercial radio and television stations operating in the municipality. No business may be transacted at any special meeting except as stated in the notice of the meeting." Mrs. Loken seconded.

(21) Mrs. Loken asked if "written" needed any more explanation and Mrs. Kline felt it did not, saying that any accepted method could be used.

(22) Mr. Halsted asked how written notice could be given in 24 hours and Mrs. Norwood pointed out that is said "at least" 24 hours so that it could be sent much earlier. There was further discussion on the fact that the "personal service" was being taken out, since it did not say that written notice will be "served" but said that written notice will be "given". The legal intrepretation of "written notice" was brought up but no one could say exactly what it was. Mr. Russo asked if a phone call was "personal notice" and the answer was yes. Mrs. Kline was asked why she had proposed this amendment she answered by saying she felt the present wording was ludicrous.

(23) Mrs. Kline moved to amend her motion to delete the word "written". Mr. Engstrom seconded.

(24) Mrs. Norwood said she preferred the word "written" left in since it would be easier to bring up other subjects at the special meeting if written notice had not been given since the ones who called the special meeting could say the person being notified had not understood the verbal notification and that the meeting was really called for other matters.

(25) The question was called on the amendment deleting the word "written".

Yes	No
Kline	Schmitz
Parker	Halsted
Engstrom	Grummett
	Loken
	Russo
	Norwood

The motion failed, 3 to 6.

(26)The question was then called on the main motion and the following vote was recorded:

Yes	No
Kline	Schmitz
Loken	Halsted
Parker	Grummett
Norwood	Russo
	Engstrom

The motion failed, 4 to 5.

(27) Mr. Halsted moved that in new Section 3.12(b) that the word "written" be deleted in the second sentence. Mrs. Kline seconded. The following vote was recorded:

Yes	No
Kline	Norwood
Loken	
Parker	
Schmitz	
Halsted	
Grummett	
Russo	
Engstrom	

The motion passed, 8 to 1.

(28) Mr. Halsted moved that on page 7, Section 3.12(b) the third sentence shall read "notice shall be delivered personally to each assemblyman or written notice may be left at his usual place of residence". Mr. Russo seconded.

(29) Mr. Halsted said the idea behind this motion was that if you cannot contact the assemblyman directly and you have to leave a message behind it has to be a little more formal so that it won't be garbled by someone taking the message.

(30) Mrs. Kline moved to amend the motion by substituting the words "at least 24 hours before the meeting personal notice shall be given assemblymen designating the time, place and purpose of a special meeting or written notice shall be left at his usual place of residence. Mrs. Norwood seconded. However, this motion was ruled out of order since it was an entirely different thought from the motion it was meant to amend.

(31) The question was called and the following vote was recorded:

Yes	No
Schmitz	Kline
Halsted	Parker
Grummett	Engstrom
Loken	Norwood
Russo	

The motion failed 5 to 4.

(32) Mrs. Kline moved that new Section 3.12(b), second sentence read: "At least twenty-four hours before the meeting personal notice shall be given each assemblyman designating the time, place, and purpose of a special meeting or written notice shall be left at his usual place of residence." Mrs. Norwood seconded. The question was called and the following vote was recorded:

Yes	No
Schmitz	
Halsted	
Grummett	
Kline	
Loken	
Russo	
Parker	
Engstrom	
Norwood	

The motion passed, 9 to 0.

(33) Mr. Engstrom moved that the third sentence in section 3.13(b) be deleted. The explanation was that this had been incorporated in the second sentence with the passage of the previous motion. There being no objection it was so ordered.

(34) Mrs. Kline moved that in Section 5.2(b) the word "imposed" be changed to "prescribed". Mr. Russo seconded. There was no objection and it was so ordered.

(35) Mrs. Kline moved that in Section 5.2(h) that the words "an areawide service" be added. Mr. Russo seconded. Mrs. Kline said this was not covered anyplace except just tacked on to the end of one of the service area sections.

(36) Mr. Schmitz asked if "areawide service" meant they can do it be ordinance, if there were no other sections within in the Charter that sets limitations on this? The answer was yes. As it reads now they can do it by resolution or motion. Mrs. Loken said this was certainly not the intent, that it was an oversight. Mr. Engstrom said that in order to impose a service on an area that doesn't have a service, doesn't the Charter require a vote of the people? Mrs. Kline agreed.

(37) Mrs. Kline gave as an example: what if you have 7 fire districts and the population is then such that you want an areawide fire department, the service area concept isn't in there at all, that's why it becomes an area wide service, like hospitals, planning and zoning, etc.

(38) Mrs. Loken moved for postponement of this motion until next week. Mrs. Norwood seconded. The following vote was recorded:

Yes	No
Kline	Schmitz
Loken	Halsted
Engstrom	Grummett
Norwood	Russo
	Parker

The motion to postpone failed, 4 to 5.

(39) And so the consideration of the amendment proposed by Mrs. Kline adding the words "an areawide service" to Section 5.2(h) was in order. Mrs. Kline said that Mr. Doug Stark had proposed an addition to the service area draft and quoted: "Provision of areawide service shall be handled in the same manner as any other service area. Elimination of services provided on an areawide basis shall be by areawide vote. Discussion followed. The question was called and the follwoing vote was recorded:

Yes	No
Schmitz	Loken
Halsted	
Grummett	
Kline	
Russo	
Parker	
Engstrom	
Norwood	

The motion passed, 8 to 1.

(40) Mrs. Kline moved that in Section 6.3(a)(2) that the following words be deleted: "immediately preceding the election for one year as a resident of the state" and add "a resident of the municipality for at least 30 days immediately preceding the election." Mrs. Norwood seconded. The purpose of this was to cut out the redundancy. There being no objection it was so moved.

(41) Mrs. Kline moved to replace Articles VII and VIII with the following Article VII: Initiative, Referendum and Recall

Section 7.1 Reservation of Powers. The powers of the initiative and referendum are reserved to the people of the municipality with reference to all legislative authority which the assembly may exercise except that the powers of initiative and referendum shall not apply to ordinances establishing budgets, fixing mill levies, or to ordinances appropriating funds.

Section 7.2. Service Area Measures. If the subject matter of the proposed initiative or referendum relates only to a service area, the measure shall be submitted only to the electorate of the service area.

Section 7.3. Recall. An elected official of the municipality may be recalled by the voters.

Section 7.4. Procedures. The assembly by ordinance shall provide procedures for initiative, referendum, and recall proceedings.

Mr. Engstrom seconded.

(42) The purpose of this motion was not because Mrs. Kline disagreed with the present material but to cut down the size of the Charter. Mr. Parker asked where Mrs. Kline had gotten this language in her proposed amendment and she replied that Section 7.1 was out of the original charter, 7.2 is the last half of present 7.10(a), 7.3 is old section 8.1, and 7.4 is her own wording.

(43) There was discussion to the effect that the members would like to have time to see what was being discarded. Mrs. Norwood moved to table and Mr. Russo seconded. The following vote was recorded:

Yes	No
Schmitz	Halsted
Grummett	Engstrom
Kline	
Loken	
Russo	
Parker	
Norwood	

The motion passed, 7 to 2.

(44) Mrs. Kline moved that in Section 9.2(a) the words "December 1" be changed to "March 15". Mr. Schmitz seconded.

(45) Mrs. Kline said that gave the assembly 2 1/2 months to consider the budget. Mrs. Loken asked what had been done with the school budget and Mrs. Kline said that she assumed that if this were changed that the school budget dates would be changed also.

(46) Mr. Halsted said that state budgets are prepared sometimes as much as nine months ahead and it doesn't seem to bother them. Mr. Schmitz said that the closer to the new year would be best since then you have a better idea of your revenues and you would get a better understanding of it. He felt if the budget was tried to be put together in August or September of the prior year that you would be working in the blind. The state is different since it has a more sophisticated equipment, machinery and people to put together these budgets. And of course the state budget has to get to the Legislature by January. Mrs. Loken agreed saying this was especially true in an area of rapid growth.

(47) Mrs. Loken moved to amend the motion by changing "March 15" to "March 1". Mr. Schmitz seconded. Mrs. Loken said she wished to give the assembly as much time as possible.

(48) The question was called on the amendment and the following vote was recorded:

Yes	No
Schmitz	
Halsted	
Grummett	
Kline	
Loken	
Russo	
Parker	
Engstrom	
Norwood	

The motion passed, 9 to 0.

(49) The question was called on the main motion as amended to change "December 1" to "March 1" and the following vote was recorded:

Yes	No
Schmitz	Halsted
Grummett	Engstrom
Kline	
Loken	
Russo	
Parker	
Norwood	

The motion passed, 7 to 2.

(50) Mrs. Kline moved to change Section 9.4(a) by deleting the last sentence and subsection (1), (2), and (3) and deleting subsection 9.4(b) and relettering subsection 9.4(c). Mr. Schmitz seconded.

(51) Mrs. Kline moved to delete because she felt this was excess wordage that wasn't necessary. Mrs. Loken asked if anyone remembered why it was put in the first time around. Mrs. Kline felt it was for an explanation, a direction to the assembly. Mr. Grummett said he remembered that there had been quite a bit of discussion and the general consensus was to include this material. Mr. Russo agreed with Mr. Grummett. Mr. Parker felt something like this should be included from practical experience.

(52) The question was called and the following vote was recorded:

Yes	No
Schmitz	Halsted
Kline	Grummett
Norwood	Loken
	Russo
	Parker
	Engstrom

The motion failed, 3 to 6.

(53) Mrs. Kline moved to change Section 9.6 by changing the words "January 21" to "May 1". Mrs. Norwood seconded. The question was called and the following vote was recorded:

Yes	No
Schmitz	Halsted
Grummett	
Kline	
Loken	
Russo	
Parker	
Engstrom	
Norwood	

The motion passed, 8 to 1.

(54) Mrs. Kline moved the following changes:
Section 9.7(a) change "February 15" to "May 31".
Section 9.7(b) change "May 1" to "May 31".
Section 9.8 change "February 15" to "May 31".
Mrs. Loken seconded.

(55) Mr. Engstrom said he would question the adoption of the change concerning the ordinance of the tax levy. The reason to have 30 days prior to the end of the fiscal year for the others is that he believes under this ordinance that ususlaly there is a 30 day effective date for the ordinance to take effect. As for the tax levy, you dont' have to have the tax levy back by the 31st. If the tax levy didn't have to be back until June 30 you would have an opportunity in the case of any kind of emergency where they could amend the budget and still have time to adopt the tax levy that would be appropriate.

(56) Mr. Engstrom then suggested to amend the motion on tax levies by changing Section 9.7(b) to read "May 1" to "June 30".

(57) Mrs. Kline, with the consent of her second, incorporated this change into her motion so that Section 9.7(b) in her previous motion now reads: Change "May 1 to "June 30". The question was called and the following vote was recorded:

Yes	No
Schmitz	Halsted
Grummett	
Kline	
Loken	
Russo	
Parker	
Engstrom	
Norwood	

The motion passed, 8 to 1.

(58) Mrs. Kline moved to change the dates in the Public School Article to coincide with the Financial Procedures Article. Mrs. Loken seconded. (Page 38, change "December 1" to "March 1" and February 15" to "May 31" in two places.) The question was called and the following vote was recorded:

Yes	No
Schmitz	Halsted
Grummett	
Kline	
Loken	
Russo	
Parker	
Engstrom	
No wood	

The motion passed, 8 to 1.

(59) Mrs. Kline moved to change the time of the regular election to the first Tuesday in October. (Page 14, Section 6.1) Mrs. Loken seconded. Mrs. Kline said this change was in order since the reason the election date was changed in the first place was so there wouldn't be a green assembly considering the budget. Now if this change is not incorporated the assembly will be in the midst of campaigning at the time of the consideration of the budget.

(60) The question was called and the motion passed unanimously.

(61) Mrs. Kline moved that in Section 9.9(a) that the words "Three copies of" be deleted. Mrs. Kline felt this change was necessary mainly because (a) and (b) don't tie together and this would simplify the Sections. There was no objection and the change was so ordered.

(62) Mrs. Kline moved that in Section 9.11(a) and (b) the words "or for cash deficit" be deleted. Mrs. Kline said she had made this motion because no one had ever been able to explain to her what it is and it is not mentioned anyplace else in the Charter. Mr. Schmitz said if you somehow had a prior debt from a past year and you made an appropriation to bring this back up to zero, take out the deificit, therefore they couldn't lower the appropriation this year to cover that cash deficit. This motion failed for lack of a second.

(63) Mrs. Kline moved to delete Section 9.15. Mrs. Norwood seconded the motion. It was pointed out that at the time this was discussed that it was examined very carefully and farm property, etc. was brought up. The meaning of "market value" was discussed. Mrs. Loken said the theory in this was for everyone to get the same shake, no priviledged assessments.

(64) Mrs. Loken moved to table and Mrs. Kline seconded. The question was called and the following vote was recorded:

Yes	No
Schmitz	Halsted
Grummett	Engstrom
Kline	
Loken	
Russo	
Parker	
Norwood	

The motion to table passed, 7 to 2.

(65) Mrs. Kline moved that in Section 9.16 the dates "July 1, 1969" be changed to "July 1, 1970". Mr. Russo seconded. There was no objection and the motion was so ordered.

(66) Mrs. Kline moved to delete the word "Voluntary" in the title of Section 11.2. Mr. Halsted seconded. There was no objection and it was so ordered.

(67) Mrs. Kline suggested deleting the entire Article XII except Section 12.2 delete "and for agreements for furnishing capital improvements and the extension thereof in lieu of assessments" and add first two sections to end of Service Area Article. This was discussed but these suggestions were not actually moved. Mrs. Kline's main point was to eliminate this material and leave it up to the assembly.

(68) Mrs. Kline moved to delete subsection (a) in Section 13.2 and reletter others. Mrs. Loken seconded.

(69) Mr. Halsted asked for present wording of state law. Mrs. Loken looked this up and quoted same.

(70) Mr. Engstrom said why not say "The board of education shall be composed of such a number required of home rule municipalities by law". Mrs. Kline said that this law does not require a certain number, it leaves it up to the discretion of the school board and the assembly.

(71) Mr. Halsted asked if this was in a section that they were required to observe and the answer was yes.

(72) Mrs. Kline said that you can no longer read the Public Schools Article without reading state law and since material had been taken out of other Articles where this was true, why not take this out too?

(73) The question was called and the following vote was recorded:

Yes	No
Grummett	Schmitz
Kline	Halsted
Loken	Russo
Norwood	Parker
	Engstrom

The motion failed, 4 to 5.

(74) Mrs. Kline moved that in Section 13.8(a) that the subsection be changed to read "The board shall make recommendation to the assembly concerning the necessity for school construction and other capital improvements, site selection, employment of architects, and building plans." Mr. Parker seconded.

(75) Mrs. Loken moved to amend the motion by adding the second sentence of subsection (4) in Section 13.8(a) to the motion made by Mrs. Kline. Mr. Schmitz seconded. The question was called on the amendment to the motion and the following vote was recorded:

Yes	No
Schmitz	Halsted
Grummett	Kline
Loken	Norwood
Russo	
Parker	
Engstrom	

The motion passed, 6 to 3.

(76) The question was called on the main motion and it passed unanimously.

(77) Mrs. Kline moved to add a section to the General Provisions Article:
"Hospital Board. There shall be a Board of Directors for any municipally operated hospital, and it shall derive its authority and power from the assembly. Mrs. Loken seconded.

(78) Mr. Parker moved to amend the motion by including nursing homes. Mr. Russo seconded. Mr. Parker did not understand why it should be specifically put in about hospital boards if police departments, etc. are not named.

(79) Mr. Engstrom pointed out that there had been a request made by the hospital people that some mention be made of a hospital board and said the assembly has the power to set up boards generally. Mr. Parker asked if a library board was specifically mentioned and if not, why not? Mrs. Kline said that although the comparison between the library board and the hospital board had some validity she felt the authority of each belies the comparison. The library board is a board in name only while the hospital board is an operating board with authority.

(80) Mr. Parker with the consent of his second, withdrew his amendment.

(81) Mrs. Loken moved to amend the motion by Mrs. Kline on Hospital Boards by deleting the word "any" and adding an "s" to the word 'hospital'. Mr. Schmitz seconded. The question was called and the following vote was recorded:

Yes	No
Schmitz	Halsted
Grummett	
Kline	
Loken	
Russo	
Parker	
Engstrom	
Norwood	

The motion passed, 8 to 1.

(82) The question was called on the main motion and the following vote was recorded:

Yes	No
Schmitz	Halsted
Grummett	
Kline	
Loken	
Russo	
Parker	
Engstrom	
Norwood	

The motion passed, 8 to 1.

(83) There being no further business the meeting was adjourned at 10:40 pm.

Respectfully submitted,

Marilyn Miller

GREATER JUNEAU CHARTER COMMISSION, SECOND SESSION
September 16, 1969 (#14)
8:00 p.m.

(1) Meeting #14, Greater Juneau Charter Commission, Second Session, was called to order by Chairman Virginia Kline at eight oclock p.m., September 16, 1969, in the offices of the Greater Juneau Borough. The following roll call was recorded:

Present	Absent
Don Halsted	Mike Grummett (excused)
Virginia Kline	Guy Russo (excused)
Pat Loken	Bill Schmitz (excused)
Don Craddick	Greg Machyowsky
Jean Norwood	
Allan Engstrom	
Lauris Parker	

(2) MINUTES - The minutes of meeting #12, September 2, were approved as presented.

(3) CORRESPONDENCE - Chairman Kline read a letter from Assemblyman Mike Miller that was written in reply to a letter from Mike Grummett inviting suggestions by the Assemblymen and Councilmen to the Transitional Article. Mr. Miller suggested rewriting item (d): "Revenues from sales tax or a substitute for such tax shall be continued to be utilized by the former cities of Juneau and Douglas and service areas as provided by the respective ordinances in effect prior to the adoption of this Charter." Chairman Kline said she would make copies of this letter for the members. Since Mr. Millers wife was present she was asked if she could give her husband's reasons for this and she answered that by adding this phrase it would allow other monies to be used if at such time the municipality decided to cut back or eliminate sales tax, which many municipal officials feel is a regressive tax. This will be taken up with the Transitional Article.

(4) Chairman Kline said that although it was not on the agenda, a proposed procedural amendment to the by-laws had been brought up a couple of weeks ago and was in order at this time.

(5) Mrs. Loken moved to suspend the part of the by-laws that would require a vote of 8 to amend the by-laws. Mrs. Norwood seconded.

(6) The by-laws now require 5 days notice for a special meeting and the by-laws change requires 24 hours notice for a special meeting. Chairman Kline explained that since the Commission was meeting once a week it was impossible for her to get notices out in time, 5 days before the meeting. The question was called on the suspension of the by-laws regarding a vote of 8 to amend.

(7) The following vote was recorded:

Yes	No
Kline	Halsted
Loken	
Craddick	
Norwood	
Engstrom	
Parker	

The motion passed, 6 to 1.

(8) Mr. Craddick moved that Article II, Section 5, be amended to read as follows: "Written notice of special meeting shall be required and shall be given to commission members no less than 24 hours before the time of any special meeting." Mrs. Loken seconded.

Yes	No
Kline	Halsted
Loken	
Craddick	
Norwood	
Engstrom	
Parker	

The motion passed, 6 to 1.

(9) Mr. Craddick refered to an item that was considered last week: Section 13.8(c). The Section as amended last week now reads: "The assembly shall appoint a four man committee from its membership which shall deliberate with the board in formulating all plans for school construction." Mr. Craddick moved to amend as follows: "The assembly shall appoint a four man committee from its membership which shall deliberate with the board in formulating all plans to be recommended under Section 13.8(a)." Mrs. Loken seconded. There being no objection, it was so ordered.

(10) Mrs. Loken presented a memorandum regarding the meaning of "market value" as related to assessments. Along with this memorandum were copies of a letter to Mrs. Loken from the Local Affairs Agency concerning legislation relating to assessments on the state level, an opinion of the attorney general to Representative Bill Ray regarding home rule and tax exemptions, and a letter in regard to differential tax zone in home rule cities. Mrs. Loken explained that starting with just the term"market value", it is just one of many components used in evaluating or assessing real property. It is one of maybe 20 different items taken into consideration. Mrs. Loken found that more and more emphasis is placed upon "market value" as a criteria for assessment but it's only one of many things that is used.

She said that state statutes regarding assessment on the local level do not pertain to home rule municipalities. A home rule municipality may write its own exemptions and evidently may also decide how tax assessment may be arrived at, what process shall be used and how it will be done. Mrs. Loken pointed out one drawback saying that if you are talking about exemptions, etc., that you may run into "due process" clauses where people can claim discrimination in tax assessment. Mrs. Loken felt that the policy decision involved was that since a home rule municipality may pretty much do what it pleases with regard to local assessment does the Commission want to write something into the charter and if so she does not feel the term "market value" has any necessity for being in. It does not clarify what the Commission is getting at. The term that is generally used in state statutes is "full and true value".

(11) Mr. Craddick asked Mrs. Loken if she was suggesting dropping "market value" and she replied yes and brought up the question of whether to tie the municipality to any kind of an assessment standard whereby they cannot grant exceptions or cannot tax property at differential rates if they so desire to take a chance on the "due process" clause.

(12) Chairman Kline pointed out that she had moved the deletion of this subsection at the last meeting but the motion had been tabled.

(13) Mr. Parker said the state does not have to use the same criteria as the home rule city in establishing the full and true value if they do not wish to in regard to what shall be paid in support of schools.

(14) Further discussion followed with the information in the memorandum from Mrs. Loken being discussed and studied.

(15) Mr. Craddick did not feel there was a problem with the term "market value" and pointed out that Mr. John Beard, in his September 11, 1969, memorandum didn't really say that there was a difference. Mr. Craddick did not feel that the Charter will be approved by the people if this was deleted.

(16) Mrs. Loken moved to delete Section 9.15 on page 25 of the proposed charter. The motion died for lack of a second.

(17) At the last meeting the motion to delete Section 3.7 and replace it with "The assembly shall by ordinance provide for forfeiture of office" was moved but failed. Mrs. Kline was asked to research this problem but did not come up with any compromise wording. She felt this was one procedural thing that could be left up to the assembly and again said her thinking on this was in keeping with the criticisms that the charter was too long and too full of procedures. No action was taken.

(18) At the last meeting the motion on Initiative, Rederendum and Recall was postponed until this meeting. Mrs. Kline said again the intent was to shorten the charter, cutting 5 pages down to 4 sections. She did not object to any of the material.

(19) Mr. Craddick felt that shorter documents meant more trouble. He felt that if this material was not left in that the future assemblies and the people who bring suits against the assembly would have to spend long hours in the courts going through the same discussions that the Charter Commission had gone through meeting after meeting.

(20) Mrs. Norwood asked if state law could be used by reference and Mr. Craddick pointed out "what happens if the state law is amended?" Mr. Parker said if the people a year from now don't care for what the charter says then they can change it without going to the legislature. There was no action taken.

(21) Chairman Kline asked that the Bonding Act be considered informally. (Possibilities of changes would be discussed, no motions to change would be in order.) Mr. Halsted felt there was a lot of superflous material but was not specific. Mrs. Kline mentioned Section 10.01 as a good example of this. It lists seven things and then opens wide the field by saying "such other obligations as the assembly may determine". Mrs. Loken referred to page 31, Section 10.9 (g) and said that all who have made recommendations concerning this Section have recommended that this be deleted. It was pointed out that Mr. Daugherty felt this was too restrictive.

(22) Mr. Halsted said there was deadwood in Section 10.9(b). Mr. Craddick did not agree. He said that 10.9(a) with its six parts was forcing a disclosure. Mr. Craddick asked what would happen if you want to sell bonds and these things were not established by ordinance and no one would buy the bonds because these things were not provided for. Mr. Parker said that a new generation may wish to change the intent of this and it would be easier for them to change it by ordinance.

(23) Mrs. Kline referred to Page 26, Section 10.2(b) and said that the phrase "without limitation as to rate or amount" bothered Mr. Daugherty. Mrs. Kline said that the charter states in Section 10.2(b) that the municipality has to pay off where it says "The municipality shall levy an ad valorem tax sufficient to pay the principal of and interest on said bonds as they become due and payable." She added that the phrase "without limitation as to rate or amount" is redundant.

(24) Mr. Craddick felt the last paragraph of the letter from Mr. Dowd was meaningless and others agreed. However, all agreed that professional help was needed regarding this section.

/Engstrom excused/

(25) Mr. Craddick moved to delete Section 10.9 (h) and (i) since some felt that the bond counsels were reluctant to express their ideas and suggestions to the Commission since they felt that if they did they would not be allowed to bid on the bonds or notes when offered at public sale or negotiate for their purchase if sold at private sale. Mr. Parker seconded.

(26) Mrs. Kline said Mr. Daugherty suggested cutting off "public sale" but Mr. Craddick said that the whole thing was either a good idea or the whole thing should be left out. Mrs. Loken stated the purpose of the subsection; to keep consultants from giving advice to a municipality and turning around then and selling the bonds or purchasing them. Chairman Kline asked that this be considered as a proposed amendment and taken up and voted on at the next meeting when there would be more members present so Mr. Craddick withdrew his motion with the consent of his second. Mr. Craddick said that if this motion passed at the next meeting that although these subsections [(h) and (i)] were eliminated that the assembly could always pass an ordinance setting these things up. Mr. Halsted suggested that it be said formally to the bond consultants that it is the opinion of the Charter Commission that supplying any information and assistance in the preparation of the Charter is not and will not be considered as providing financial programming and marketing assistance.

(27) Mrs. Loken moved that Mr. Thorgrimson of Preston, Thorgrimson, Horowit, Starin and Ellis be contacted by phone and asked if he would be willing to meet with the Charter Commission immediately and advise them on a financial basis and if so, what his fee would be and that the Chairman report back to the Commission for their approval. Mr. Parker seconded. There being no objection it was so ordered.

(28) Chairman Kline asked the members present that if Mr. Grummett did not have anything ready on the Transitional Article or if the Bonding Article was not ready for consideration if it would be agreeable to skip the meeting scheduled to be held one week from now. There was no objection.

(29) Mr. Halsted asked for a corrected draft. How this would be accomplished was discussed and Chairman Kline asked if it was alright with the Commission if corrected pages only were supplied to replace the old ones. There was no objection.

(30) The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Marilyn Miller

Marilyn Miller

GREATER JUNEAU BOROUGH CHARTER COMMISSION, SECOND SESSION
September 30, 1969 - (#15)
8:00 p.m.

(1) Meeting #15 of the Greater Juneau Borough Charter Commission was called to order by Chairman Virginia Kline at 8:00 p.m. in the offices of the Greater Juneau Borough. The following roll call was recorded:

Present	Absent
Grummett	Halsted
Kline	Russo
Machyowsky	
Craddick	
Norwood	
Schmitz	
Parker (late)	
Loken	
Engstrom	

(2) Guests present were: Virginia Blanchard, Councilwoman, City of Juneau; Mr. and Mrs. Close from California.

(3) CORRESPONDENCE - As per instructions from the Commission, Chairman Kline wrote to Mr. Thorgrimson inviting him to meet with the members and offer advice on the Municipal Finance Article. She did not hear from him so upon calling him found that he was in the hospital. However, Mr. Don Holman of that office called Mrs. Kline and said he would be happy to come to Juneau and advise the Commission at no cost to the Commission. Mrs. Kline said that Mr. Holman had commented that most of what is in the Bonding Article should be in ordinance form rather than charter form. He also said that is was possible for the municipality to sell bonds without all of the material that was in the Bonding Article. Chairman Kline was instructed to ask Mr. Holman to come to Juneau on October 9. It was also suggested that the Commission offer to pay his expenses.

/Parker arrives/

(4) Chairman Kline announced that there would be no meeting next Tuesday due to it being Election night.

(5) Chairman Kline announced that Mr. Russo had moved to Anchorage and therefore a replacement was needed. Mr. Russo has not yet turned in a written resignation but has left town.

(6) Chairman Kline turned the meeting over to Mr. Grummett to give a report on the Transitional Article. Mr. Grummett read a letter from the City of Juneau saying they did not make any recommendations but left this up to the individual council members. Mr. Grummett then read a letter from Assemblyman Mike Miller dated September 16 who did offer one amendment. Mr. Grummett said that the Transitional Article committee had had oral response from the City of Douglas Council members.

(7) Since Mr. Miller's suggestion was the only one in writing Mr. Grummett took up the consideration of it at this time. Mr. Miller suggested amending (d) by adding the words "or a substitute for such tax" after the phrase "revenues from sales tax". Since Mr. Miller was in the building attending another meeting he was asked to come in and explain his amendment to the Commission. Mr. Miller felt that the way the proposed draft was written that the municipality was "locked in". For instance if you had a sales tax in the City of Juneau and this was adopted there was no way you could avoid it even if there were other monies, say state shared revenues, available and you wanted to get rid of the tax it would take an amendment to the charter.

(8) Mr. Schmitz asked if to do away with a sales tax wouldn't you have to have a vote of the people and Mr. Miller replied no that the tax could be abolished but to get a new tax there would have to be a vote of the people. Mr. Engstrom suggested adding the words "unless discontinued" so that it would not be mandatory. Mrs. Loken wanted it made clear that the charter is talking about revenues that we have today.

(9) After further discussion Mrs. Norwood moved and Mr. Schmitz seconded that subsection (d) be changed to read as follows: "Revenues from sales taxes as long as such taxes continue shall be utilized by the former cities of Juneau and Douglas and their service areas as provided by respective ordinances in effect prior to the adoption of this charter". There being no objection it was so ordered.

(10) Mr. Craddick moved that subsection (d) be amended by adding the word "All" at the beginning of the sentence. Mrs. Loken seconded. There being no objection it was so ordered.

(11) Chairman Kline asked why this paragraph was being put in the Financial Article instead of the Transitional Article. Mr. Schmitz said because it was more of a continuing thing.

(12) Mr. Grummett said that when meeting with Mr. Chitwood of the City of Douglas that one question Mr. Chitwood had was did subsection (d) preclude the provisisions for a uniform sales tax for the unified municipality, that he wanted a provision in there. Mrs. Loken asked how would the sales tax be shifted to a different base. Mr. Schmitz said a uniform sales tax could be provided for by ordinance unless put in the charter that it cannot be done.

(13) Tideland ownership was discussed [subsection (e)]. After the sale of tidelands, would the funds revert to the service area or the unified government? Mr. Craddick said that all assets become property of unified government, the question being does the service area receive credit.

(14) During the following discussion Mr. Schmitz said after a period of time all lands should revert to the new municipality and the charter should have a true transitional feature that any revenues that are derived from the sale of these lands during a certain period of time would go directly to the municipality. For the immediate future the cities of Douglas and Juneau would be allowed to derive the revenues from the sale.

(15) The question of whether the word "facility" was being correctly used came up and suggestions were made for substitutes.

(16) It was established that there were two sources of revenue, one being the outright sale of tidelands and the other being revenues from lease rentals.

(17) Mr. Craddick wanted to add in subsection (e) after the word "facilities" which appears in two places the word "lands". Mr. Engstrom pointed out that the value was not being referred to.

(18) Mr. Craddick did not feel the Commission was obligated to put in the charter that anything had to be given back, that in straight unification nothing would be given back.

(19) Councilwoman Virginia Blanchard was in the audience and she was invited to give her suggestions to the Transitional Article at this time. Mrs. Blanchard offered the following:

1) In subsection (a), what kind of bonds are being referred to - G. O. or revenue?
2) In subsection (e) the word "facilities" is used twice. Is this word defined in the charter?
3) In subsection (e) there should be a specific time set, a reasonable time limit on credits.
4) On page 2 of the proposed Article does "municipality" mean the "new government"? (The answer was yes).
5) Was subsection (d) put on page two because of the implementation of the of the budget? She felt this could be a very vicious thing for the next legislature and suggested adding the words "at the time of passage".

(20) Mr. Schmitz said that there should be a 5 year limitation. Mrs. Blanchard said the subsection would read alright if this limitation was added.

(21) Mr. Grummett said that Mr. Chitwood was concerned about subsection (e) and wished to know what would happen when the sewer and water systems for the cities of Juneau dnd Douglas were integrated, would the revenue be distributed to the area that was getting the extension?

(22) Mrs. Kline said there was an areawide plan for both sewer and water and that they should be in the Transitional Article, that no limitation should be put in post-unification.

(23) After some discussion, Mr. Schmitz suggested adding the words "for purpose of valuation" after the words "for areawide functions".

(24) Mr. Craddick suggested the words "for other than present".

(25) Mrs. Loken asked why this was being put in the Financial Article and Mr. Craddick replied because 4/5 of it was financial. Mr. Schmitz felt it could be of a continuing nature.

(26) After further discussion it was decided that there would have to be more work done on the Transitional Article. The following items will be considered by the committee: Adding "pre-unification" in the first sentence of (e); tide lands; lease rentals; define "facilities"; time for credits; everything except sales tax put back in Transitional Article.

(27) Mrs. Loken asked that in subsection (e) "except for" be substituted for "other than" making it easier to read.

(28) The meaning of the word "facility" was discussed. Mr. Machyowsky said it meant "real and personal property" and Mr. Schmitz agreed that that is how it was being used. Mr. Craddick and Mr. Schmitz did not feel there was a problem but for the sake of making it clearer the word "property" could be substituted for "facility". Mrs. Kline suggested substituting "property" for "asset".

(29) Returning to the subject of credits, Mr. Craddick wanted the positive aspect stressed which is this charter is providing for credit and this should be a big selling point. The very point of crediting is vital.

(30) Chairman Kline announced that if Mr. Don Holman is able to attend the next meeting scheduled for October 9 that the entire meeting will be taken up with Bonding but if he isn't able to be here that the Commission will meet and work on the Transitional Article.

(31) Mr. Machyowsky referred to Section 16.2(c). Although he thought the idea was good he wondered if there wasn't some legal question on whether you could take a state tax and qualify for a refund if it is to be used for a specific purpose. After discussion Mr. Engstrom was appointed to a committee to revise Section 16.2(b).

(32) Mr. Engstrom moved and Mr. Craddick seconded that Section 16.3 be amended by adding the words "six weeks before" after the word "held" in the first sentence. There being no objection it was so ordered.

(33) Mr. Machyowsky asked that he be excused from all meetings that he missed while he was out of town. There being no objection it was so ordered.

(34) The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Marilyn Miller

Marilyn Miller

Meeting #16 of the Greater Juneau Charter Commission
Held October 9, 1969 at 8 p.m.

The 16th meeting of the Greater Juneau Charter Commission was called to order by Chairman Virginia Kline at eight o'clock p.m. on October 9, 1969, in the offices of the Greater Juneau Borough. The following roll call was taken:

Present	Absent
Don Craddick	Don Halsted
Greg Machyowsky	Larry Parker
Pat Loken	Allan Engstrom
Jean Norwood	Guy Russo
Bill Schmitz	
Mike Grummett	
Virginia Kline	

The minutes of the 14th meeting, September 16, 1969, were approved as presented.

No correspondence was presented.

The chairman announced that she had talked with a member of the firm of Preston, Thorgrimson, Horowitz, Starin & Ellis and he would meet with the commission at its meeting of next Tuesday (October 14, 1969) to discuss and advise the commission in regard to the bonding article.

Several members expressed dissatisfaction with the fact that the regular meeting room was occupied by another group and the commission had to hold its meeting in the cramped quarters of Mr. Berrier's office.

Chairman Kline requested Mrs. Loken and her committee to draft charter provisions to take care of the representation.

The members then directed their attention to the transitional committee report, and incorporated revisions.

Mr. Schmitz distributed copies of a three page letter which was addressed to the Greater Juneau Borough Assembly dated October 2(?), 1969. The following points were discussed:

(1) In section (d) the phrase was added "as long as such tax is continued" -- this would take care of a situation where the sales tax, for example, was voted out or it was replaced by another type tax.

(2) In paragraph (e) the word "property" was substituted for the word "facility" throughout. This change was made due to the inability to accurately define the word "facility". Added to this paragraph is: "The credits shall be paid to the applicable former local government or service area on a pro rata basis over 20 years ...."

(3) In Section 16.2(b) the date was changed to December 31, 1969. This was done in light of the new oil leases and the possibility there could be some kind of subvention, such as an oil royalty subvention, that would be passed on to the municipality, in which case the assembly would have the right to determine how these funds shall be allocated.

(4) Aviation fuel tax was put in the first paragraph with the other subventions.

(5) Sections (f) and (g) of the first portion of the report were then read and introduced as new sections proposed by the committee. It was pointed out that the last bonds expire in 1993, but rather than tie this date in specifically it was decided that it would be more feasible to use 1990 or upon completion of payment of pre-unification bonded indebtedness, whichever occurs first.

Mr. Craddick pointed out that it should be spelled out to mean the pre-unification bonded indebtedness of the City of Juneau or Douglas, with which Mr. Schmitz agreed and the words "their respective" were added before the word "pre-unification" in the last sentence of (f).

(6) In regard to (g), Mr. Schmitz pointed out that the city can only lease this property; it cannot be sold other than through condemnation procedures; that the leases run as long as 55 years (Bill Cope and Driftwood Lodge cited as tidelands leases). After the word "their", the words "service area" were inserted; after the word "property", the words "owned by and located within" were inserted in (g). Similar wording was added to (f). There was considerable discussion in regard to the wording of the two sections with various suggestions made by all members.

(7) Mr. Craddick suggested the addition of a section (h) to read: "As used in this section, 'successors' means service areas until such time as the service areas cease to exist, whereupon 'successors' shall mean the successor entity to the service areas."

The word "unification" was struck from Section (g).

(8) Under Section (d) of "State Subventions", the date was changed to December 31, 1969, to be consistent with the previous change, concerning possible oil lease money.

(9) Upon culmination of extensive discussions on the wording, the chairman read the sections as revised:

> "(f) All revenues derived from the sale of undeveloped municipal land located within the cities of Juneau and Douglas shall be utilized by their respective successors upon adoption of this charter. This special allocation of revenues shall terminate June 30, 1990, or upon complete payment of their respective pre-unification bonded indebtedness, whichever occurs first.
>
> "(g) Revenues derived from the leasing of municipal real

property located within the cities of Juneau and Douglas shall be utilized by their respective successors upon adoption of this charter. This special allocation of revenue shall terminate June 30, 1990, or upon complete payment of their respective pre-unification bonded indebtedness, whichever occurs first.

"(h) As used in this section, 'successors' means service areas until such time as the service areas cease to exist, whereupon 'successors' shall mean the successor entity to the service areas."

(10) The members present decided they did not want to vote on any provisions of the revised transitional committee report at this meeting pending individual study.

(11) There was discussion in regard to subsections (a), (b) and (d) of the State Subventions section with some feeling that there was redundancy between them. It was suggested that Mr. Machyowsky discuss this area with Mr. Doug Stark who had originally proposed the subsections, with the thought of trying to clarify the reasoning behind the individual subsections in light of state law, etc. It was suggested that by way of clarification, the words "shared revenues" be inserted after "State Subventions".

(12) The chairman pointed out that there was a concept in the original charter which seems to have been lost in revisions, about "...utilized for the benefit of the larger area in approximately the same manner and to the same extent as in the area incurring the debt". (Section (e) on page 1) The section (e) was extensively discussed and it was tentatively decided to insert the word "areawide" before the word "benefit" in the third sentence and delete the words "of a larger area".

(13) The results of the straw ballot were brought up and Mr. Craddick stated there were about 1250 votes for general at large, and 1500 for district at large.

(14) Chairman Kline requested the members to review the bonding article before next week's meeting in order to be prepared to meet with the member of the firm of Preston, Thorgrimson et al.

Mr. Schmitz moved to adjourn; there being no objection, the meeting adjourned at 10 o'clock p.m.

Respectfully submitted,
Pat Cunningham
Pat Cunningham

(17) Further discussion followed on Section 10.9 and Mr. Holman said it should definitely be clarified.

(18) Mr. Craddick asked that Mr. Holman, in preparing his draft, consider Sections 10.3 and 10.4 because Mr. Craddick had serious doubts if the Charter could pass without these sections. Mr. Holman said he would, that 10.3 bothered him a little, that there were other approaches that could be used. Mr. Holman said if you vote and pledge the full faith and credit but you still issue assessment bonds even though they are guaranteed by the full faith and credit you are not going to get the market you would with the g. o. bonds under the same circumstances. Mr. Holman said that assessment bonds without some sort of guarantee are not saleable. He pointed out that the Assessment Section talks in terms of a one shot assessment without installments so he did not think there was any way, with that charter provision, that special assessment bonds could be issued.

(19) Mr. Holman said there were other areas that bothered him in the Capital Improvements Section, one being referendum. Technically, after they voted bonds, somebody could still refer the ordinance authorizing the issuance of bonds and still tie you up.

(20) Mr. Holman also said that on page 11, the ordinances should contain only one subject and be put more in line with State constitution.

/Loken leaves/

(21) Mr. Holman again said the matter of the bond anticipation notes was a policy matter and felt that when a municipality needed money they should go to the market and he said he did not want to see them get into a guessing market. Mr. Craddick asked if the paragraph should be excluded in its entirety to allow the assembly to deal with the new utility and Mr. Holman agreed. Mr. Craddick asked if it would be better to say you could do it with the new ones but you couldn't do it with the renewals and Mr. Holman felt it should be eliminated entirely.

(22) Mrs. Kline said that in Section 10.7(b) on page 28 that the question had been raised on revenue anticipation notes, paying them off at the end of the fiscal year next succeeding the fiscal year during which the notes were issued and the comment was that it should be the end of the current fiscal year. Mr. Holman replied that basically, covering the event of a failure of revenue that this is what the constitution provides.

(23) Further discussion followed, the outcome of which was that Mr. Holman would prepare a draft and present it to the Commission incorporating his suggestions for the proposed Charter.

(24) Chairman Kline thanked Mr. Holman very much for coming and appearing before the Commission and said the Commission valued his assistance. She said that if his time schedule did not permit his help in re-drafting the municipal finance section that the Commission wanted him to consider payment for his efforts.

(25) It was announced that the next meeting would be a special meeting on October 23 at which time Mr. Holman would return to Juneau and meet again with the Commission. It was also announced that there would be a regular meeting next Tuesday, October 21, on the Transitional provisions.

(26) The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Marilyn Miller

Marilyn Miller
Secretary

Greater Juneau Charter Commission
Meeting #18, October 21, 1969

The 18th meeting of the Greater Juneau Charter Commission was called to order at eight o'clock p.m. on October 21, 1969, at the offices of the Greater Juneau Borough, by Commission Chairman Virginia Kline. The following roll was taken:

Present	Absent
Don Craddick	Don Halsted
Allan Engstrom	Guy Russo
Mike Grummett	
Pat Loken	
Greg Machyowsky (late)	
Jean Norwood	
Larry Parker	
Bill Schmitz	
Virginia Kline	

(1) Minutes of the 15th meeting, September 30, 1969, were considered. Chairman Kline said that on the first page, paragraph 3, third line, the words "municipal finance article" should be "municipal borrowing article". There being no other additions or corrections, the minutes were approved as corrected.

(2) No correspondence was presented and no announcements were made.

(3) Chairman Kline acknowledged the presence of Mayor Elect Joseph McLean and asked if he would like to make any comments to the commission. Mr. McLean's comments were as follows:

"I came here to listen and would only say that if there ever were a time there'd be any enthusiasm for unification it ought to be between now and the next six months. ... I think you told me, Ginny, that there was some talk of trying to persuade the Borough to get it on the ballot before the next legislative session. That would certainly seem to be apropos to successful passing of this. I know that the feeling of the City Council now is probably a little more enthusiastic than you may have noticed in the past. ... I don't pretend to know much about this particular charter but if you have accomplished generally what you feel is counteracting most of the spirited argument before, there should be no reason why it isn't received properly. I want the Borough to try to cooperate with you and set the timing of the election at the proper date and endorse it along with other organizations in town; I imagine you're thinking about that, and the time is running short. You would be steering it, I suppose, so it does receive endorsement either at your hearings or before the election. I think we over at the Council would certainly want to know about it and use any means we can to help promote it. Thank you for giving me the information and time for making these remarks. ..."

(4) The commission then directed its attention to the report of the Representation Committee. Mrs. Loken, Chairman of the Representation Committee, went over the two page report of the committee dated October 21, 1969, which had previously been distributed to commission members. Mrs. Loken stated that the three members of the committee present at the meetings favored at large representation, but all felt they had a personal or general commitment to present a report which reflected the results of the straw ballot. Consequently the report does incorporate the results of that election and does set up a districting formula.

(5) On page 3 of the charter, Section 3.4(a) is basically the same except the second sentence is taken out and put into sub-section (b) and provides the districting as four assemblymen from District 1 which is Juneau and West Juneau, one assemblyman from District 2 which is all of Douglas Island except West Juneau, and three assemblymen from District 3 which is the rest of the municipality. The entire Borough is one district for the mayoralty race. The remaining sections are the same but are relettered. This representation set-up of 4, 1 and 3 comes as close to a population equalization as possible without cutting up the boundaries in keeping with the intent of the commission to keep the boundaries as close as possible to what they are now.

(6) On page 15 of the charter, Section 6.7, the districts are set out.

(7) Section 6.8 is deleted for two reasons: (a) reapportionment is not critical anymore because it would take about 1200 more people in a district before a representative would be added, and (b) because of the fact that all of these representatives are elected on an at large basis even though they are district representatives eliminated at least for the time being any need for reapportionment.

(8) On page 47, Section 16.4, Apportionment, is deleted and Section 16.5 becomes 16.4. In getting a schedule set up whereby these men would be elected on a revolving basis, it came to the attention of the committee that unless something were written into the charter, possibly all representatives from Juneau would draw straws and end up being one year men. So the committee arbitrarily gave the Douglas man a three year term and arranged it so that one from each district came up each time; hence, the mayor automatically gets a three year term, the assemblymen from District 1 and District 2 will get a three year term to run with the mayor, one assemblyman from District 1 and two assemblymen from District 3 shall serve two year terms and the last three will serve one year terms.

(9) Mrs. Loken pointed out that the results of the election were very close in that there was only a 300 vote difference between at large representation and districting. The committee proposed an addition to the charter which would provide that at the time charter revision is automatically put on the ballot after ten years, that also on the same ballot be an amendment prepared by the assembly which would propose at large representation, which would give the municipality time to see how districting works out and if they would like to make a change.

(10) At the conclusion of the committee report, Chairman Kline brought to the attention of the members that Mr. Hildebrand had submitted the ballots from the election which had not been filled out or had comments written on them.

(11) The committee report was opened to discussion of the members. Under Section 16.5, the sub sections under (a) were changed as follows:

> "(2) One assemblyman from District 1 and one assemblyman from District 3 shall be elected to serve until _____, 1973.
>
> "(3) One assemblyman from District 1 and the assemblyman from District 2 and one assemblyman from District 3 shall be elected to serve until _____, 1972."

(12) Mr. Parker inquired if an affirmative vote to accept the committee report would accept these election districts, the terms of office and the first dates. Mrs. Loken replied yes, but as far as she was concerned the report only went to the end of subparagraph (b) on page two and did not include the last three paragraphs on page two. Mr. Craddick felt that the committee report was inclusive of the automatic ballot question on at large representation.

(13) Mr. Craddick moved that that part of the committee's report which proposes that a provision in the charter provide automatically for an election in ten years on the question of at large representation be made a part of the committee report so adoption of the report will also adopt that proposal. Mr. Machyowsky felt that this should be a committee decision rather than a motion before the entire body. Mrs. Loken inquired if the rest of the committee wanted it to be included, and her committee members present said they did. Therefore, Chairman Kline ruled Mr. Craddick's motion out of order.

(14) Mrs. Loken moved that the committee report be accepted and adopted; seconded by Mr. Grummett.

(15) Mr. Machyowsky pointed out that the committee members had an obligation to prepare the report putting in the language that the straw vote indicated, but as individuals they were free to vote as they personally believed.

(16) Mr. Machyowsky moved to amend the motion by substituting "seven" for the word "ten" in the third paragraph from the bottom; seconded by Mr. Craddick.

The vote on the amendment was as follows:

For	Against
Loken	Norwood
Engstrom	Schmitz
Parker	Kline
Grummett	
Craddick	
Machyowsky	

Motion carried; 6 yes, three no.

The vote on the main motion was:

For	Against
Norwood	Parker
Loken	
Engstrom	
Grummett	
Schmitz	
Craddick	
Machyowsky	
Kline	

Motion carried; 8 yes, 1 no.

(17) Mrs. Loken moved that Section 14.4 on page 40 be changed by substituting the year "1970" for "1969" in the first sentence; seconded by Mr. Craddick. There being no objection, the change was made.

(18) Upon adoption the the report, the chairman advised that the month of October could be inserted in the blanks in Section 16.5 (a)(1) through (4), and she then requested the representation committee to draft a provision for automatic review of at large representation.

(19) Mr. Craddick stressed the point that these are not district representatives elected at large, but rather representatives elected at large who have to reside in a district.

(20) This concluded discussion of the committee report, and Mr. Machyowsky expressed appreciation to Mrs. Loken for her extra efforts on it.

(21) Mrs. Loken requested the commission to consider the possibility of getting someone to undertake a voter education program and to work with other organizations from now until the election and to coordinate newspaper reports, TV and radio programming, etc. This proposal was discussed by the members in regard to the propriety and feasibility of the commission doing this.

(22) Mrs. Loken moved that the chairman try to find someone who would fill such a position and discuss the question of salary with such an individual and report back to the commission; seconded by Mr. Craddick. Mrs. Loken stressed that this would be strictly voter information and clarifying the commission's intent, and not a campaign for unification or passage of the charter. Mrs. Norwood suggested that this person could possibly write an informed summary of the charter.

After further discussion, the following roll was taken:

For	Against
Norwood	Engstrom
Loken	Kline
Parker	
Grummett	
Schmitz	
Craddick	
Machyowsky	

Motion carried; 7 yes, 2 no.

(23) The members then directed their attention to the transitional committee report, and Mr. Grummett advised that Mr. Machyowsky would report on his meeting with Doug Stark in regard to the state subventions section.

(24) Mr. Machyowsky said he reviewed the draft of October 7, 1969, and did discuss the state subventions section with Mr. Stark. He proposed certain changes:

> Section 16.2 (on October 7, 1969, committee draft): Drop subsection (a) for reasons of simplicity because it will be covered by rewording (b) and inserting after "Borough" in subsection (b), "or both". In the same subsection slight re-wording to say: "Subventions not specifically earmarked for use shall be deposited in the municipality's general fund, unless specifically earmarked for use by the assembly by ordinance." Subsection (c) raises a legal problem but can be left in until such time the court decided it to be illegal. This section was discussed by the members. In subsection (d), after the word "subventions" add "authorized under state law prior to December 31, 1969, shall be allocated for use in"(instead of to) "... former cities of Juneau and Douglas and the Greater Juneau Borough in the same manner as provided by state law prior to December 31, 1969." Chairman Kline pointed out that style and drafting used the phrase "by law" rather than "under

state law" and Mr. Machyowsky agreed that this was better. Add subsection (e), "This section shall expire June 30, 1975." Change wording to "... the method by which state subventions shall be allocated or earmarked for use. The replacement of the word "subventions" was discussed but it was decided to leave it in. The words "punch board licenses" were deleted.

(25) Mr. Machyowsky moved acceptance of the foregoing changes to the committee report of October 7, 1969; seconded by Mr. Grummett. There being no objections, it was so ordered.

(26) On page 1, Mr. Machyowsky pointed out that the reference in subsection (b) to (d), should be change to (e).

(27) Mr. Machyowsky suggested the wording be changed in subsection (b) to: "All pre-unification debt, whether bonded or otherwise, shall remain the obligation of the area incurring the debt."

(28) Chairman Kline felt that the first sentence of (e) sounds like we can never have an areawide sewer, water, street, etc., system because of the impossibility of separating pre-unification and post unification debt. This section was extensively discussed.

(29) Mr. Engstrom expressed the view that the concept of unification was jeopardized to a certain extent by the possibility that definite areawide functions such as the airport, possibly the library, under this charter do not have to be declared areawide functions.

/ Mrs. Loken departed /

(30) Mr. Grummett suggested that the committee research the problems brought up by the discussion.

(31) Mr. Machyowsky moved adoption by unanimous consent that in subsection (b) the subsection (d) reference be changed to (e), and inserting the words "pre-unification", so it would read: "Except as provided in subsection (e) of this section, all pre-unification debt, whether bonded or otherwise, shall remain the obligation of the area incurring the debt." There being no objection, the motion was unanimously carried.

(32) Mr. Machyowsky suggested adding "and use tax" to subsection (d). There was no objection.

(33) Mr. Engstrom inquired if it had been considered not to have a credit at all for capital improvements. This thought was discussed among the members. Mr. Schmitz said what we are basically trying to do is give the assembly an out from a sticky problem with the facts that they are confronted with at the time so they can go either way whichever is the most equitable, if they can get the votes.

(34) Mrs. Norwood moved adoption of the committee report on state subventions as amended by Mr. Machyowsky; seconded by Mr. Grummett. There being no objections, the motion carried unanimously.

(35) Mrs. Norwood moved the adoption of Section (f); seconded by Mr. Grummett. No objection, unanimously carried.

(36) Mr. Grummett moved adoption of Section (g); seconded by Mr. Craddick. No objection, unanimously carried.

(37) Mr. Grummett moved adoption of Section (h); seconded by Mr. Craddick. No objection, unanimously carried.

(38) Chairman Kline read section 16.4: "Election for assemblymen shall be held six weeks following the time of the election for ratification of this charter. The election for assemblymen shall be conducted insofar as applicable in the same manner as the Greater Juneau Borough elections." After discussion it was determined that the second sentence was unnecessary. (It was pointed out that the numbering was not quite accurate at this point.)

(39) Mr. Grummett moved adoption of the foregoing provision (with the deletion of the second sentence; seconded by Mrs. Norwood. There being no objection, the motion carried unanimously.

(40) Mr. Parker moved to adjourn; seconded by Mr. Schmitz. Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Pat Cunningham

Pat Cunningham

Greater Juneau Charter Commission
Meeting #19 (Special)
October 23, 1969

A special meeting of the Greater Juneau Charter Commission was called to order by Chairman Virginia Kline at eight o'clock p.m. on October 23, 1969, at the offices of the Greater Juneau Borough. The following roll was taken:

Present	Absent
Don Craddick	Don Halsted
Allan Engstrom	Guy Russo
Mike Grummett	
Pat Loken	
Greg Machyowsky (late)	
Jean Norwood	
Larry Parker	
Bill Schmitz	
Virginia Kline	

(1) Minutes of Meeting #16, October 9, 1969, were considered and, there being no corrections or additions, said minutes were approved as presented.

(2) No correspondence was presented.

(3) Chairman Kline announced to the members that she had talked to Charles Fry, who is the history teacher at Community College and did his dissertation in borough government, in connection with being an education officer for the charter commission, and he expressed interest. She is to meet with him further in this regard. She called for suggestions for other persons to be contacted but none were presented.

(4) The meeting was then turned over to Mr. Don Holman, bonding consultant with a Seattle firm, who distributed two reports to the members, one of four pages dealing with Section 10, and the other of ten pages with suggested changes to various pages or sections of the charter. Mr. Holman advised that he had not had the opportunity to spend the amount of time he had hoped on his report and drafts and that none of his associates had reviewed it. Mr. Engstrom suggested that Mr. Holman go through the draft on Section 10, section by section, advising the members why certain portions are left in and why others are deleted.

(5) The first section is basically as written but in order to get around provisions relating to notes, bonds, etc., the general term "obligations" has been used, which would include both bonds and notes. He did not feel it necessary to define general obligation bonds or that they pledge full faith and credit (and that would follow through on Sections 10.2 through 10.8).

(6) Proposed Section 10.2 would give the assembly the authority to fix all matters relating to the issuance of bonds in effect without repeating it.

(7) Section 10.3 requires a vote on general obligation bonds

with the exception that after general obligation bonds have been authorized, bond anticipation notes could be issued.

(8) Section 10.4 basically covers the same thing for service areas with the additional provision that the funds may be secured by full faith and credit of the entire municipality when the entire municipality authorizes it by vote.

(9) There seems to be a feeling that the notice provision should be retained so it is in Section 10.5, but an attempt has been made to clarify it. Mr. Holman said he had a problem reading the original section which was taken quite abit from the existing statute but it is codified in the statute under the G.O. section, so it is clear it applies in Alaska code only to general obligation bonds. Since it is in the charter without reference to being codified as general obligation bonds, there is a real question on whether this means we would have to list revenue bonds in addition to general obligation bonds. He did not feel it necessary to list debt relating to revenue bonds which would be confusing to the voters. So quite abit of the language has been retained but made clearer that this refers to general obligation bonds; tried to clarify what we are talking about when talking about debt service, estimated annual debt service.

(10) Section 10.6 provides that obligations other than general obligation bonds of a municipality or the service area may be sold in effect at private sale. Maybe it should be clarified that general obligation bonds must be sold at public sale -- this is a policy matter. The members discussed this point and it was decided to add a sentence to Section 10.6, as follows: "General obligation bonds must be sold at public sale."

(11) Section 10.7 is also a policy decision for the commission. Clearly any revenue anticipation notes or bond anticipation notes and general obligation bonds should be sold at par; should be able to sell revenue bonds at a discount just from a marketing standpoint. Mr. Holman suggested a discount of ninety-six. After discussion it was decided to add a sentence to Section 10.7 as follows: " Revenue bonds shall be sold at a price of not less than $96 per $100 par value."

/ Mr. Machyowsky arrived /

(12) Section 10.8 again is a matter of policy. A financial consultant should be able to bid at public sale. Precluding it outweighs the advantage the municipality would gain by allowing somebody who is familiar with the issue to submit a bid or join in an account that is bidding. Frequently it is very helpful. It was decided to add to the section: " ... at private sale."

(13) In the same connection, Mr. Holman advised he deleted a provision in the existing draft that would make the bonds void which he feels is the wrong approach. If there is a sanction on this, it should not be invalidating the bond issue which really hurts a municipality, but by invalidating the contract with the

financial consultant so he can't collect his fee.

(14) Sections 10.9 and 10.10 are essentially the same.

(15) Section 10. 11 is also from the charter except he shortened the time for challenge to thirty days, which is even longer than he would like to see it but alot better than the year that was in there. He would prefer it be ten or fifteen days. This section was discussed at length, whereupon Mr. Holman suggested the following wording:.".unless instituted within 30 days from the effective date of the ordinance authorizing the issuance of non-voted obligations, or as to voted obligations 30 days from the date of certification of ratification by the electorate."

(16) Mr. Craddick asked Mr. Holman's opinion of subsection (f), page 29, of the proposed charter in regard to the total amount to be allowed to be incurred (BANs), and Mr. Holman said he felt this would normally follow because you could not sell BANs if you did not have the bonds.

(17) Chairman Kline inquired if it was still necessary to set out all the items in Section 10.1. Mr. Holman felt it was helpful though not necessary.

(18) Mr. Craddick noted that on page 32 of the present charter the subsection,(k)(1)disaster bonds had been deleted;and Mr. Holman said he had intended that it be in. In regard to subsection (k)(2), Mr. Holman said he was not sure what it was but he thought it was meant to cover interfund loans -- he could see no reason to have it in the charter.

(19) Mr. Schmitz asked when bonds have been sold and the money goes into a construction fund and earns interest, is there any provision anyplace that says it has to go into the bond fund or can it be used for general fund purposes. Mr. Holman replied that legally it can be used for any purpose that the governing body would specify. Mr. Schmitz suggested putting in a provision stating it shall/toward the amortization of the bonds and Mr. Holman said he felt it would be a good idea and it should be a separate section. He suggested wording such as: "Interest and profit earned on the investment of proceeds derived from obligations shall remain part of the fund in which the proceeds are deposited." He agreed to work up a section with more suitable wording.

(20) In response to a question from Mr. Parker, Mr. Holman suggested adding to Section 10.5: "In the case of service area general obligation bonds, in addition to the above, information relating to the service area shall be contained." He agreed to work on a similar sentence for this section.

(21) In regard to Section 10.8, Mr. Machyowsky pointed out that no penalty was provided and Mr. Holman agreed, saying it could be put in that the contract would be invalid but it would be bad to make the bonds invalid.

/ Mrs. Norwood left /

In Section 10.8, Mr. Craddick suggested adding "directly or indirectly" after the word "negotiate". Invalidation of contract is to be added by wording similar to: "In addition to the contract being invalid, a person who has violated this provision will be subject to such damages as may be provided by law." Mr. Holman agreed that this would be good protection.

(22) In response to a question from Mr. Schmitz, Mr. Holman stated that a vote should not be required on assessment bonds because the assessment procedure sets up a protest period; as to revenue anticipation notes, no election should be required.

(23) Mr. Machyowsky inquired about the present subsection (f) on page 31, and Mr. Holman said it could be put in but he did not think it was necessary.

(24) Mr. Parker inquired as to what Mr. Holman's charges for these services would be, to which Mr. Holman replied he would like to get his expenses paid for his first trip up here, but he did not intend to charge for his time.

(25) Mrs. Virginia Blanchard, who was in the audience, said that in the event the state takes the position that it is going to put in an irrevocable trust of X dollars to protect bond authority and Section 10.8 is in the charter; the state in effect takes over the obligation of putting the package together or marketing the bond and you have been in the position of asking for financial programming or assistance, we may be in a very bad position with this in at this time without looking forward to what might happen in future legislatures. She said she would take a stand against Section 10.8. She does not feel that the charter commission should be in the position of dictating this sort of thing. Mr. Holman said that under existing law it is invalid anyway; there are very few cases on it. This came up in Florida and the court there held they could not do it unless they waived their fee. Mr. Craddick suggested that Mr. Holman draft a subsection (c) taking care of this state anticipated problem, etc. The ramifications of this section were extensively discussed by the members, Mr. Holman and Mrs. Blanchard, and Mr. Holman maintained that the benefits to be gained would outweigh the disadvantages. He suggested adding after the words "No person" the phrase: " ... who is retained by the municipality to provide ..."

/ Mr. Craddick left /

(26) Mr. Holman then went on to the second draft he had prepared for tonight's meeting. The first is a redraft of the section in regard to ordinances covering one subject.

(27) On page 13 of the charter, he recommends adding the words "of general effect" in Section 5.7(b) after the word "resolutions".

(28) On page 16, Section 7.1, Mr. Holman can see no reason to allow referendum on bonds that have been approved by the electors at a vote and come out and pass another ordinance authorizing sale of the bonds after they have been ratified by the voters.

(29) Mr. Helman said he had added some language to the assessment section that would allow installments because you can't issue assessment bonds under the existing charter provision with assessments all payable in one installment; however, this draft had apparently been left behind.

(30) On page 33, Section 11.3(b) he has deleted the words "be compact and shall", due to the vagueness of the phrase, and eliminating the necessity of making a determination of what is compact.

(31) In regard to assessments, he was going to change the language to read: "The assessment shall be due and payable at such time or times and bear such interest and such penalties for delinquency as the assembly prescribes by ordinance."

(32) Mrs. Blanchard raised some question on payment of interest and Mr. Holman replied that it has been left open in the charter, but in the event the assessment is paid off early the interest should be paid for the full year in which it is paid off (not to the end of the assessment period), but in any event it would be covered in the ordinance and should not be in the charter.

This concluded Mr. Holman's presentation and the chairman expressed appreciation to him for his efforts on behalf of the charter commission.

(33) Mr. Parker expressed concern over the fact that there is not tonight and has not been for several meetings any representation of Douglas on the Charter Commission due to Mr. Russo's moving and Mr. Halsted's non-attendance. This matter was discussed by the members and it was decided that the chairman would call Mr. Halsted and determine his intentions as to his seat on the commission, and also to call Mr. Russo at Anchorage to see if he will submit a resignation. After these two things have been determined, it will be decided whether or not contact should be made with the mayor of Douglas in regard to his attending the remaining meetings.

(34) Mrs. Loken asked what the agenda for Tuesday's meeting is, and the chairman replied to finish the financial procedures article, and she said members should present at that meeting any other amendments or suggested changes to the charter.

Mr. Schmitz moved to adjourn; there being no objection the meeting adjourned at ten o'clock p.m.

Respectfully submitted,
Pat Cunningham
Pat Cunningham

GREATER JUNEAU CHARTER COMMISSION, SECOND SESSION
October 28, 1969
Meeting #20

(1) Meeting #20, Greater Juneau Charter Commission, Second Session, was called to order by Vice Chairman Grummett at eight o'clock p.m., October 28, 1969, in the offices of the Greater Juneau Borough. The following roll call was recorded:

Present	Absent
Grummett	Kline (excused)
Loken	Russo
Craddick	
Norwood	
Engstrom	
Parker	
Schmitz	
Machyowsky	
Halsted	

(2) There being no objection, the minutes of the September 30 meeting, #15, were approved with the following correction:
Item (3) "also said that it (is) was possible"

(3) There being no objection, the minutes of the special meeting held October 21, #18, were approved as presented.

(4) The Charter changes proposed by Mrs. Kline were taken up at this time.

(5) Mrs. Norwood moved that the proposed change on Section 9.17(a) read as follows: All revenues from sales and use tax, as long as such tax is continued, shall be allocated for use in the area comprising the former cities of Juneau and Douglas and in service areas, as provided by the respective ordinances in effect prior to unification. Mr. Craddick seconded.

(6) Mr. Craddick pointed out that what Mrs. Kline had done was take what was adopted on June 9 and add "except spelled out by ordinance".

(7) The question was called and the motion carried 8 to 1 with Mr. Halsted casting the only negative vote.

(8) Mrs. Loken moved adoption of Mrs. Kline's proposed changes for Section 9.17 (a) and (b) as amended. Mrs. Norwood seconded.

(9) Mr. Machyowsky pointed out that there would have to be a vote if sales tax is lowered.

(10)Mr. Machyowsky moved and Mr. Parker seconded that the word "rate" be substituted for the word "amount". There being no objection it was so ordered.

(11) Mr. Machyowsky moved to amend by substituting the word "increase" for the word "change" in subsection (b). Mr. Parker seconded. The question was called and the following vote was recorded:

Yes	No
Parker	Grummett
Schmitz	Loken
Machyowsky	Craddick
	Norwood
	Engstrom
	Halsted

The motion failed, 6 to 3.

(12) The question was called on the main motion to accept 9.17(a) and (b) as amended. The motion carried 8 to 1 with Mr. Halsted casting the only negative vote.

(13) Mr. Craddick moved the proposed change by Mrs. Kline to delete Section 5.2(g) and reletter Section 5.2(h) to Section 5.2(g). Mr. Schmitz seconded.

(14) Mr. Engstrom asked if this would be possible since it seems to be going along with (a) which is only applied to those sales taxes that were in the respective service areas rather than any sales taxes covering the whole area.

(15) Mr. Craddick withdrew his motion with the consent of Mr. Schmitz.

(16) Mr. Craddick moved and Mrs. Loken seconded to amend 5.2(g) to read "proposed a sales tax for a change in the rate thereof". There being no objection it was so ordered.

(17) Mrs. Loken moved and Mr. Craddick seconded that the title of 9.17 be "Pre-Unification Sales and Use Tax" and that (a) be dropped and the title and material transferred to the Transitional Section. The question was called and the motion carried 8 to 1 with Mr. Halsted casting the only negative vote.

(18) Mr. Craddick moved and Mr. Schmitz seconded that (b) be the new 9.17 Section entitled "Sales and Use Tax" and read "Any sales or use tax or change in rate thereof must be by ordinance ratified by majority of the qualified voters voting on the questions in the affected areas." The question was called and the motion passed unanimously.

(19) Mr. Craddick moved and Mrs. Norwood seconded that Section 5.2(g) be further amended to read "propose a sales or use tax", etc. There being no objection it was so ordered.

(20) Section 9.18 Pre-Unification Debt was then brought up and lengthy discussion followed. Mrs. Loken said this was necessary to compromise the two provisions in the enabling legislation. Since it was pointed out the first page of the October 7, 1969, report had not been adopted, no action was taken on the proposed changes for Section 9.18.

/5 minutes recess/

(21) Mr. Schmitz, in discussing the proposed changes by Mrs. Kline said that she had tried to present a more simplified and better thought out proposal than what the committee had come up with. However, he felt that it was perhaps too simple. Since it was pointed out that the Transitional Committee report was never completely discussed and voted on that this should be done before going on to anyone else's proposals.

(22) Mr. Schmitz asked for one more meeting of the Transitional Committee. Mr. Engstrom was asked to be an additional member of this Committee. Mr. Grummett said it was impossible for him to meet since he was leaving town for a few days but the rest of the committee decided to meet in Mr. Engstrom's office on Thursday night following.

(23) It was decided that the entire Commission would meet Monday night, November 3, for purpose of voting on the Transitoinal Article.

(24) It was decided that the Commission would meet Tuesday night, November 4, for their regular meeting.

(25) Mr. Machyowsky said that at the request of the Commission his Representation Committee had drafted a proposal requiring an election as to whether or not the individual election districts should be abolished and have an election at large after 7 years. He then distributed copies of his proposal. Mr. Machyowsky said he was thinking of inserting it under "Elections", as the final paragraph. He said Section 3.4 refers to the requirement that assemblymen shall be residents of districts 1, 2, 3, respectively, and Section 6.7 defines those districts.

(26) Mrs. Loken pointed out that Section 6.8, Reapportionment, was dropped.

(27) Mr. Machyowsky's proposal was discussed.

/Loken leaves/

(28) Mrs. Norwood moved and Mr. Craddick seconded that the following proposal by Mr. Machyowsky's Committee on Representation be adopted and that it be Section 6.8:

First amendment:

Section 6.8 ELECTION TO ABOLISH INDIVIDUAL DISTRICTS. (a) At the first regular election held 7 years after the date of ratification of this Charter, the assembly shall submit to the qualified voters of the municipality a proposed amendment to Section 3.4, 6.7, and other applicable sections, abolishing the individual election districts provided for in those sections and providing instead for at-large election to designated seats of all assemblymen from the remaining single election district comprising the entire municipality. Election as proposed in the amendment shall be without regard to an assembly candidate's place of residence within the district. The full text of the proposed amendment shall be published with the notice of the election at which the amendment is submitted.

(b) If a majority of the qualified voters voting on the proposed amendment vote for it, the amendment shall upon adoption become effective and govern the election of those assembly seats to be filled at the next regular election and thereafter. Seats shall be appropria ely designated by ordinance. A candidate for assemblyman shall run for a designated seat.

Second amendment:

Page 40, Section 14.1, after "Article" insert "except as provided in Section 6.8."

The question was called and the motion carried 7 to 1, Mr. Halsted casting the only negative vote.

(29) The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Marilyn Miller

Marilyn Miller

GREATER JUNEAU CHARTER COMMISSION, SECOND SESSION
November 4, 1969 - Meeting #21
Juneau, Alaska 8:00 p.m.

(1). Meeting #21, Greater Juneau Charter Commission, Second Session, was called to order by Chairman Virginia Kline at eight o'clock p.m., November 4, 1969, in the offices of the Greater Juneau Borough. The following roll call was recorded:

Present	Absent
Norwood	Halsted
Schmitz	Russo
Parker	Craddick (excused)
Loken	Grummett
Kline	
Engstrom	
Machyowsky	

(2) The minutes for meeting #19, October 23, were approved as presented.

(3) Chairman Kline announced that the meeting that was to be held on November 3rd had been canceled for a lack of a quorum, therefore the agenda for that meeting would be taken up tonight.

(4) She also announced that the Holman draft had not yet arrived but that it should very soon.

(5) Mrs. Norwood moved that the draft of Mr. Holman's on Municipal Borrowing be put in the Charter for purpose of public hearing without formal adoption by the Commission. Mrs. Loken seconded. There being no objection it was so ordered.

(6) Hiring a public information officer was discussed and Chairman Kline said that Kay Diebels had been approached and had sounded interested but had not yet given a definite answer.

(7) Publicizing the revised Charter was under discussion and the general consensus was to publicize the summary, not the entire Charter, and make copies available at many places. Mr. Engstrom suggested using the League of Women Voters to help get the information around. Mrs. Loken moved that the Charter be published in its entirety along with a summary. Mr. Schmitz seconded.

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(8) Mr. Schmitz wished that the cost be determined first. Mrs. Norwood moved to amend as follows: A summary shall be printed in the paper with Charters available in many places before the public hearings and the final adopted Charter printed in the paper before the election. Mrs. Loken seconded.

(9) There being no objection the amendment passed unanimously.

/Parker arrives/

(10) The question was called on the main motion and it passed unanimously.

(11) Mrs. Loken moved and Mrs. Norwood seconded that the public hearings be held Tuesday, December 2; Wednesday, December 3; and Thursday, December 4. There being no objection it was so ordered.

(12) Chairman Kline announced that Mr. Guy Russo had advised her that he had resigned. His resignation was discussed. Mr. Engstrom moved that a letter be written to Mr. Russo asking him to submit his resignation in writing and upon receipt of such written resignation the Commission would then act on finding a replacement for his at-large position. There being no objection it was so ordered.

(13) A draft of the Transitional Article submitted by Mr. Engstrom was discussed. Mr. Engstrom said he had tried to take the Committee report and Mrs. Kline's report and put the two together to be meaningful. He read and explained his report. Discussion followed.

(14) After some changes were made in Mr. Engstrom's draft, Mr. Schmitz moved and Mrs. Norwood seconded that the following be adopted:

Section 16.2. Pre-unification Debts and Assets. (a) The municipality shall succeed to all assets and liabilities of the local governments unified. Liabilities incurred prior to unification shall remain the tax obligation of the area which contracted the debt. Assets owned by a local government prior to unification shall continue to be utilized for the benefit of the area of the local government which owned the asset except those assets of the local government which were used for the benefits of the larger area prior to unification shall continue to be so used.

(b) The tax obligation of an area for bonded indebtedness or other liability incurred prior to unification may be spread over a larger area by ordinance if the asset for which the bonded indebtedness or other liability was incurred was used for the benefit of the larger area prior to unification.

(c) Pre-unification bonded debt for sewage collection systems, storm drain systems, water distribution systems, and streets shall remain the tax obligation of the area which incurred the debt unless spread over a larger area by ordinance ratified by the voters of the area over which the debt is to be spread.

(d) (1) The value of assets owned by a local government prior to unification which were used for the benefit of a larger area prior to unification may by ordinance, approved by at least six members, be credited to the area of the local government on a pro-rata basis over not more than five years for personal property and twenty years for real property. Value for purposes of tax credit shall be the lesser of the local contribution in the asset or its present value.

(2) The assembly, by ordinance approved by at least six members, may determine which assets owned by a local government prior to unification and used solely for the benefit of the local government prior to unification shall be used for the benefit of a larger area. The value of such assets shall be credited to the area of the local government on a pro-rata basis over not more than five years for personal property and twenty years for real property. Value for purpose of tax credit shall be the lesser of the local contribution in the asset or its present value. The tax obligation for bonded indebtedness or other liability shall become the tax obligation of the larger area.

(15) There being no objection, the material was adopted.

(16) Mrs. Loken moved to strike the last sentence in Section 8.4: "If the petition is for recall of an official elected from a district, the petition shall be signed by a number of qualified voters residing within the district equal to at least twenty-five percent of the votes cast in the district at the preceding gubernatorial election." Mr. Parker seconded. There being no objection the sentence was deleted.

(17) Mr. Parker moved to delete the second sentence in Section 8.13: "If the official sought to be recalled is elected from a district, the vote shall be limited to the qualified voters residing within the district." Mrs. Loken seconded. There being no objection the sentence was deleted.

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(18) Mrs. Norwood moved to accept the change submitted by Mr. Don Holman for Section 5.1 by adding the sentences "Each ordinance shall be confined to one subject unless it is an ordinance establishing a budget or one codifying, revising, or rearranging existing ordinances. Ordinances establishing a budget shall be confined to such subjects." Mr. Schmitz seconded. There being no objection it was so ordered.

(19) Mrs. Loken moved and Mr. Parker seconded that Mr. Holman's change to Section 5.7 be adopted by adding the words "of general effect" after the word "resolutions" in (b). There being no objection it was so ordered.

(20) Mr. Holman's suggestion that the words "authorizing the issuance of bonds which have been approved by electors" be added after the words "fixing mill levies" in Section 7.1 was discussed but no action was taken.

(21) Chairman Kline was instructed to change the dates throughout the Charter in keeping with the changes that have been made.

(22) Mr. Engstrom moved and Mrs. Loken seconded that "capital program" be called "capital improvements program" because "capital program" is the budget and what is being referred to is capital improvement. There being no objection it was so ordered.

(23) The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Marilyn Miller

Marilyn Miller

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GREATER JUNEAU CHARTER COMMISSION, SECOND SESSION
November 21, 1969 - Meeting #22
Juneau, Alaska 12:00 Noon

(1) Meeting #22, Greater Juneau Charter Commission, Second Session, was called to order by Chairman Virginia Kline at twelve noon November 21, 1969, in the office of Mr. Mike Grummett. The following roll call was recorded:

Present	Absent
Grummett	Russo
Loken	Machyowsky
Norwood	Engstrom
Schmitz	Parker
Halsted	
Craddick	
Kline	

Chairman Kline ruled that a quorum was present.

(2) Chairman Kline said the first item of business would be the consideration of a letter to the Commission from Mr. Halsted, copies of which had been distributed to the members. Concerning the objections raised in this letter, Chairman Kline said that the By-Laws say in the beginning, Article I, Parliamentary Rules, Section 2, "Where Robert's Rules of Order are silent or where there is a conflict between Robert's Rules of Order and these By-Laws, the By-Laws shall take precedence". Then under Article VIII, Miscellaneous, Section 1, says that "These By-Laws may, in whole or in part, be added to, amended, repealed and/or re-enacted by an affirmative vote of no less than eight of the full membership" and Section 2 of this Article says "These By-Laws may be suspended in whole or in part by the affirmative vote of no less than six of the Commission". She went on to point out that this Section does not apply to just part of the By-Laws but straight across the board. Therefore, Chairman Kline ruled that this particular Section also applies to Section I. Upon making this ruling, Chairman Kline then quoted from Article VIII, Section 3, "In case of a dispute or question as to the meaning of any word, phrase, section, or article of these By-Laws, the Chairman shall make an interpretive ruling which shall be binding; provided, however, that the Chairman's interpretation of the ruling can be appealed to the committee of the whole and, if no less than seven members of the Commission agree to a common consensus interpretation differing from that of the Chairman, then the common consensus interpretation shall be binding upon the Commission. Chairman Kline asked if anyone wished to question her interpretation of the By-Laws. No one did. Therefore the amending of the By-Laws to require 24 hours notice of a special meeting stands.

(2) The second order of business was the hiring of an information officer. Mr. Ken Richards was present and Chairman Kline offered him the floor. Mr. Richards said he was very interested in the job and offered to do what he could but he would be gone for two weeks during the month of December and then would be covering the Legislature starting in January. Both Mr. Richards and the Commission agreed that it did not sound as if he would have the time.

(3) It was announced that Kay Diebels, who had previously been offered the job, did not feel she had the time.

(4) Mrs. Norwood suggested sending the Charter to someone in Seattle who would write an unbiased opinion. It was pointed out that there probably was not time enough now for that.

(5) Mr. Craddick suggested asking the Attorney General's Office or the Legislative Affairs Agency to have someone write a summary. After further discussion, Chairman Kline appointed a committee with Don Craddick as Chairman and Pat Loken and Mike Grummett to investigate the possibility of someone writing a summary and also further investigate the hiring of an information officer.

(6) Mr. Craddick asked if the committee could have some guide lines as to what they could offer in the way of compensation and as to the extent of expenses that could be incurred. The amount of $5 to $10 an hour was discussed which would be for the information officer only and not included would be printing and secretarial costs. This person would have to write a summary, be available for speaking engagements, should neither criticize nor push the Charter but offer an unbiased explanation. He should be aware of the problem areas and see to it that these areas are explained to the public. It was suggested this person submit a weekly accounting to the Chairman so she knows what is happening. Again the matter of the limit of money was brought up and since Mr. Myrt Charney, Chairman of the Greater Juneau Borough, was present he was asked how much money the Charter Commission had. Mr. Charney said the Borough was required to pay the debts of the Commission but that there was no money set aside in the budget for them. Mrs. Loken said that Mr. Hildebrand, the Clerk/Treasurer, had called her and she had given him the amount of $15,000. Mr. Charney said that it had not been put in the budget.

(7) Mr. Halsted again brought up the subject of his letter of objections saying the Chairman's ruling covers only one of the three facets of which he complained. Mr. Halsted said the main thing in question was the special meeting requiring written notice. He said there was no written notice whatsoever regardless of time element for the November 4, 1969, meeting and asked the Chairman how she ruled on that point. Chairman Kline said she had received written notice and pointed out that the notice for both the November 3rd and November 4th meetings were on the same sheet. She pointed out that the November 3rd meeting had to be canceled and the agenda for that meeting was taken up at the November 4th meeting. Chairman Kline said that although the minutes have not always been sent out ahead they have been available ahead of time at the Borough office. Mr. Halsted continued voicing his objections as to the fact that the minutes were not available when they should have been. Mrs. Loken asked if Mr. Halsted felt this had affected the quality of the Charter and Mr. Halsted replied yes, that it made it difficult for each and every one who was not at every meeting to keep track of the proceedings. Mr. Halsted said there was a lingering affect

making the person who is behind ineffective. Mr. Halsted said that this was a problem during the first session also. Mrs. Loken pointed out that it had been an administrative problem and that they had done the best they could, secretarial service being hard to come by.

(8) Mr. Halsted continued objecting to the actions of the rest of the Commission making the acusation that a small group was "ramroding" their ideas into the Charter. It was pointed out that it required six votes in the affirmative for any action to take place. In view of Mr. Halsted's acusation, Chairman Kline said she would entertain a motion to reaffirm the action taken at the November 4, 1969, meeting. Mr. Craddick said he would be glad to but that he did not think it was necessary.

(9) Mr. Craddick asked if the three objections in Mr. Halsted's letter could be taken up again. It was agreed that the Chairman had disposed of the part of his letter objecting to the rules (suspension of the By-Laws). Another part was regarding the "written notice". However, Mr. Halsted said "on that part I may be mistaken". Chairman Kline pointed out that minutes for the meeting before the November 4 meeting were available 24 hours in advance. Mr. Halsted said that the minutes for meeting #17 were not available for the November 4 meeting and Chairman Kline pointed out that they had no relationship for the November 4 meeting.

(10) Mr. Craddick moved that the Charter Commission ratify all action taken at all meetings held and all action taken prior hereto and including this meeting. Mrs. Loken seconded. The following vote was recorded:

Yes	No
Grummett	Halsted
Loken	
Norwood	
Schmitz	
Craddick	
Kline	

Chairman Kline asked if anyone wished to change their vote. No one did. The motion carried 6 to 1.

(11) Chairman Kline announced that the public hearings will be held December 2 at the Multipurpose Room of the Glacier Valley School, December 3 at the High School cafeteria, and December 4 in the Fellowship Hall of the Douglas Methodist Church.

(12) Charters are now available. Also at the Borough Office is a three page sheet giving the changes that have been made. Mr. Schmitz asked that they be mailed out to the Commission members.

(13) Mr. Halsted said he wished to beg the Commission's pardon about the written notice, that he did, in fact, have the notice.

(14) Mr. Schmitz moved the meeting be adjourned. There being no objection it was adjourned at 12:50 p.m.

Respectfully submitted,

Marilyn Miller

Marilyn Miller

SPECIAL MEETING of the GREATER JUNEAU CHARTER COMMISSION
December 2, 1969
9 o'clock p.m.

Chairman Virginia Kline called a special meeting of the Greater Juneau Charter Commission immediately following the public hearing at the Glacier Valley Elementary School on December 2, 1969. The following roll was taken:

Present	Absent
Allan Engstrom	Bill Schmitz (excused)
Greg Machyowsky	Larry Parker (excused)
Mike Grummett	Guy Russo
Don Craddick	
Pat Loken	
Jean Norwood	
Don Halsted	
Virginia Kline	

Chairman Kline advised the members that the first thing on the adgenda was the hiring of an information officer and she called for the committee report from Mr. Craddick.

Mr. Craddick informed the members that Vern Metcalf had been contacted and he wished to have the position of information officer for the charter commission. The committee members recommended that Mr. Metcalf be hired under terms which would require him to prepare a summary of the charter and prepare a chart of how the various functions are carried out and where the power lies, etc., and also prepare releases for the newspaper of an informational type only, neither for nor against the charter, but strictly information, to act as a clearing house for people having questions. This would require office space and paid secretarial help, as well as professional services when indicated. Mr. Metcalf would be paid a salary of $10 per hour.

Mrs. Norwood briefly outlined a voter pamphlet which was a method of voter education used at the time she was a resident of the state of Washington, which was discussed by the members. Mr. Craddick said that Mr. Metcalf would be expected to prepare an informational pamphlet which would be reproduced and available to the public, but it would not be a pro and con thing.

Mr. Craddick pointed out that Mr. Metcalf would be employed for approximately six weeks, or up to the time of election, but would not be working at it full time, probably only an hour or two a day, sometimes more depending on the demands of the commission.

The members discussed the possibility of having a contracted amount rather than an hourly salary, with Mr. Engstrom expressing the opinion that there ought to be some kind of control on the $10 an hour by possibly limiting the number of hours. The chairman suggested a maximum.

Mrs. Loken suggested a maximum of $1,500, and Mr. Craddick felt this should be more than ample.

Chairman Kline invited Mr. Metcalf to join the commission members at the table, and he was asked if he could give the members some idea as to how much time he would anticipate spending in actual charter work, explaining to him that the members were discussing which would be more advantageous in the long run, an hourly rate or a contracted amount. Mr. Metcalf felt he could not give an estimate because it would depend entirely on what the commission needed done. It was his opinion that the commission would be better off on the $10 per hour basis. Mr. Metcalf advised the members that he would be doing a straight reporting job on tonight's public hearing, that he had given spot announcements to both radio stations, hoped to arrange 15 minute spots on both radio stations twice a week, and had started work on a summary working with the information put out by the League of Women Voters.

There was considerable discussion as to possibility of office space, secretarial services, etc., telephone assistance, with no definite action being taken.

Mr. Machyowsky inquired if any other persons had applied for the job, and Mr. Craddick and Chairman Kline replied no.

Mrs. Norwood moved that the report of the special committee for hiring an information officer be accepted and their recommendations be accepted with the report; seconded by Mr. Craddick.

Mr. Machyowsky pointed out that because the law authorizes the commission to prepare and present a charter and incur expenses in hiring employees for that purpose, care must be taken that an objective view be presented. Mr. Metcalf stated that so far he had discussed this with Mr. Craddick, Mr. Grummett, Mrs. Kline and Mrs. Loken and that this question came up every time.

Mr. Halsted stated he intended to vote against the motion and wanted the record to reflect his position. He made the following statement:

"The legislature, in its wisdom, provided that the borough was responsible for the expenses of the commission, however this must be interpreted as limited to activity within the purview of the commission. This was stated as 'prepare, adopt and submit' a different charter to the voters. The submission intended here is the filing of the signed document with the borough clerk who is charged with the responsibility of conducting the election. It most certainly was not intended to include the conduct of a propaganda campaign to whitewash the shortcomings of the charter or glorify the concept of big government. The commission has

previously become involved with hiring of certain Dupere & Company to perform certain planning functions in cooperation with the commission. My information is that they have not only failed to consult with the commission but also have dormant otherwise, except for briefly as a producer of questionable information immediately prior to the last election. It should be noted that the citizens would still be obligated to pay the sum of $12,000 for this fiasco should they accept the proposed charter. I believe we should learn from this mistake and refrain from further ventures of this nature."

The following roll call vote was taken on the motion to accept the report of the committee and its recommendations:

For	Against
Norwood	Halsted
Grummett	
Craddick	
Machyowsky	
Engstrom	
Loken	
Kline	

Motion carried; 7 yes to 1 no.

Chairman Kline said the second item on the agenda is outlining the duties of the information officer. Mr. Craddick moved that Mr. Metcalf be provided a copy of the minutes of this special meeting and if he could not find enough direction, then he should contact the chairman for further instructions based on tonight's discussion, and further that the chairman be authorized on behalf of the commission to make the necessary decisions to see to the day to day running of this informational service, contacting the members by phone when necessary. The motion was seconded by Mr. Grummett.

The following vote was taken:

For	Against
Loken	Halsted
Norwood	
Grummett	
Machyowsky	
Craddick	
Engstrom	
Kline	

Motion carried; 7 yes to 1 no.

Mrs. Norwood moved to adjourn; seconded by Mrs. Loken.
Meeting adjourned at 9:25 p.m.

Respectfully submitted,

PUBLIC HEARING of the GREATER JUNEAU CHARTER COMMISSION
December 2, 1969

The public hearing of the Greater Juneau Charter Commission was declared open at 8:10 p.m. on December 2, 1969, at the Glacier Valley Elementary School by Chairman Virginia Kline. Charter Commission members present at the public hearing were Don Halsted, Pat Loken, Jean Norwood, Greg Machyowsky, Mike Grummett, Allan Engstrom, Don Craddick and Virginia Kline.

The first person to address the commission was Malcolm Hursh who stated he lived out the road and was also addressing the commission as a representative of the Juneau-Douglas Education Association. His statement was as follows:

"Looking over the charter, apparently everybody's done alot of work and put alot of effort on it, but I would like to possibly recommend that you examine a little closer one or two items on it, particularly the one dealing with the date with the date at which the Borough Assembly notifies the School Board as to the amount of local funds that are available. I believe the charter says something about May 31st as the last date on which the School Board would be notified and it is our feeling that this date is a little bit late in that school supplies have to be ordered, teachers hired, and in order to have all this accomplished before the school year begins the following September, there is just insufficient time. As a classroom teacher I even find that the present date of May 1st is too little of time to get this accomplished because I know that when I order supplies I am never sure whether I am going to get them the following September when school opens because simply the budget has to be revised and the materials ordered and this is all done during the summertime and I am never aware of what has been bought until I get there the following September. So if at all possible I would suggest that this date be moved back to the present date, or preferably even farther back yet, in order to, shall we say, allow the troops in the field, we teachers, sufficient time to know exactly what we are going to receive for the following school year instead of the way it is now. One other possible small item might be a redefining of this custodial duties and maintenance of the school building. There is possibly some little doubts of definition which might arise here in that, oh, who's going to replace some minor little item -- is that going to be a maintenance function or custodial function. If we could possibly lump this all under one, maybe the school board, it would save a little friction in the future."

This concluded Mr. Hursh's statement and the Chairman asked for questions from members to him.

Mrs. Loken: Would you be willing to indicate a preference for your last consideration ...

Mr. Hursh: Oh, I'm not really ... I don't have the exact figures at the tip of my fingers as to when the last date would be but ...

Mrs. Loken: No, I mean on the custodial. In other words would

you think it should be locked into major repair or do you think that it should be pretty generous as far as the school administration controlling it?

Mr. Hursh: I would say pretty generous as far as the school administration having control because, of course, they are closer to the problems that might arise and it might eliminate a middle man getting some minor job done.

Mrs. Loken: The question we had was whether the school as education people are qualified in school repair and building repair.

Mr. Hursh: Well, some capital improvement, of course, would require larger consideration.

There were no further questions directed to Mr. Hursh.

Mr. Gus Norwood then addressed the commission.

"I am very pleased with the charter, members of the commission. I think the commission is to be commended on the improvements which have been made, the response to many interests in the community. When I first appeared before the group I was concerned first about a clear distinction between a legislative process and the executive function, basically the city manager approach, and I think this is well expressed in the charter and represents the best practice in local government in the country today. The other concern I expressed when we were here a little over a year ago was that there be a clear distinction between general obligation bonds and revenue bonds. I do have a slight question left on this. The charter is quite clear and strong on general obligation bonds and its insured that there shall be a vote of the people on every obligation on issue for the overall unit of government, whatever it is called, and it is also clear that any general obligation bonds for any service that the voters approve the issue of those bonds. It appears legally that by indirection it is within the power of the assembly to issue revenue bonds from then on, and that's the way I read the charter. I think legally it will stand up. I would feel more comfortable if there were some important bond attorneys in Seattle or New York who agreed that revenue bonds can be issued effectively under the charter. So I only leave that as a question, I make no adverse comment on it but it is basic, it is important that the borough assembly have authority to issue revenue bonds as, if and when needed. Since they are guaranteed and supported only by the revenues behind them, this function does not require a vote of the people. I am going to vote for the charter and I would vote for it even if there were many defects in it because I do not consider that the charter is the issue. Even if we have a perfect charter it is going

to be amended, it has to be amended when changes occur in the future. I have heard alot of talk around town that the issue is whether you are for the charter or for unification, and I would like to address myself to part of that and then get on to my main point. The unification of government is basic. We have 80,000 units of government in the United States. There have been some authoritative comments that this should be reduced to about 5,000, that we have about 75,000 units of government too many in this country. The gist of this lesson is the fallacy that the big problem that we have in the United States is too big government, and the fallacy is that we really have to much little government. It is the superfluous number of governments ... I came from the state of Washington where we had 1700; Pennsylvania has over 7,000. The newest state is Hawaii with five units of government, and they are getting along very well, thank you. So the real domination in the whole field of government is too many units of government and we have a domination not of one big monster government in this area but the fact that it is more difficult to get public work done because of too many units of government. I am very much in favor of unification. The issue, however, is neither the charter or unification but the status Juneau's going to have in the tremendous state of Alaska in the future and the fact that we are slipping according to the statistics, economically and that we need to something about the future existence of the community as a whole. I don't think that I can effectively put all of these statistics before you but I will run through a few and indicate to you some of the hazards that we face. We have developed in our shop some personnel employment statistics for government. in 1961 and 1968 state, federal total governmental employment for the Juneau area, the Anchorage area, and the total for the state. In broad terms the number of jobs in Alaska were 68,000 in 1961, it went up to 91,000 in 1968. One-third of those jobs had uniformly been government -- 31, 32% in that order. The number of governmental jobs had gone up from 23,800 to 32,200. The federal employment used to be two-thirds of that, it is now one-half of that; federal employment is 16,600 going up to 16,900, and since these are 1968 statistics, let me say as an overall comment, that since 1968 the total federal employment in Alaska has dropped about 10% and the total local and state employment has gone up at least 10%. So today there are more state and local government employees than federal employees in Alaska. Back in 1961 there were twice as many federal employees in this state as the sum of state and local employees. So you can see that state and local government is rising, federal employment is level and is now beginning to diminish and it is going to continue to diminish in my opinion. What is the share of the state capital of this picture. Total of state and federal has gone up from 2400 to 2800. Now of the state employees, the 1266 went up to 1723 but in the Anchorage area it went up from 1000 to 2000 and Anchorage today, where we used to have 216 more state employees in 1961, they now have 277 more employees in 1968. So with respect to Anchorage we have slipped 493 jobs. At the federal picture, there has never been any competition. Anchorage has been running 8 to 1 above Juneau and we have no real control over that. The federal government operates in its own way, but the trend is

again against Juneau. Juneau has dropped in federal employment from 1166 to 1083. Anchorage has gone up from 8714 to 9216 so that the net effect of federal employment is about 600 in favor of Anchorage as against Juneau. So when you add up these two, here's your total picture: Anchorage has gained about 1100 employees relative to Juneau in the state and federal categories from 1961 to 1968, and I think we see a slippage here, in my opinion means that the fundamental issue in the charter election and unification election is to work for the economic development of the Juneau area; that the value of the charter will be in helping the Juneau area to get a better grip on its economic situation. We'll make these statistics available to anybody who wants to use them. I have been trying to get these statistics for all of two years. We finally got them worked out today."

This concluded Mr. Norwood's statement and no questions were directed to him.

At this point no one else appeared before the commission to testify in regard to the charter, and commission member Machyowsky addressed the members of the public present.

"In case none of the public here has any further questions or comments, perhaps the commission might make some inquiries of their own as to how the people out here feel about the charter at the present time or perhaps explain any basic question or changes over the old charter or the originally proposed charter which you might have in mind. I would like to get some reaction to a concept which has not been included in the charter this time around but nonetheless I think some people may have some feelings about in terms of either its worthwhileness or worthlessness. This goes to the question dealt with very briefly in the charter of adding areawide functions to those already existing under our borough form of government. Let me be a little more specific. This charter will permit by majority vote of your nine member governing body the extention of services and functions now carried on, say in the city of Juneau or in the city of Douglas, over the entire area. This will be done by ordinance and this will be done by majority vote of the governing body. That action is subject to referendum if some feel that it is not appropriate or not necessary or the level of service being extended is more than this area needs. The other concept is what I've often referred to as the second class borough concept for unified governments (kind of a mixture of terms), but it relates to this: that nothing can be done on an areawide basis without a vote of the people. That is to say, under your present second class borough if you want to extend, say a city service over the entire area, you have to have a vote of the people. Now under the first class borough you don't have to have that. It is done by simple transfer of ... well, largely by transfer of the powers from the cities and the governing bodies extending it over the entire area. In any case, if anybody has a reaction on what is really one of the basic principles of this charter, the areawide extension of services, I'd like to hear about it -- whether there is a stong feeling out here that leaving this to the governing body is sufficient or the preference strongly, in the

view of the citizens out here, where I think the issue of unification is largely going to be determined in this election, feel that any areawide services, any additional services should be extended only on a vote of the people and that otherwise the existing areawide services, planning and zoning, education, tax assessment and collection, dog control, hospital functions and recreation, will be the only ones that can be extended, that will be maintained out here, at least for a period of time, unless you have a vote of the people. I don't know if anybody has any reaction to that; maybe I'm just explaining a fundamental feature of the charter and trying to see if anybody feels that this is objectionable. My own view as a matter of good governmental policy, is that the vote of the people idea for extending services areawide often proves impractical and detrimental, perhaps, to the progress of an area. On the other hand, I know how this has been a fundamental fear by people out here having alot of city services extended over and too quickly."

In response to Mr. Machyowsky's comments, Mr. Norwood addressed the members from the audience.

"As you know, there is another hearing going on tonight ... the assembly on their tax situation. I'm not speaking for them (those attending the assembly hearing) and I'm not speaking for the federal government in making these comments. I would like to illustrate the kind of opportunity that the borough assembly must be prepared to take advantage of as things come down the pike. Here's the statement of the problem. The borough is 96 miles long from north to south and we have on the one hand the Plywood Champion prospect at the north end and the Marcona prospect at the south end and the government is building the Snettisham project. If the Marcona mine moves in they will need twice as much energy as the whole Snettisham project can produce and all of a sudden we 're going to be completely out of power and we've offered them only the surplus power not used in the Juneau areas. But if the Marcona mine does go in we're going to be out of power. If the Marcona .... pardon me, I misstated that -- if the Marcona mine goes in all the surplus power of Snettisham is sold. If the mine does not go in, then we'll have a large surplus from Snettisham for the next ten years. Now the Plywood Champion mill will put in its own generating plant; they will burn their bark and they will burn their black liquor that they get in their pulp. They have more fuel available than they need for their own generating purposes; they will generate their own electricity and they will bleed the steam out of their generator and operate the pulp mill with that steam. At very little additional cost they can increase that generating capacity by 5,000 or 10,000 kilowatts, and since the whole plant operates as a condenser, this is a very efficient plant. The extra power that that plant can produce I would estimate at about one-half of the cost of Snettisham power. Now if Snettisham power becomes available it will result in the reduction of rates in the Juneau area, but it still will not be cheap power, about 12 to 14 mills per kilowatt hour. If you can run into an opportunity,

and I put quotation marks around the opportunity, of being able to pick up some six mill power, 5000 or 10,000 kilowatts of power, and I'm not talking about the distribution of power and I'm not suggesting that the borough go into the power business, but arrangements might be worked out -- then you have something that you do not want to be missing and I think that opportunity should come down the pike in the next year or two. It is a kind of a situation, Greg, that I think the assembly should have the flexibility and be able to move into, take advantage of."

Mr. Machyowsky: "Conceivably you could have a situation where the question of having electric power is a question of areawide power and the governing body would have to, if it chose to get into this field, adopt an ordinance, or, and this is the question, do we want to limit their power to exercise these areawide powers by requiring a vote of the people when you take it outside the existing cities. This is, I think, one of the basic factors in considering this whole consept."

Mr. Norwood: "I assume we have intelligent people on the assembly and if there is a controversial issue of that nature, and it probably would be controversial, then the assembly probably would say, well, we'll put it up to the public."

Mr. Machyowsky: "I'm surprised no one has any feelings on the ... and I don't mean to bring up all the basic controversial issues, but I think that's what we're here for ... not to controverse them but to discuss them ... the question of how the new charter handles debts and assets."

The next person to address the commission was Mr. Ed Cayhill.

"Two things that Mr. Machyowsky -- or, actually, the one thing he brought out which is essentially the second class borough concept, I'd like to hear the reason the charter commission did go the way it did. Now you took a straw ballot on one of the big bones of contention the first time around and that was where your elected representatives come from; it was resolved that way. Your other big fear or a loud voice in opposition was how the areawide functions should be at the disposal of local government -- should that be a citizens decision or a government decision, or basically your first or second class borough. What was the charter commission feeling on this? Why did you stay with what essentially is the first class borough concept?"

Mr. Engstrom: "I might point out on this spreading of these services outside of the cities, basically what it amounts to. It is correct that the assembly can by ordinance create a service outside the cities that an area doesn't have at the present time, but I might point out that the people of the area over which the service is to be created by 10% of the voters or 100 persons in that area can file a petition after the adoption of the ordinance and if that

petition is signed and filed, then there has to be a vote of the electorate of that area before the service can be spread to the area -- I want to make that clear."

Mr. Cayhill: "That's under the referendum part ... "

Mr. Engstrom: "No it isn't, it's under the service area provision."

Mr. Cayhill: " ... the whole point being that you know as well as I there have been petitions circulated to reduce the first class borough to a second or third class. It seemed to me the spirit of the occasion on the first run around with unification might justify serious consideration of the incorporation of the second class borough concept if for no other reason, for the additional publicity or the fact that it was a big bone of contention the first time. The point you bring out is the negative approach in that it's a recourse ... "

Mr. Engstrom: "Somewhere in the middle."

Mr. Cayhill: "Right ... again the second class borough concept does offer that positive approach to it in that the voters do have to be consulted first, not as an objection."

Mr. Craddick: "What makes you think that's positive?"

Mr. Cayhill: "Well, I'll concede the point that it's not positive to a governmental way of thinking but to the, at least some of the apathy towards government and elections, and what not, it is a fear ..."

Mr. Machyowsky: "The reason I raised the question is I was wondering and I'm still wondering how much anybody thinks this is a problem or an argument that should be discussed between the commission and the public now, so that in a few weeks from now we don't find this kind of an argument developing and voiced without the opportunity for everybody to exchange views on it, those on the commission and those from the public. That's why I raised the point, so that we can get some of these things out on the table before it rolls around towards election time and people start raising arguments as if they had not been raised before."

Chairman Kline: "This is a good point. We can make changes in the charter now but after its adopted finally and set for publication, then we can no longer make any changes in the document."

Mr. Cayhill: "Please don't get me wrong. I'm not saying either first or second class; I was just asking for a rehash of the discussion that must have taken place in the original meetings."

Mrs. Loken: "I would like to rehash the whole thing but it took too many meetings to arrive at ... obviously this is an important policy decision and it didn't take just one meeting, it took many

to come up with this final feeling that in this area, and in other areas too, ... I think the charter is a balance between control and flexibility, because we elect people that we hope are going to do a good job. If they don't, they won't be elected next time; we hope they won't. Facing the fact of hopefully nine thinking men on the assembly, which we hope for, we have to give them something to work with. We gave them a certain amount of flexibility. Now I have had people come up to me who were happy with the first charter and said I can see where you have tightened down a great deal, you have really tightened the reins a great deal, the assembly doesn't have nearly the flexibility they had in the first charter, although it was a longer charter, they still, they said, were controlled more in this one than they were before. Alot of people feel that this is not going to help progress in the community. These are all general statements but I think that this partly answers your question, that this is one of the areas where we left some flexibility in, where we gave them the power to take advantage of situations -- to make a decision on their own. Of course, it is available to referendum; anything the assembly does except the budget is open for referendum."

Mr. Cayhill: "Was there much public participation in that meeting -- was there an audience?"

Mrs. Loken: "There has been no public participation to speak of in any of our work, no."

MaryJo Hobbs then spoke to the commission members.

"The question I wanted to ask, is the question that you are asking as a result from this last election that was held in Area 3 in reference to the sewage in this area? There was quite abit of controversy and is that what prompted you to ask this question?"

Mr. Machyowsky: "It adds to the considerations I had in mind, the feeling that there is some concern about how services will be made areawide over the entire area under unified government and the kind of resistence or concern that an election, for instance sewers, demonstrates about this subject. I think I've got to distinguish here between service area concept in the charter and the areawide service concept. I think Mr. Engstrom ... I didn't perhaps get my point across on the difference. We don't have a petition taken out by 10% of the people outside the existing cities when we want to put something areawide under this charter. All you do is get a vote of the governing body which is subject to a referendum based on a petition of all the voters over the entire area including the cities. However, what Mr. Engstrom speaks about, about a petition in an area to be effected by extending the service is quite correct with respect to the service area. Here you're taking a service like sewers and just creating it for a particular part of the borough, not the entire borough. Let's look at our present situation. You have the power to provide for sewage within the city of Juneau and within the city of Douglas and in this service area out here but

it is not an areawide power. Under unification, if the governing body says we want to provide sewage powers over the entire borough, make it an areawide power, this would be done by an ordinance adopted by the governing body. Now if the public wants to change that ordinance there would be a referendum ... a petition has to be presented, I think it is by 25% rather than 10, for an areawide referendum, saying that they don't want the governing body to exercise this power over the entire area. That is the way the governing body would extend areawide services under the charter and its the same way as provided for in the original charter. Now under the existing law if you wanted to go to areawide services you would have to have your five assemblymen representing the area outside the cities; there are four, three councilmen from Juneau, one from Douglas, and there are five elected out here; the five out here would have a majority weighted vote to decide whether the whole service would be done out here on a non-areawide basis, you see. In other words, the cities would have the power and control within the cities and the borough would get the control of it outside the cities. That's under the existing law. The control would be, the majority would be in the people in this area, and then if they wanted to make it an areawide service, the cities would only be able to transfer the power to the borough and then it would have one administration. You can have, in effect, an areawide service by their assuming it outside the cities and by their conducting the power inside the cities. This is part of the cumbersome situation we have right now under existing law and one of the things unification hopes to correct. I feel, and there is no point in sitting here at these public hearings in areas of the borough such as this one where there has been controversy about unification in the past, and not facing up to some of these questions. Again I say the proposed method for areawide service is a perfectly sound one, it is the one followed by all governments in a consolidation or unification. I think, though, that this is the time to speak up if you have any suggestions or alternatives as to whether you want more restrictions on areawide power, such as a so called second class borough concept requiring a vote in the area outside the existing cities, or something of that type."

Mr. Craddick: "MaryJo, to further answer your specific question which was whether or not the recent sewer election out here triggered anything in the charter, no, and I'm almost tempted to say just the opposite, but that wouldn't be correct either. If you will recall, in the first charter that we brought out there was a provision which allowed a service area to be established even over the objection of the voters and that provision has been taken out of this second charter, so that now if the people want to referendum they can stop a service area from going through."

Chairman Kline: "Or a new service in an existing service area."

Mrs. Hobbs: "The main reason for asking this question is as you know the result of that election was so overwhelming against what was trying to be done, I think in the long run people were not against the sewage, it was the way the costs were run and it was just too grandiose an idea for the pocketbooks of the people and

I just wondered if that was the reason for the question on this."

Mr. Machyowsky: "It prompted my reason for asking the question, but as Mr. Craddick says, it didn't have any effect on the commission's thinking. As far as my asking the question goes, yes, it is a factor. Let me emphasize though, that this charter as far as service areas goes, gives more 'protection' to the people than you get under the present borough law. Under the borough law you do not automatically, if your governing body sets up a service area for sewage as we do now, and we probably will do for; under unification, I don't think they'll use the areawide approach immediately on sewage treatment (well, I shouldn't say that either, I can't predict), but the .. under the present borough law if the governing body creates a service area you can't automatically take out a petition and have a vote of the people in the service area to decide whether or not you go ahead with this. Under this charter you can. Under the present borough law, though, the governing body's action can only be overruled by an areawide referendum taking the thing to a vote of the people in the entire area and there is a considerable distinction. So you get more protection on that score in here .. in this charter. As far as making services areawide, however, a more unified approach is taken probably than you have under present borough laws, as I was trying to explain a little earlier where they adopt the area outside the cities first and the cities transfer it and then it goes areawide."

There were no further comments by either members of the audience or memebers of the commission, and the chairman declared the public hearing closed at 8:55 p.m., with the announcement that two more public hearing would be held, one the following night at the high school cafeteria, and the next on Thursday night in the fellowship hall of the Douglas Methodist Church. The chairman also announced that the commission would neet again December 9, 1969, at the borough offices to discuss any changes.

Respectfully submitted,

Pat Cunningham

Pat Cunningham

GREATER JUNEAU CHARTER COMMISSION, SECOND SESSION
Public Hearing, Juneau-Douglas High School Cafeteria
December 3, 1969
Juneau, Alaska 8:00 p.m.

(1) A Public Hearing for the Greater Juneau Charter Commission, Second Session, was called to order by Chairman Virginia Kline at 8:00 p.m., December 3, 1969, in the cafeteria of the Juneau-Douglas High School. Members present were Craddick, Kline, Loken, Machyowsky, and Norwood.

(2) Chairman Kline recognized Mrs. Joan Pelto representing the League of Women Voters. Her remarks are as follows:

"I am Joan Pelto, representing the Greater Juneau Borough League of Women Voters. The local League has taken a position in favor of the concept of unification of government in the Juneau-Douglas area. After considerable study this position was taken because it was felt that a unified government would: prevent duplication of administrative personnel, provide less expensive government, avoid conflict of authority, and provide for better cooperation with state and federal agencies.

Specific criteria which the local League felt should be met by a unified government are:

1. The executive should be appointed.
2. Provisions should be made for appointed boards.
3. Those paying for services should decide which services are needed.
4. The Mandatory Service Area emergency situation should be strictly defined.
5. Fiscal Responsibility must be defined.
6. A strong school board as defined by State Law must be included.

The National League of Women Voters criteria for local government states that local government should be responsive to the will of the people.

After deliberation and study of the changes and provisions of the revised Charter of Unification, the Greater Juneau Borough League of Women Voters wishes to go on record as being in support of the revised Charter. It is felt that the Charter provides for government being responsive to the will of the people, and complies with the criteria established by the local League for a local unified government."

(3) Chairman Kline recognized Mrs. Marie Darlin representing the Greater Juneau Borough School Board. Her remarks are as follows:

"My name is Marie Darlin, member of the Greater Juneau Borough School Board, and I am speaking for the School Board tonight. We wish to present the following comments regarding the revised charter and most of these items have been called to your attention in our previous meetings with your group."

"Starting with page 20 - Sec. 9.13 (f). This provides for Centralized purchasing, including the education function. We would question whether a borough centralized purchasing office could obtain the benefits available to schools. For example: prices available only to schools, and also the personal contacts made over the years with different suppliers who know our needs and also the problems of Alaskan shipping, etc. Furthermore, the procurement of over 500 supply items is a crucial aspect of our instructional program, and should be under the close supervision of our business office at all times. Since our procurement function is no doubt the largest in the borough and relates very little to that of any other area of borough government, we would like to see it remain under the school administration. This is particularly important when the administrative offices of the school, the borough, and the hospital are each in a different physical location. At such time as this becomes more easily administered, the centralized purchasing provision could be enacted by ordinance.

Page 26, Article XIII. Public Schools. Once again, we would like to reiterate the recommendation made since the beginning of the charter commission work. That the Article on schools read as follows:

Sec. 13.1. Public Schools. The system of public schools for the municipality shall be operated by a board of education, pursuant to State law.

We base this on the Constitutional provision that education is a state responsibility and the Board of Education serves as the elected body to carry out this responsibility. There are only three items in this article not already included in either Title 14 or Title 7, or that are changes in these statutes. (The budget dates, the conference committees, and the item of school maintenance.) Our feeling is that these could be enacted by ordinance if desired, and that it is not necessary (or maybe even advisable) that they be in the charter document. (The item on maintenance will be covered in detail later in this presentation).

I would like to take each section of the article and comment briefly on each.

Sec. 13.2. The change from a five to a seven man board (prior to a 5000 student enrollment) as proposed in the charter, has already been made permissive by legislation enacted during the last legislative session.

We do have a question about the time the two additional members would be elected. Would it be at the time the other municipal representatives are elected, or would it be at the next general election. Also, provision would have to be made for deciding the staggered terms of office.

Sec. 13.3. Vacancies (a) and (b). This is already covered in State law. The forfeiture item may be listed a bit differently, but is still included within State law."

"(c) regarding hearings and appeals heard by the board - could be left in if it is necessary, but could also be included by reference in Sec. 3.7 of the Charter. Although, State law does cover our appeal and hearing procedures.

Sec. 13.4. - Covered by State law.

Sec. 13.5. - Already included in State law and Admin. Procedures Act. [Also I believe it should read 3.12(d)]

Sec. 13.6. Budget. (a) We are already doing this and again it could be required by ordinance.

(b) The March 1 submission date allows the Borough one additional month more than presently required by the Borough Law date of Arpil 1. We do not feel this would cause the Board any undue hardship.

However, in our last discussions with the Charter Commission, we questioned the advisability of the May 31 date the assembly would furnish the board with a statement of the budget sum to be made available to the schools. The Borough law requires notification to the Board by May 1. This is the latest date that would still allow necessary time for ordering supplies and equipment to guarantee receipt by the beginning of school. We would therefore like to ask that this date be retained as May 1 and the charter be amended accordingly. This matter of budget dates is one item we do feel could be set by ordinance.

Sec. 13.7. Already covered by state law. The recent Attorney General's opinion defined this even further regarding additional funds received.

Sec. 13.8. (a) Says the same thing as the Borough Act. (c) Could again be enacted by ordinance as could 13.10 (joint conference item). However, we have no objection to these being in the charter.

Sec. 13.9. School Maintenance. We do wish to again voice our concern regarding the designation of school maintenance as an assembly responsibility. The Borough Law in Sec. 07.15.330 (g) places routine maintenance under the school board. The key word here is routine. The charter commission section is really less clear and concise than the Boruogh Act. (Any delay or possible lack of preventive maintenance due to a less than clear definition of responsibility would be both costly and detrimental to our educational program and the school facilities. This reasoning was what prompted the clarifying language in the amendments to the Borough Act regarding custodial and maintenance responsibilities.) The Legislature spent considerable time and study on this amendment to the Borough Act to be sure that it would be as clear as possible in defining responsibilities for school maintenance and major rehabilitation work. The Board feels this is about as clearly as it can be stated, and seems to have been the most workable situation yet. The less levels of authority necessary for approval to handle a routine maintenance problem in which the time element may be crucial the more efficient our maintenance program will be."

"To summarize I might say that we would still like to see the Public School Article covered by reference to State Law as much as possible, the budget amount notification date changed back to May 1, and routine maintenance still be a responsibility of the school board. Thank you for your time. I will be glad to answer any questions you may have. We also have other borad members hereto participate if you wish, although I was delegated by President Macaulay to the board spokesman for this hearing."

(4) In regards to Mrs. Darlin's objection that "routine maintenance" is under the School Board according to present Borough Act so why is it in the Charter, Mrs. Loken said that the Borough Act will not apply to the new municipality, only general law, therefore it is necessary to put it in the Charter.

(5) Mr. Machyowsky said the Commission is incorporating all State Law in Title 14, except as the Charter provides otherwise as indicated in 13.1, that incorporates general law which under current interpretation would not apply to home rule municipalities. Most of the State's school law is general law except that one chapter of general school law, Title 14, Chapter 12, does specifically bind home rule municipalities, so the Commission is bound by that regardless of what is in the Charter.

(6) Mrs. Darlin said the provision about the Board of Education providing for 7 members or such a number required by home rule municipalities by law will have to be rewritten since it does not jibe with State Law any more. The provision was drawn up before the amendment was made to State law during the last session of the Legislature. Mr. Machyowsky said it may not be within the purviews of the Commission to establish in this Charter the size of the School Board since it refers to the governing body, which the Commission is not. He believes that under present law binding all home rule municipalities where will not be an election for 2 additional board members if unification goes through until and unless the new governing body passes an ordinance to provide for that. Then State Law takes care of saying when they are elected, staggered terms, etc. Mr. Machyowsky said the provisions in the Charter are not repetitive, they either add on to State Law or vary from State Law.

(7) Mrs. Darlin said the May 31 date for approval of the budget runs the School Board far beyond where they have to know how much money they will have to start their ordering for the next years supplies. If this was changed to March 1 it would still give the Assembly 1 more month.

(8) Mr. Machyowsky asked if the Board had taken any position on whether or not they supported the Charter or if they were going to and Mrs. Darlin replied that they had taken no official position other than having no objections other than the ones being raised now.

(9) Mrs. Loken pointed out that the one thing the Commission tried to do was give the public one document where the people can go to find out what they should be able to expect from all of their government, that is why so much is spelled out, including referendum and recall.

(10) Mr. Craddick emphasized that the Commission was trying to protect and assure, not do away with the powers of the School Board, and that if it is not in State law then it must be spelled out in the Charter.

(11) Chairman Kline recognized Mr. Albert Shaw, representing the Greater Juneau Education Association. His main concern was the late date for the approval of the budget. He said he would like to see it set up from May 31 to May 1 or even sooner, since a list of supplies and equipment has to be submitted to the office by December 15. He said the budget is literally prepared by the first of January and by all practical standards the School Board has spent the money by the 15th of March. He added that this was a national operation and did not apply just to this area and in the days of the independent school board there was a $50,000 "slush" fund to carry over for the following year in order that supplies may be ordered.

(12) Chairman Kline asked what percentage of the School Board budget is supplies and Mrs. Darlin said that 80% was salaries.

(13) Mr. Craddick asked if there were any objections to the May 1 date and Mrs. Darlin and Mr. Shaw said "no".

(14) Mr. Machyowsky said that, ideally, the date of approval should be earlier than May 1 because you don't know what the governing body might do, but Mrs. Darlin pointed out that the Legislature determines the amount of State aid which is a factor in the budget therefore the session would have to be adjourned.

(15) Chairman recognized Mrs. Alice Crosby who wished to speak as a private citizen. She addressed herself to Chapter 12 being mandatory as far as home rule municipalities go. Chapter 12 talks about the districts of public school systems and outlines the fact that the organized borough is a school district. Mrs. Crosby quoted from Chapter 12: "Each borough shall be operated on a district wide basis under the management and control of a school board". Mrs. Crosby said if the maintenance staff is to be under the control of the borough then this is one provision of the State law of which sections 10 to 100 shall apply. Her question is "what is management and control of the school system if the routine maintenance is taken out from under board control and put over into the borough.

(16) Mr. Machyowsky said the legal argument for saying it would not necessarily extend to maintenance is found in the fact that in another title in the Borough Act they provide for maintenance responsibilities of school systems. Legally you can interpret this because its referred to under another title separately from the management and control clause of 14.2 as being something not within the purview of management and control as spoken of in that title.

(17) Mrs. Crosby asked why the Commission felt the maintenance of the school system should come out from under the school administration and school board and Mr. Craddick replied that there is a substantial question as to whether or not the reference by Mrs. Crosby to Title 10 through 100 applies to a home rule municipality. Aside from that, going into the practical consideration some of the Charter members agreed that routine maintenance should be left to the schools but when this came up for a vote the proposition of putting maintenance under the assembly passed and the theory that caused it to pass was a centralized economy factor: it is difficult to say where routine ends and regular begins, difficult to have 2 different plants, 2 people coming into a supply room when one could do it.

(18) Mr. Machyowsky felt that if the school board was freed from the responsibility of maintenance they would be freer to devote their time for dealing with education policy matters.

(19) Mr. Machyowsky questioned Section 16.13 under the Transitional Article. He asked if "following expiration of their term" means that those members in office now will serve not only until the election they would ordinarily come up at or a year later. Mrs. Crosby said the election is held and then their term automatically expires the first board meeting following the election. Mr. Machyowsky said that those who normally are areawide Board of Education would be coming up at the next election under a unified or non-unified government either way. Under this provision it would add an extra year to their term.

(20) Mrs. Kline said this provision has not been changed since the original Charter which had a May election date. When the budget date was changed the election date was changed. It was established that this would be corrected.

(21) Chairman Kline recognized Mrs. Mary Lou Meiners, Chairman of the Public Affairs Committee for the Greater Juneau Borough Education Association. She referred to 15.2 (d) and asked where that put one teacher asking another one for a contribution for a pet cause? Mr. Craddick said it is proscribed. Mrs. Meiners said that since the teachers are employed mostly by State funds, does this still apply to their particular group, and the answer was yes.

(22) Mrs. Loken pointed out that the reason behind this is the fact that in the government administration the boss could put pressure on employees. Mrs. Meiner said she recognized this but since the teachers are becoming more politically oriented they wish to feel that they can contribute if they wish.

(23) Mr. Craddick said he earnestly solicited from Mrs. Meiners and her Association any kind of a recommendation as to a provision which would allow the Charter to protect municipal employees from the pressures that are anticipated and at the same time allow the teachers to do what they wish. Mrs. Meiners replied that they would try to come up with something and it was pointed out to her that it would have to be presented to the Commission by the following Tuesday.

(24) Mr. William T. Dunn was recognized and said he wished to go on record as supporting the School Board Statement.

(25) Chairman Kline announced that written testimony would be accepted at the next scheduled meeting, Tuesday, December 9, at the Borough office, and that all meetings were open to the public.

(26) Mrs. Elaine Mitchell was recognized. She said she wished to commend the Charter Commission for the time and effort and she believed they had done a good job and wanted to express her thanks. She also said she was all for the unification.

(27) There being no one else who wished to speak the public hearing was closed at 9:00 p.m.

Respectfully submitted,

Marilyn Miller

GREATER JUNEAU CHARTER COMMISSION, SECOND SESSION
December 4, 1969 - Public Hearing
Douglas, Alaska 8:00 P.M.

(1) Public Hearing, Greater Juneau Charter Commission, Second Session, was called to order by Chairman Virginia Kline at 8:00 P.M. in the Fellowship Hall, Douglas, Alaska. The following members were in attendance:

Present	Absent
Grummett	Russo
Loken	Schmitz
Norwood	Craddick
Halsted	
Machyowsky	
Engstrom	
Parker	
Kline	

Chairman Kline explained the purpose of the meeting was to hold a public hearing on the Proposed Home Rule Charter of the Unified Municipality. She explained that written testimony would be accepted if it reached the Borough offices by Tuesday, December 9, 1969, at which time a regular meeting of the Charter Commission would be held to consider any changes in the Charter.

(2) Chairman Kline read a letter dated November 28, 1969 from Mr. M. R. Charney, Borough Chairman. Mr. Charney stated in his letter, in his opinion, the revised Charter is a vastly improved document over that which was rejected by the voters. He said in Article X the Charter calls for an election on the matter of Service Area Bonds and state law also provides for this. He added .."In my dealings with a prospective industrial development for our area, the problem of forming a service area and providing General Obligation Bond Authorizations for such a service area when the boundaries thereof contain no qualified residents or voters has arisen. We anticipate seeking legislative remedy to this problem in the coming Legislature. I would hate to see this problem solved by the Legislature, and then find our area unable to immediately implement the solution because of a charter restriction..." The letter continued "True there are alternate methods of financing available in this situation, i.e., Special Assessment Bonds and Revenue Bonds. However, if we are to compete successfully for industrial development, I feel the Juneau-Douglas area should be capable of providing every legal possibility that the development might choose in order to assist them.....I am suggesting, however, that we must accept as a matter of fact that existing state laws may be amended in the future because of necessity. It appears senseless to me, that when this occurs, we here in Juneau would have to go through a charter amendment before being able to stand equal with other communities...."

(3) Chairman Kline read comments on the Proposed Charter from Mr. Felix Toner. He said Section 4.3 covers suspension or removal of the manager and it would appear the assembly would be unable to enter into a long term employment agreement with the manager. Under Section 9.13(c) this could present a lot of problems in a campaign to pass unification as the assembly could finance fairly substantial capital improvements over the years without a vote from the people. The comments continued that under Section 9.14 the requirement for competetive bidding is fine except that professional services should be excluded and this is an instance where they could seriously handicap the assembly.

The comments from Mr. Toner also noted under Section 9.8, the second line of this section, the definite article "the" is used and it would appear more reasonable if the indefinite article "a" were substituted. He said as presently written, the capital improvement program submitted by the manager cannot be modified or amended by the assembly.

(4) Chairman Kline declared the public hearing open.

(5) Mr. Phil Chitwood, resident and Councilman of the City of Douglas appeared before the Commission. He said his comments were on behalf of the City Council.

(6) Mr. Chitwood said under Section 3.4 (b) they would like to see this changed to insure that each existing service area has at least one elected representative on the assembly. He said as the Charter sets it up Douglas would be "lumped" with North Douglas and they felt Douglas was entitled to its own representative. He said since everybody is voting on each representative it is not necessary that each district be equal in population. He added there was a court decision on this and should be no problem. Mr. Parker asked where this legal opinion was found. Mr. Chitwood said he had received this advice from Mr. Joe Henry; however, he could not cite the date or case. Mr. Machyowsky said this is not a settled law yet and the Supreme Court may take another look at this. He said he did not think they could rely on this as being a settled doctrine. Mr. Chitwood said they could do this until the doctrine was changed.

(7) Mr. Chitwood said they felt the last sentence in Section 3.9 could be deleted as it was in conflict with the first part of the section. Mrs. Loken said this is an effort to clarify the word vacancy. Chairman Kline said this might read "when the mayor is absent or unable to perform the duties of his office, as determined by the assembly."

(8) Mr. Chitwood said the Council questioned "at least" in Section 3.12. He said they were concerned that any meeting after the first would not necessarily be a special meeting but the assembly would have to go through the procedure to call a special meeting. He said maybe the words "at least" are not restrictive. Mr. Engstrom said the assembly by ordinance could establish its meeting and the Commission had wanted to say they would have "at least" one meeting and thereafter they could establish as many as they wanted.

(9) Mr. Chitwood said in Section 4.2 the Council would suggest that be changed to read "The assembly by ordinance shall set forth specific qualifications." He said they would like to see a minimum set of standards of qualifications for the manager so that each and every assembly thereafter would have a guideline to go by. Mrs. Loken asked if he could suggest minimum qualifications which would not exclude a good man. He said he could not but perhaps a personnel man could set up these qualifications. He said he would like the man to at least have some public experience or municipal experience.

Chairman Kline said they had tried to set up minimum requirements in the first sentence of that section. Mr. Parker said they had asked this question of current city administrators. He said they felt this was adequate but noted some members of the Commission do not think it is adequate.

(10) Mr. Chitwood said under Section 5.2(c) the Council felt they should add "... if approved by a majority of the voters affected by the franchise..." He said as the Charter now reads the assembly has this power and they felt it should come before the people. Mr. Machyowsky asked if he felt there should be a time limit on how long there should be a franchise as the state law now provides. Mr. Chitwood said he had no recommendation as far as the length of time. Mr. Parker said as long as they say these actions will be taken by ordinance this gives the people the right to question it. Mr. Chitwood said in the case of a franchise it is a critical thing. He gave the light company as an example of what the Council had in mind.

(11) Mr. Chitwood referred to Section 6.4 saying if a person has his taxes paid that should determine if he is eligible for office.

(12) Mr. Chitwood said they felt Section 6.5 (b) should be changed to "12:01 a.m. of the day of the election." This refers to the campaigning deadline.

(13) Mr. Chitwood questioned Section 6.8 and asked if this meant the Charter could not be amended for seven years. Mrs. Loken said no, it is not restrictive. Mr. Chitwood referred to Section 14.1. Mr. Machyowsky said the "except" clause modified the manner. Mr. Chitwood asked if this is too restrictive. Mr. Engstrom pointed out they could never restrict the amendment of a Charter in any case. Chairman Kline suggested changing the word "except" to "and."

(14) Mr. Chitwood said if his earlier suggestion of having at least one representative from each existing service area were followed, Section 6.7 would also have to be changed.

(15) Under Section 7.1, Mr. Chitwood said they would like the only items exempt from initiative and referendum to be ordinances establishing and funding budgets and fixing mill levies. He said any purchase over a certain amount would require a vote of the people. He used a fire truck in Douglas as an example of this. Mr. Engstrom said a fire truck could be included in the budget and all Mr. Chitwood was talking about would be some time during the year if they had some extra money they would adopt an ordinance for a purchase of something that was not included in the budget. Mr. Chitwood said the budget ordinances would not be subject to referendum.

(16) Mr. Chitwood suggested Sction 7.4 (a) should specify mailing or residence address.

(17) Mr. Chitwood asked if Section 9.11 says the manager can change funds within each department and if this included the education department. Mrs. Loken said it is not intended to; and, Mr. Engstrom added the manager under this Charter would have no control at all over the schools. Mr. Chitwood suggesting putting in the words "except the department of education." He also questioned whether the assembly would be able to take unexpended monies out of education and give it to another department. Mrs. Loken said she did not think education is considered a department of the municipality. Mr. Engstrom said they would have to make specific reference to the school system to have it included and noted the board of education would have complete control under this Charter.

(18) Mr. Chitwood said under Section 10.10 (b) and (c) they felt if the obligation was for a service area or only part of the municipality, then the money remaining after the indebtedness has been paid should be expended within the service area or that part of the municipality in which the original indebtedness was incurred. Mrs. Loken said she thought there was a provision that all the funds go back into that service area. Mr. Engstrom said that was a good point and did not know if this provision would cover the proceeds of a bond issue. Mr. Engstrom said they could qualify (b) by saying "other obligiations of the municipality or the service area for which the bonds were paid."

(19) Under Section 11.5 they would like to change this to read "The assembly shall provide for the election of boards from each service area to make decisions concerning services in each service area. Such boards shall be compensated." Mr. Chitwood said this is their strongest recommendation. Mr. Machyowsky said if they have the boards would they really have unification. Mrs. Kline noted they would be creating three new first class cities. Mr. Engstrom asked what kind of decisions the Council had in mind. Mr. Chitwood answered street, water, sewer, and drainage would be the major ones. Mr. Engstrom said if the boards made the decisions what would be the function of the assembly. Mr. Chitwood said the assembly would have the final say so. Mr. Engstrom asked if in this concept the assembly could do anything in the service areas without initial decisions from the board. Mr. Chitwood said their thinking is not but their second suggestion would be yes. Mr. Parker asked if what they were suggesting would be similar to the operation of the school board. After more discussion, Mr. Chitwood said yes. Mr. Machyowsky said he thought they could have the boards administer the service areas under the state constitution. Mr. Machyowsky asked if this would be an elected board. Mr. Chitwood answered in the affirmative. Mr. Chitwood said the government has to be able to listen, understand, serve the people and be answerable to the people. He added if the people are not doing the job then they can get rid of them.

Mr. Machyowsky said he thought this was a good point but noted it gets about as far away from unification as they can. He suggested the Council might want to draw up a proposed amendment and submit it to the Commission by the next meeting. Chairman Kline asked if the Council considered the initiative and referendum provision that refers specifically to service areas. Mr. Chitwood said yes but felt better service could be provided if they had the boards in the service areas. Mr. Engstrom asked if this concept would go all the way to the budget. Mr. Chitwood said he had not thought about that. However, in answer to Mr. Engstrom's next question regarding fire protection, Mr. Chitwood said this would be up to the service area. Mr. Engstrom noted then they are submitting the budget also. Mr. Chitwood said this could relieve the assembly of a lot of time spent within each service area. Mrs. Loken asked what the assembly would do faced with three elected boards and noted they would spend their time listening to these boards. Mr. Chitwood said he did not see why they should not do this and noted the salary was "a pretty good salary." Mr. Parker asked if the Council was prepared to submit an amendment on this and Mr. Chitwood said the Council would have an amendment to them by the next meeting. Mr. Grummett said he thought it was pertinent to do this for all the proposed changes. Mr. Chitwood added that perhaps some provision could be made for compensation for the boards.

(20) Mr. Chitwood said they recommended the last sentence in Section 12.4 should be eliminated. This section has to do with protests of local improvement districts. He said they felt the voice of the people should be the last voice. Mr. Parker asked how the charter in Douglas read. Mr. Chitwood said he did not know. Mr. Parker pointed out the City of Juneau feels just the opposite.

(21) Mr. Chitwood said they recommended the Commission think very seriously about getting permission from the people on a project before the engineering and planning is done. He referred to Section 12.8 and gave the example of a paving project in Douglas as to what might happen. Mr. Engstrom said there would be nothing to present to the people until the stage work was done. Mr. Parker said if they wanted they could take the planning funds and put them into the general fund operation.

(22) Mr. Chitwood said the change in Section 14.1 had been explained as far as representation and this would be delete the word "except" and all words thereafter.

(23) Mr. Chitwood said under Section 15.15 they would like to add the words "by ordinance" at the end of this section. He said this would provide the means by which authority is given and at least provide for a public hearing. He said that would conclude his presentation for the Council.

(24) Mr. Machyowsky said he thought the Council had a most thoughtful presentation and they should be commended on the interest shown. He noted this was the first official from a governing body, other than the School Board, to present their view. He said he hoped they would hear from the City of Juneau.

(25) Mr. Chitwood questioned the fact there might be a technicality regarding the airport in the transitional provisions. Mr. Machyowsky said that Section 16.10 says functions of service areas and local government continue until changed by the governing body and this would mean the Juneau Airport operation is not an area wide function, it is still a City of Juneau service area function. He said it could be made an area wide function by vote of the governing body. Mr. Chitwood said if the assets are spread shall the debts also be spread. Mr. Machyowsky said they had two situations -- one is what is being used now at the time of unification and another situation within the future. Mr. Machyowsky suggested that Mr. Engstrom review these provisions to refresh their recollection on them. Mr. Chitwood said the provisions read a lot better and complimented the committee that worked on this for accepting the recommended changes.

(26) Mr. Chitwood noted there was a lot of space given to general obligation bonds but not much space given to the other bonds. He said no where do they put out any specifics on special assessment bonds, service area bonds, revenue bonds, etc. and wondered if they should be given equal consideration with general obligation bonds. Mr. Parker asked if he were happier with the original. Mr. Chitwood said he did not care as long as the people voted on this. He added maybe this is not necessary and asked if Section 10.3 and 10.4 regarding general obligation bonds might be eliminated. Chairman Kline pointed out these are restrictions and they do not need the restrictions for the other types of bonds.

(27) Mrs. Angus Gair appeared before the Commission. She said she was speaking as a representative and member of the Juneau Educational Association. She said the Commission's hard word was quite evident in this new charter. Mrs. Gair said this was a personal view but under Section 13.6 (d) she thought the deadline for the School Board budget should be moved backwards because it does not allow time for the School Board to consult with administration or teachers about any revisions that might be needed; secondly, it does not adequately allow time for ordering supplies; and thirdly, the deadline did not allow time for the School Board to recruit personnel. She recommended this be changed. She asked if Section 3.16 eliminated tenure or consideration of years of service that has been given by employees. She thought it would be wise to consider tenure and merit. Under Section 9.13 (e) and (f) which refers to centralized accounting and purchasing, she noted it referred to "a" office and said they would have to have subsidiary offices.

Mrs. Gair referred to Section 15.2 (d) (regarding soliciting of contributions by assemblymen) and wondered if they were limiting this kind of democratic operation. Mrs. Loken said she believed the Department of Education is working on an amendment for this. She said as an individual she question Section 5.4 (b) (emergency ordinance) and in case of a disaster it could be conceivable that they could not assembly six assemblymen. Mrs. Loken said there is a provision for this and Mr. Parker noted there is a state law in regard to this. Mr. Machyowsky pointed out the mayor is given "emergency power" in the Charter. Mr. Parker noted there are ordinances beyond this. Mrs. Gair said when they were speaking of paying the assemblymen she wanted to remind them that the School Board, the Hospital Board, and possibly other boards in the future spend a great deal of time without pay.

(28) Mr. B. W. Matheny appeared before the Commission. He said he would suggest they add in Section 1.1 "The City and Borough of Juneau" or "The City and Borough of Juneau-Douglas." He said in the States whenever there has been a consolidation of several governments they will find the city and county used almost invariably. He referred to bond sales saying the bond buyers in New York are just beginning to realize what an Alaskan borough is. He submitted that they need everything they can get in their favor and that this is certainly not going to hinder. He said also regarding regional planning and regional funding and speaking specifically of the pollution problem that he would hate to see Juneau not be able to obtain assistance just because they were a City. Mr. Matheny referred to Section 3.12 (d) "...The assembly may recess a meeting or proceeding for the purpose of discussing in a closed or executive session limited to its own membership any matter the immediate knowledge of which would adversely affect the finances of the municipality or would defame or prejudice the character or reputation of any person..." Mr. Matheny pointed out this eliminated the attorney, bond adviser, and may eliminate the city manager. Mr. Machyowsky, referring to the executive session, asked if this was too restrictive. Mr. Matheny said he thought this was fine but what bothered him was that they have eliminated any advice and any more presentation of advice. Mr. Machyowsky said this was an excellent point. Mr. Machyowsky asked Mr. Matheny if he had discussed including borough in the name with Mr. Henry. Mr. Matheny said he had and that he asked Mr. Henry to name two reasons it would be detrimental and Mr. Henry could not. Mr. Matheny said it may not happen but it is possible a first class, home ruled, consolidated city could still be a part of a borough and if they have a city and a borough they have some protection. Mr. Machyowsky said it would assure that no borough would be put upon them if they had the name borough in the title. There was more discussion on this. Mr. Machyowsky asked if the Borough Administration was presenting any views on the Charter. Mr. Matheny said he did not know and he was speaking for himself. Mr. Matheny said he was of the opinion that the progress made over the last six years had not been detrimental.

(29) Mr. Engstrom left the meeting.

(30) Mr. Robert Isaac appeared before the Commission. He asked if they could use another term instead of "ceremonial" regarding the mayor in Section 3.8. Mr. Parker said the mayor is limited in his ability to act and this is a term that has been used for a long time. Mr. Isaac said if this is a city they should use the term city council and noted he did not see the point of mixing terms. Mr. Machyowsky said that is an excellent point and the state consitution says the governing body of the city shall be the council. Mr. Isaac said regarding calling it a city and borough, if it is a city they can go back to basic municipal law and if not would they go back to general law. He asked what would they do "take their choice." Mr. Isaac questioned the term "except as otherwise provided by the Charter" in Section 13.1. He suggested they say "pursuant to law and the Charter." He said a similar thing was found in Section 13.4 (regarding powers) in "consistent with this Charter." He said he thought that would have to be reworded. He said obviously they had all the powers whether it was consistent with the Charter or not. Mr. Parker referred back to the basic law and said everyone knew they were under the mandatory borough act and asked if Mr. Isaac felt this cast any doubt or shadow. Mr. Isaac said no that the law that came along subsequent to that gave them prerogative. Mr. Parker asked if he felt this cleared it so they could go ahead and take action. Mr. Isaac said there was no question in his mind about this.

(31) Mr. Matheny asked if written suggestions could still be made. Chairman Kline said yes, as long as they reached them in time for the Tuesday night meeting.

(32) Mrs. Alice Crosby referred to the discussi on on unexpended funds of the School Board and pointed out that any unexpended funds revert back to the general fund.

(33) Chairman Kline declared the public meeting closed.

(34) The meeting adjourned at 9:40 p.m.

Sandra Baker

DOUGLAS CITY COUNCIL'S RECOMMENDED
CHANGES TO THE PROPOSED CHARTER
FOR UNIFICATION

SECTION:	3.4 (b)	Change to: insure that each existing service area has at least one elected representative on the Assembly
SECTION	3.9	Delete last sentence
SECTION	3.12(a)	Change to: two regular meetings per month
SECTION	4.2	Assembly shall set forth specific qualifications
SECTION	5.2(c)	Add: "...if approved by a majority of the voters affected by the franchise....."
SECTION	6.4	Change to read: Candidates for elective office shall be nominated by filing a declaration of candidacy with the clerk.
SECTION	6.5 (b)	Change to: 12:01 a.m. of the day of the election
SECTION	6.7	Change to: insure that each existing service area has at least one representative
SECTION	6.8	Delete
[redacted]		
SECTION	7.1	Change "the only items exempt from initiative and referendum" to: ordinances establishing and funding budgets and fixing mill levies
SECTION	7.4(a)	Specify if mailing or residence address
SECTION	9.11(b)	Change to not allow manager to switch monies within the education appropriation and to not allow Assembly to transfer any monies from education appropriation to another department
SECTION	10.10(b)(c)	If the obligation was for a service area or only part of the municipality, then the money remaining after the indebtedness has been paid should be expended within the service area or that part of the municipality in which the original indebtedness was incurred.
SECTION	11.5	Change to read: The Assembly shall provide for the election of boards from each service area to make decisions concerning services in each service area. Such boards shall be compensated.

SECTION 12.4 Delete last sentence

SECTION 12.8 Delete

SECTION 14.1 Delete the word "except" and ~~use word "thereafter"~~ ALL WORDS THEREAFTER.

SECTION 15.15 Add the words "by ordinance" at the end of this section

Comments on Proposed Charter

1. Section 4.3 covers suspension or removal ofthe ~~manager~~ manager. It would appear under thi section that the assembly would be unable to enter into a long term employment agreement with any Manager. Under this handicap the Borough might not be able to secure the services of a properly qualified person.
2. Section 9.13(c) could present a lot of problems in a campaign to pass unification. Under it the Assembly could finance fairly substantial capital improvements over the years without a vote of the people.
3. Section 9.14 The requirement for competetive bidding is fine except that professional services should be excluded. No true professional is going to enter into competetive bidding to provide professional services for the Borough. Here is an instance where you can be seriously handicapping the Assembly.
4. Section 9.8 On the second line of this section the definite artcile "the" is used. It would appear this section would be much more reasonable if the indefinite article "a" were substituted. As presently written the Aswembly must either pass"the" capital improvement program submitted by the manager by May 31 or it goes into effect without Assembly action. It appears,as presently written, the capital improvement program submitted by the manager cannot be modified or amended by the Assembly.

Felix J. Tam

GREATER JUNEAU BOROUGH

OFFICE OF THE CHAIRMAN

210 Admiral Way
[redacted] - JUNEAU, ALASKA 99801

November 28, 1969

Mrs. Virginia E. Kline
R.R. #2, Box 871
Juneau, Alaska 99801

Dear Virginia:

Because of special and regular meetings, I find it impossible to appear at your public hearings on the Proposed Home Rule Charter.

In my opinion, the revised Charter is a vastly improved document over that which was rejected by the voters earlier this year.

There is one point, even though admittedly you have generally followed existing state law, that bothers me. In Article X the Charter calls for an election on the matter of Service Area Bonds. State law now also provides for this. In my dealings with a prospective industrial development for our area, the problem of forming a service area and providing General Obligation Bond Authorizations for such a service area when the boundaries thereof contain no qualified residents or voters has arisen. We anticipate seeking legislative remedy to this problem in the coming Legislature. I would hate to see this problem solved by the Legislature, and then find our area unable to immediately implement the solution because of a charter restriction.

True there are alternate methods of financing available in this situation, i.e. Special Assessment Bonds and Revenue Bonds. However, if we are to compete successfully for industrial development, I feel the Juneau-Douglas area should be capable of providing every legal possibility that the development might choose in order to assist them. For instance, it is a generally accepted fact that G.O. Bonds receive a more favorable interest rate than Revenue or Special Assessment Bonds; therefore, this avenue should be left open if a development wished to proceed in this manner.

I would not venture to anticipate what specific legislation, if any at all, the Legislature may enact to rectify this. One possibility may be that should a petition by all owners of all taxable property in an area be presented, it would have the

effect of canceling the requirement of the election.

How you can solve this dilemma, I do not know. I am suggesting, however, that we must accept as a matter of fact that existing state laws may be amended in the future because of necessity. It appears senseless to me, that when this occurs, we here in Juneau would have to go through a charter amendment before being able to stand equal with other communities. The time lost in such a maneuver may never be recaptured if for instance a major development sought and found greener pastures during that time.

Sincerely yours,

M. R. Charney
Borough Chairman

GREATER JUNEAU BOROUGH

GREATER JUNEAU CHARTER COMMISSION, SECOND SESSION
December 9, 1969 - Meeting #24
Juneau, Alaska 8:00 p.m.

(1) Meeting #24, Greater Juneau Charter Commission, Second Session, was called to order by Chairman Virginia Kline at eight o'clock p.m., December 9, 1969, in the offices of the Greater Juneau Borough. The following roll call was recorded:

Present	Absent
Kline	Schmitz
Halsted	Russo
Machyowsky	Grummett (excused)
Loken	
Engstrom	
Norwood	
Craddick	
Parker	

(2) Chairman Kline announced that there would be a special meeting on Thursday, December 11, 1969, in the Greater Juneau Borough offices. The minutes were deferred until then.

(3) Copies of correspondence were distributed: Virginia Blanchard, Greater Juneau Borough School District, Greater Juneau Chamber of Commerce, Mike Miller, Revised Article XI from the City of Douglas, Greater Juneau Education Association, a proposed amendment to the Transitional Article from Mrs. Loken, the Greater Juneau Borough School District, and a presentation from Felix Toner.

(4) Chairman Kline announced that she had received a letter from the Anchorage Charter Commission requesting copies of the Juneau Charter Commission minutes, etc. Also a letter from Osti(West) and a memo from Mr. Craddick.

(5) Chairman Kline said that oral testimony had come from Joe Henri who pointed out that if the unified entity is called a city, then the governing body should be called a council. Bill Ray had also talked to Mrs. Kline and given suggestions. These will be typed up and copies distributed at the December 11 meeting.

(6) A letter was also distributed from Mr. Myrt Charney concerning service areas. This letter was read at the December 4 public hearing. Mrs. Kline said she had told him she could not conceive of a service area with no qualified voters but Mr. Charney said that U. S. Plywood and Champion had asked for this type of thing, a municipality service area at the millsite.

(7) Mr. Halsted asked why, in the notices in the paper and on KINY, the membership was reduced to 9, "who got bumped". Mrs. Loken said the confusion could have come from the fact that the proposed Charter talks about the 9 member assembly and that she had tried to correct the misinformation at the radio station. Chairman Kline said it was an error and not intentional.

(8) Chairman Kline pointed out there was an editorial mistake on page 11, Section 6.4. The first proposed Charter read as follows:

Section 6.4. Nominations. Candidates for elective office shall be nominated by petition signed by at least twenty-five qualified voters of the district from which the candidates seeks election.

Mrs. Kline said it had not been voted to change this, therefore the new proposed Charter will have to read this way unless there is a motion to change it.

(9) Mr. Machyowsky moved and Mr. Craddick seconded that Section 6.4 read as it was printed in the new proposed Charter:

Section 6.4. Nominations. Candidates for elective office shall be nominated by petition signed by at least twenty-five qualified voters of the municipality. No nominating petition may be accepted unless accompanied by a signed acceptance of the nomination.

The question was called and the following vote was recorded:

Yes	No
Craddick	Halsted
Kline	
Engstrom	
Norwood	
Parker	
Machyowsky	
Loken	

The motion passed, 7 to 1.

(10) Mr. Craddick presented his corrections to the proposed Charter, copies of which had been distributed.

(11) Mr. Craddick moved and asked unanimous consent that on page 2, Section 3.3, in the fifth line, the word "or" be added between the word "mayor" and the word "assemblyman". There being no objection it was so ordered.

(12) Mr. Craddick moved and Mr. Machyowsky seconded that on page 8, Section 4.5(b) that the word "to" after the word "direct" be deleted. There being no objection it was so ordered.

(13) Mr. Craddick moved and Mr. Parker seconded that on page 9, Section 5.3(c)(3) that after the word "copies" the words "of the ordinance" be added. There being no objection it was so ordered.

(14) Mr. Craddick moved and asked unanimous consent that on page 10, Section 5.7(c), after the word "resolution" which ends the first sentence, that the words "of general effect" be added. After brief discussion this motion was withdrawn.

(15) Mr. Craddick moved and Mr. Parker seconded that on page 11, Section 5.8 after the word "ordinance", add a comma and the word "resolution". There being no objection it was so ordered.

(16) Mr. Craddick moved and asked unanimous consent that on page 12, Section 6.7 the spelling of the word "follows" be corrected. There being no objection it was so ordered.

(17) Mr. Craddick moved and asked unanimous consent that on page 12, Section 7.1, after the word "ordinance" which appears in the last line, there be added a comma and the word "resolutions". Mrs. Kline pointed out that the Charter doesn't have anything but ordinances to appropriate money. Mr. Craddick said then Section 7.2 would have to be changed but Mrs. Kline said that the word "resolutions" is needed there in order to be consistent. Mrs. Kline said Section 7.1 was talking about appropriated funds and Section 7.2 was talking about the actual act of initiating a petition, initiative or referendum. Mr. Machyowsky said this raises the question, is a resolution an appropriation. Discussion followed with the intent being to limit referendum power to the main budget appropriation measure that goes along with the budget. The motion was withdrawn and will be taken up again on December 11.

(18) Mr. Craddick moved and Mr. Parker seconded that on page 15, Section 8.2 read as follows:

"Section 8.2. Grounds. Grounds for recall are malfeasance, misfeasance, nonfeasance or incompetency in office, or violation of the provisions of the Charter."

There being no objection it was so ordered.

(19) Mr. Craddick moved and asked unanimous consent that on page 17, Section 8.13, that the word "on" be changed to "an". There being no objection it was so ordered.

(20) Mr. Craddick moved and asked unanimous consent that on page 19, Section 9.9(b) the spelling of the word "improvements" be corrected. There being no objection it was so ordered.

(21) Mr. Craddick moved and asked unanimous consent that on page 19, Section 9.10(b) after the word "membership", which ends the second sentence, there be added the phrase "whichever is the lesser number". There being no objection it was so ordered.

(22) Mr. Craddick said that on page 20, Section 9.12 the word "abandoned" is used and therefore shouldn't the definition of "abandoned" be given somewhere in the Charter? Mrs. Kline said that Webster's or Funk and Wagnalls could be used and Mrs. Loken said the legal definition was alright. Mr. Machyowsky did not see any problem.

(23) Discussion was reopened on Section 9.10(b), page 19. Since Felix Toner was in the audience and concerned with this area he was asked for his comments. He said he agreed with the concept that a small number of the assembly should be able to act on an immediate emergency but he felt it was creating a problem if "tax levies" were mentioned. There will be a problem if the people think that 5 people on the assembly could pass tax levies.

(24) Mr. Craddick suggested to strike the words "tax levies" from Section 9.10 Title and move (c) from 9.10 and make it (c) of Section 9.7.

(25) Mr. Parker moved and Mr. Halsted seconded to strike the words "and Tax Levies" in the title of Section 9.10 and strike (c). Mr. Machyowsky asked if this would clearly take away the power to make supplement tax levies. Mr. Parker said the fact that you are doing away with the authority to actually excerise the power of levy as an emergency measure should clear up that point. Mr. Craddick said that was why he wanted to put (c) in Section 9.7, you've got to have the assembly having the power to pass a supplemental ordinance during the year. Take it out of "emergency" and make it a regular action if they have to. Mrs. Kline felt it would be practically mechanically impossible.

(26) The question was called and the following vote was recorded:

Yes	No
Halsted	Engstrom
Craddick	
Kline	
Norwood	
Parker	
Machyowsky	
Loken	

The motion passed 7 to 1.

(27) Mr. Machyowsky stated the intent as being to prohibit the use of tax levies for supplemental appropriations or for emergency appropriations under this Charter.

(28) Mr. Engstrom moved to add "During the fiscal year the assembly by ordinance may provide for supplemental tax levies required for the budget" after the second sentence of Section 9.7(b) as additional language. Mr. Craddick seconded.

(29) Mr. Toner said that if you read Section 9.10(b), if you run into an emergency and there are no available funds to meet such appropriations, you could issue notes and they must be paid not later than the last day of the fiscal year following and any emergency appropriation is cared for under that language. He said he objects to the words "tax levies" with no connection with emergency. Further discussion followed.

(30) The question was called and the following vote was recorded:

Yes	No
Craddick	Halsted
Engstrom	Kline
	Norwood
	Parker
	Machyowsky
	Loken

The motion failed 2 to 6.

(31) Mr. Craddick moved and asked unanimous consent that on page 22, Section 10.4, the comma which follows the word "question" be changed to a semi-colon. There being no objection it was so ordered.

(32) Mr. Craddick moved and asked unanimous consent that on page 25, Section 12.4 the period after the word "improvement" be changed to a semi-colon and there be added the word "provided that". There being no objection it was so ordered.

(33) Mr. Craddick moved and Mrs. Loken seconded that on page 28, Section 13.8(b) the period which follows the word "improvement" be changed to a comma and there be added the words "site selection, employement of architects, and building plans". The reason is to make it consistent with Section (a). There being no objection it was so ordered.

(34) Mr. Craddick moved and asked unanimous consent that on page 28, Section 14.3 the spelling of the word "propose" be corrected. There being no objection it was so ordered.

(35) Mr. Craddick moved and asked unanimous consent that on page 31, Section 15.10(a) and (b) after the word "negligence" there be added the words "or gross negligence". There being no objection it was so ordered.

(36) Mr. Craddick moved and asked unanimous consent that on page 32, Section 15.14,(g) be deleted. This sub-section defines a phrase that no longer appears in the Charter. There being no objection it was so ordered.

(37) Mr. Craddick moved and asked unanimous consent that on page 34, Section 16.2 (f) the date "1970" be changed to "1990". This was a typing error. There being no objection it was so ordered.

(38) Mr. Craddick moved and asked unanimous consent that on page 36, Section 16.15 after the word "records" that a comma be added and also the words "files and other data". Mr. Halsted asked if it would be better to delete all reference to negligence and Mr. Craddick said no because then it could be liberally construed to mean contracts. There being no objection the motion was so ordered.

(39) Mr. Engstrom raised the question as to the difference between (a) and (b). This will be taken up at the meeting on December 11, 1969.

(40) Mr. Craddick moved and asked unanimous consent that on page 31, Section 15.10 (a) the spelling of the werd "damages" be corrected. There being no objection it was so ordered.

(41) Mr. Craddick moved and asked unanimous consent that on page 36, Section 16.13, there be deleted the words "first regular municipal election following" There being no objection it was so ordered.

(42) Chairman Kline recognized Mr. Phil Chitwood, representing the City of Douglas. He called the attention of the Commission to the proposed Article XI that the City of Douglas had presented. "Section 11.3. Establishment. The area of the former cities of Douglas and Juneau shall each comprise a service area. Other service areas in existence on 30 June 1970 shall continue to exist." Mr. Chitwood explained that the reason that was put in there was because of a provision in the Transitional provisions, Section 16.10, page 35. Mr. Chitwood said one thing said the service areas shall exist and the other says they may be changed. Mr. Chitwood said they are securing the rights of the service areas to stay in existence. He said the original theory came from a letter dated December 11, 1968, written by James Brunette, a member of the Civic Affairs Committee for the Chamber of Commerce and quoted from that letter. Mr. Chitwood said the Douglas proposal says that the assembly by ordinance may abolish or consolidate services but would require the approval of the service area boards. (Douglas proposed Section 11.2) They want the service area to have the vote. He pointed out this is a compromise between the first and second class borough.

(43) Mr. Engstrom pointed out that this was not even giving the assembly veto power, and Mr. Chitwood said why should they have it if the people in the service area are willing to pay for the services. Considerable discussion followed.

(44) Mr. Craddick said that Douglas had come up with the proposed Article XI giving the service areas decision making powers and to eliminate pointless discussion asked for a show of hands on whether there were more than 6 members who were willing to change the concept that is in the Charter. A show of hands was taken and only 3 members would consider the change.

(45) Chairman Kline said that the Douglas proposal will be considered at the December 11, 1969, meeting.

(46) Mr. Halsted asked if the show of hands was recorded in the minutes and the secretary replied that only the number was recorded, not the names. Mr. Halsted said it was required to record the names. Mr. Parker said it was not, since there was no formal motion.

(47) Mr. Halsted moved to strike the last sentence of Section 11.2(b) on page 24, "There shall be no election under this subsection to eliminate a service to be provided on an areawide basis." Mr. Engstrom seconded. Mr. Engstrom, however, suggested instead of striking this sentence, there be added a sentence to the provision in Section 5.2(h) to provide that a petition of protest is filed, etc. rather than putting the electorate to a referendum procedure.

(48) After further discussion, Chairman Kline said this concept would be considered and taken up on December 11.

(49) The question was called on the motion to strike the last sentence of Section 11.2(b) and the following vote was recorded:

Yes	No
Halsted	Craddick
Engstrom	Kline
	Norwood
	Parker
	Machyowsky
	Loken

The motion failed 2 to 6.

(50) Mrs. Loken served notice of recondiseration.

/5 minutes recess/

/Engstrom leaves/

(51) Chairman Kline called the meeting back to order, the proposed changes for the Charter from the City of Douglas for Articles other than Article XI were then taken up.

(52) Mr. Machyowsky moved that Section 3.9, page 4, the second and third sentences be replaced with: "He shall perform the duties and exercise the powers of the mayor when the mayor is absent or when the mayor is unable to perform the duties of his office as determined by the assembly". Mr. Parker seconded. Mr. Craddick said it would be better to put the words "as determined by the assembly" after the word "unable". There was no objection to Mr. Craddicks suggestion.

(53) The motion was then called on the motion that Section 3.9 be amended to read, starting with the second sentence: "He shall perform the duties and exercise the powers of the mayor when the mayor is absent or when the mayor is unable, as determined by the assembly, to perform the duties of his office. There being no objection it was so ordered.

(54) Mr. Craddick asked that rather than considering all of these points that only the proposed changes would be discussed if a member of the Commission had a question on them or wished to propose them.

(55) Mr. Craddick moved to clarify Section 7.4(a) by adding the word "residence" before the word "address" in the second sentence. Mrs. Loken seconded. There being no objection it was so ordered.

(56) Mr. Craddick moved to clarify Section 8.5(a) by adding the word "residence" before the word "address" in the second sentence. Mrs. Loken seconded. There being no objection it was so ordered.

(57) Mr. Halsted moved to change "may" to "shall" in Section 4.2, second sentence. Mr. Machyowsky seconded. There was no discussion. The question was called and the following vote was recorded:

Yes	No
Halsted	Craddick
Norwood	Kline
Machyowsky	Parker
	Loken

The motion failed, 3 to 4.

(58) Mr. Craddick asked if the Commission should proceed with only 7 members present since they are in an important area. Chairman Kline suggested they could proceed with only questions and not vote. It was finally decided that there would be no problem with a yes vote since it would take 6 members, but on any other vote, there would be a notice of reconsideration so that the subject could be taken up at the December 11 meeting.

(59) Chairman Kline recognized Mr. Felix Toner and asked him to make his presentation at this time. Mr. Toner said he did not feel that it would be possible to get a good city manager if it was possible to be fired anytime. Mr Craddick said that this subject was brought up at a public hearing and the, then, city manager of Juneau, Herb Lehfeldt, made the statement that this was alright. Mr. Toner said that Mr. Lehfeldt had not been hired on that basis. Considerable discussion followed during which Mr. Craddick asked Mr. Toner how he would improve this, pointing out that it wouldn't be good to bind the city. Mr. Toner said the Charter could read as follows: "The assembly may suspend or remove a manager at any time, provided however, the assembly may enter into a term contract with the manager under those circumstances which would be expedient (or whatever other wording the Commission wished to use)". Discussion followed.

(60) Mr. Craddick moved and Mr. Parker seconded that Section 4.5 be amended by changing the period to a semi-colon and adding the words "provided however, that the assembly may enter into a term contract with a manager." More discussion. The question was called and the following vote was recorded:

Yes	No
Craddick	Halsted
Kline	Machyowsky
Norwood	
Parker	
Loken	

The motion failed 5 to 2. Mr. Craddick changed his vote from Yes to No and served notice of reconsideration.

(61) Mr. Toner continued with his objections to the proposed Charter saying that under Section 9.13(c) there would be a lot of problems in a campaign to pass unification since the assembly could finance fairly substantial capital improvements over the years without a vote of the people. He said that one council can't obligate a succeeding council. Mr. Machyowsky said that normally the courts hold that it is possible within certain limits. Mr. Toner said this was a very broad and expansive thing. After further discussion it was announced that this subject would be taken up at the December 11 meeting.

(62) Mr. Toner said that the requirement for competitive bidding in Section 9.14 was fine except that professional services should be excluded because no true professional is going to enter into competitive bidding to provide professional services for the borough.

(63) Mr. Craddick moved and Mr. Parker seconded that Section 9.14, page 20 be amended by adding the word "professional" after the word "except". The question was called and the following vote was recorded:

Yes	No
Halsted	Machyowsky
Craddick	
Kline	
Norwood	
Parker	

The motion passed 6 to 1.

(64) Mr. Craddick moved and asked unanimous consent that Mr. Toners suggestion of substituting the word "a" for "the" in the second line of Section 9.8. There being no objection it was so ordered.

(65) Mr. Halsted moved and asked for unanimous consent that on page 25, Section 12.6, the last line, that "a" be substituted for "the". There being no objection it was so ordered.

(66) Chairman Kline recognized Mr. Ernie Lahn, Director of the Alaska State Employees Association. Mr. Lahn said that Section 3.16, where it says the assembly shall provide a personnel system, etc., was too general. He pointed out that the State Personnel Act has twenty-two to twenty-eight items in the rules alone, let alone setting up a classification plan, pay plan, grievance procedure, etc. He thought there should at least be a time requirement. He suggested a one year limitation.

(67) Mr. Craddick moved and Mr. Parker seconded that Section 3.16 be amended by adding the words "by July 1, 1971" after the word "shall". There being no objection it was so ordered.

(68)After further discussion of Section 3.16, Mr. Craddick moved to add the word "comprehensive" before the word "personnel" and add after the word "system" the words "including but not limiting to". Mrs. Loken seconded. There being no objection it was so ordered.

(69) Mr. Lahn said he also would like to see provision for the recognition of an employees association group, either permissive or mandatory. Mr. Craddick pointed out that since the assembly in the proposed Charter is home rule it could recognize this type of a group if it wished to.

(70) Mr. Lahn referred to Section 16.9 and said that there was no provision for new employees moving into the new government. Mr. Lahn said the employee should have the right of appeal on the first day of the new government. Mr. Lahn was asked by the Commission to come up with some suggested language which would cover this.

(71) Mrs. Norwood moved and asked unanimous consent that the spelling of the word "ordinance" in Section 3.14 be corrected. There being no objection it was so ordered.

(72) Mr. Craddick moved and asked unanimous consent that Section 15.2(d) on page 33 be amended according to the suggestion of the Greater Juneau Education Association by making (d) read as follows: "No elected assemblyman, municipal officer or chief administrative employees may solicit a contribution for any political party or purpose from any person holding a compensated municipal position.

(73) Mr. Halsted objected. Mrs. Loken seconded the motion by Mr. Craddick.

(74) Mr. Craddick said that by adding the word "chief administrative" it is prohibiting those persons who have the power to make recommendations concerning business or directly hire and fire to bring pressure to bear upon subordinates, but at the same time limiting it to this type of personnel we still allow the "ordinary employee" to carry out political solicitations if he wishes to do so.

(75) Mr. Halsted said he thought it would be entirely possible for a person in an administrative position to direct one of his subordinates to carry out one of these activities.

(76) Mr. Craddick amended his motion by adding the words "directly or indirectly" before the word "solicit".

(77) Mr. Halsted thought it better to prohibit too serverely rather than to allow any way any subterfuge could be employed to bring any political pressure to bear.

(78) Mr. Parker seconded the motion to amend by Mr. Craddick. It now reads as follows: "No elected assemblyman, municipal officer, or chief administrative employee may directly or indirectly solicit a contribution for any political party or purpose from any person holding a compensated municipal position.

(79) Discussion followed as to whether the word "political" meant partisan or non-partisan. The general consensus was that the intent was that this provision covered contributions for both partisan and non-partisan purposes.

(80) The question was called and the following vote was recorded:

Yes	No
Craddick	Halsted
Kline	Machyowsky
Norwood	
Parker	

The motion failed 5 to 2.

(81) Mrs. Kline changed her vote from Yes to No and gave notice of reconsideration.

(82) After Mr. Lahn raised a question concerning Section 13.4(c), Mrs. Norwood moved that the word "certified" be added before the word "education" and asked unanimous consent. There being no objection it was so ordered.

(83) Section 13.9, School Maintenance, was discussed. Mr. Lahn asked why the custodial services were provided by the School Board and the answer was because the School Board wanted it that way. Mr. Lahn felt it should be under the merit system. Mr. Craddick said they were, that the School Board "supervises" it. Discussion continued. Mrs. Norwood suggested adding the word "supervise" instead of the word "provide" before the word "custodial".

(84) Mr. Craddick moved to amend Section 13.9 by removal of the period and adding, after the word "buildings", the words "and shall appoint, compensate, and otherwise control personnel for these purposes". As part of the same motion he also moved to return to Section 13.4 (c) and remove the word "certificated". After further discussion at which time Mr. Lahn pointed out that there would be trouble if the system was split, the motion was withdrawn.

(85) Mr. Craddick moved to amend Section 13.9 by replacing the word "provide" with the word "supervise". After further discussion Mr. Craddick said he thought it may be wise to ask direction from the School Board on this and the motion was withdrawn.

(86) Mr. Halsted moved to adjourn, Mr. Parker seconded. There being no objection it was so ordered.

Respectfully submitted,

Marilyn Miller

GREATER JUNEAU CHARTER COMMISSION, SECOND SESSION
December 11, 1969 - Meeting #25
Juneau, Alaska

(1) The meeting #25, Greater Juneau Charter Commission, Second Session, was called to order by Chairman Virginia Kline at eight twenty-five p.m., December 11, 1969, in the offices of the Greater Juneau Borough. The following roll call was recorded:

Present	Absent
Kline	Halsted
Machyowsky	Parker
Loken	Russo
Engstrom	
Norwood	
Craddick	
Schmitz	
Grummett	

(2) Chairman Kline read a letter she had received from Guy Russo officially resigning from the Commission. Mr. Craddick moved and Mrs. Loken seconded, that Mr. Russo's resignation not be acted on at this time. He requested that the Chairman review enabling legislation to see if the Charter could be signed by less than eleven persons. There being no objection it was so ordered.

(3) The minutes were deferred to a later meeting.

(4) Chairman Kline recognized Mrs. Marie Darlin representing the School Board. She said the main concern of the School Board was still the budget approval date. Her recommendation was that "May 31" be changed to "April 15".

(5) Mr. Engstrom moved to amend Section 13.6 (b) by changing the dates of "May 31" to "April 15". Mr. Grummett seconded.

(6) Mr. Schmitz asked why these dates were being changed and Mrs. Darlin replied the budget amount must be known by this time so supplies can be ordered and teachers contracted for. Mr. Craddick asked if any Commission member could foresee any problem of having 2 dates, the School Board's and the budget. Mr. Engstrom said no, as long as there is an overlap so the two can correlate. He said it was essential for the assembly to know what is submitted for general government.

(7) There being no objection to the motion it was so ordered.

(8) Mrs. Darlin said the School Board was concerned about the Section covering Maintenance. She said the Borough Act provides the best to work with.

(9) Mr. Craddick moved to amend Section 13.9 to read as follows: "The Board shall provide custodial services and routine maintenance for school buildings and shall provide employees for these purposes. The assembly shall provide major maintenance and all rehabilitation, repair and construction of school buildings." Mrs. Loken Seconded.

(10) Mrs. Darlin said she had no objection to this motion.

(11) Mrs. Loken amended the motion by Mr. Craddick by striking the words "and shall provide employees for these purposes". Mr. Schmitz seconded.

(12) Discussion followed as to whether or not the amendment would make the Charter analagous to State Law. Mr. Craddick said it would be analagous as he amended it but not necessarily with the amendment by Mrs. Loken. There was a difference of opinion on this and then followed a discussion as to the meaning of "law" when used in various places in the Charter.

(13) The amendment by Mrs. Loken was withdrawn with the consent of Mr. Schmitz.

(14) Mr. Schmitz asked that the references in the Charter to "by law" be looked into. He felt further discussion at this time, however, was not accomplishing anything.

(15) Mr. Schmitz amended the motion by Mr. Craddick by adding, in Section 13.9, after the words "The Board" and before the word "shall", the phrase "unless specifically transfering such responsibilities to the assembly". Mrs. Loken seconded. The question was called and the following vote was recorded:

Yes	No
Loken	Machyowsky
Engstrom	Norwood
Kline	
Craddick	
Schmitz	
Grummett	

The motion passed 6 to 2.

(16) The question was called on the main motion and it passed unanimously.

(17) Mr. Craddick moved and Mrs. Loken seconded to amend Section 13.4 as follows:

1. Change the present subsection (d) to subsection (e).
2. Add a new subsection (d) reading as follows:

(d) Be responsible for the appointment, promotion, demotion, suspension, removal, compensation and control of all school employees and administrators and hear and determine grievances related thereto. For these purposes, the Board shall be controlled by and derive its powers, duties and guidelines from the following sources, which are listed in direct order of priority should any inconsistencies arise in provisions thereof:

(1) The provision of this Charter.
(2) Title XIV, Alaska Statutes.
(3) The provisions of the municipality's comprehensive personnel system plan, enacted pursuant to Section 3.16 of this Charter.

(18) Mr. Craddick explained that he felt the Charter must clarify whether or not it is the assembly or the School Board which will govern such things as wages and grievances and hiring and firing. This provision is making it clear that as long as the School Board is the one providing the employee then the School Board has all of these duties and responsibilities, powers and duties. What he had envisioned was that although the School Board would be administering hiring and firing on merit, etc., they would be doing so pursuant to guidelines set forth in the municipality's comprehensive plan governing all personnel. No matter who does it the criteria will remain the same unless modified in reference to school personnel in Title XIV or by the provision in the Charter.

(19) Discussion followed as to whether or not this had already been covered. It was also pointed out this would cover non-certificated personnel, such as clerks, teacher aids, secretaries, typists, etc.

(20) The question was called on the motion to amend Section 13.4 and the following vote was recorded:

Yes	No
Machyowsky	Engstrom
Loken	
Norwood	
Kline	
Craddick	
Schmitz	
Grummett	

The motion passed 7 to 1.

(21) Mrs. Norwood moved to reconsider the motion made at the last meeting that the Charter be amended according to the proposed amendment by the Greater Juneau Education Association. Mr. Craddick seconded. There being no objection it was so ordered.

(22) And so the motion that Section 15.2 (d) be amended to read as follows was in order: " No elected assemblyman, municipal officer or chief administrative employee may solicit a contribution for any political party or purpose from any person holding a compensated municipal position.

(23) Mr. Craddick moved and Mrs. Loken seconded that the word "elected" be deleted and there being no objection it was so ordered.

(24) Mrs. Loken moved to strike the word "chief". Mr. Engstrom seconded. There being no objection it was so ordered.

(25) The question was called on the main motion and the following vote was recorded:

Yes	No
Machyowsky	Engstrom
Loken	
Norwood	
Kline	
Craddick	
Schmitz	
Grummett	

The motion passed 7 to 1.

(26) Mr. Machyowsky moved and Mr. Engstrom seconded that a new Section 15.2 (e) be added: " No municipal officer or employee may make or solicit directly or indirectly any contributions for the purpose of supporting or opposing the candidacy of an elected municipal official or actively campaign for or against such candidacy."

(27) Mr. Machyowsky said that something along these lines was in the Model City Charter. What is trying to be done is avoid a situation where some of the administrative people and some of the policy makers could form a coalition and may get around a city manager. Mr. Machyowsky did not think that municipal employees should be involved in local politics. This feeling was not shared by other members of the Commission.

(28) The question was called and the following vote was recorded:

Yes	No
Machyowsky	Loken
	Norwood
	Engstrom
	Kline
	Craddick
	Schmitz
	Grummett

The motion failed 1 to 7.

(29) Mr. Machyowsky moved to amend Section 13.2 (a) by deleting all matter after "members" and substituting "unless a different number is established in accordance with law applying to home rule municipalities. Mr. Craddick seconded.

(30) Mrs. Loken moved to amend the motion by changing the word "seven" to "five" but other members did not think this would solve the problem and the motion was withdrawn.

(31) Mr. Machyowsky withdrew his motion.

/5 minute recess/

(32) Chairman Kline called the meeting back to order.

(33) Mrs. Loken moved to amend Section 13.7 by substituting for the material beginning with "No payment may be made" down to but not including the last sentence with the following: "(a) After the assembly has determined the amount to be made available from local sources for school purposes only the Board may authorize the expenditures of said amount." The last sentence will then become (b). Mrs. Loken explained this is to take care of the concern that back in Section 9.11 where the manager may transfer funds from department to department that it is made clear that the school has control of the funds once they have been budgeted to the school. Mr. Craddick seconded.

(34) After some discussion as to the intent of the motion, the motion was withdrawn.

(35) Mr. Engstrom moved to amend by adding to Section 1.1 and Section 1.1 after the word "CITY" the words "AND BOROUGH". Mrs. Loken seconded. It was pointed out that this change was in keeping with a suggestion that the new municipality have both "city" and "borough" in its title in order to ensure that the area is eligible for such things as timber receipts which go exclusively to boroughs. This suggestion was found in a newspaper article on the proposed unification of the Ketchikan area.

(36) Other suggestions in favor of this amendment was so that no ground was lost in the progress that had been made with the bond market. Also it was brought up that Mr. Joe Henri had said that if the Title called the municipality a "city" then the governing body would have to be called a "council".

(37) The question was called and there being no objection the motion was so ordered.

(38) Mr. Craddick moved to amend the Charter by substituting the word "council" wherever there appears the word "assembly". Mr. Engstrom seconded.

(39) Mr. Craddick said he had proposed this motion because of the Constitutional provision that refers to "councils" and "cities" in the same breath. However, it was pointed out that the Constitution also refers to "boroughs" and "assemblies" and now that the word "BOROUGH" appears in the Title, this motion wasn't necessary.

(40) The question was called and the following vote was recorded:

Yes	No
Schmitz	Machyowsky
	Loken
	Norwood
	Engstrom
	Kline
	Craddick
	Grummett

The motion failed 1 to 7.

(41) Mrs. Loken asked that one of the lawyers on the Commission go through the Charter and define the word "law" wherever it appears. Mr. Machyowsky asked that the definition be clarified but Mrs. Loken pointed out that it may be a different thing in each case. No definite action was taken.

(42) Mrs. Loken moved to amend the Transitional Article by adding a new Section 16.14 and renumbering the following material. The new Section will read: "Within one month of the date of passage of this Charter, the present City Councils of Juneau and Douglas shall each submit to the new assembly a list of names from which the new assembly shall select two five-member advisory boards, each to serve for a period of 2 years. Vacancies shall be filled by the assembly from names submitted by the remaining members of the respective board. These boards shall be appointed prior to July 1, 1970, and shall commence their responsibilities as advisory boards upon that date.

(43) This is to tie the new service areas with the new assembly. Mr. Machyowsky seconded.

(44) In reply to a question if this was a suggestion that came from the City of Douglas' Council, Mrs. Loken said no, that this was as far as she was willing to go. She feels elected boards should not be retained as advisory boards.

(45) The following suggestions were made to Mrs. Lokens amendment: Change "one" to "two" in the first sentence; substutute "upon appointment" for "upon that date"; and substitute "select" for "pick". These changes met with the approval of both Mrs. Loken and her second, and incorporated into her amendment.

(46) The question was called and the following vote was recorded:

Yes	No
Machyowsky	Engstrom
Loken	
Norwood	
Kline	
Craddick	
Schmitz	
Grummett	

The motion passed 7 to 1.

(47) Mr. Engstrom moved to amend Section 3.12 (d) by deleting, in the second sentence, the phrase "limited to its own membership". Mr. Machyowsky seconded. There being no objection it was so ordered.

(48) Mr. Engstrom moved to amend Section 9.10, page 19, by adding subsection (c) which was deleted at the meeting on December 9, as follows: "The assembly by ordinance may make supplemental appropriations."

(49) Mr. Bill Berrier, the Borough Attorney, pointed out that there is a very stringent definition of emergency which will not come under (b). He gave as examplesthe water and sewer study done in the valley area by the Borough and the fact that experts will have to be hired in a rate case that is coming up by the Borough.

(50) Mrs. Loken seconded.

(51) Mr. Engstrom felt the present (a) was not necessary but to make the proposed (c) go in the place of (a). With the consent of his second, Mr. Engstrom so changed his motion. The motion now reads: Amend Section 9.10 by deleting the present material under (a) and adding new material as follows: "The assembly by ordinance may make supplemental appropriations." Discussion followed, the question was called and the following vote was recorded:

Yes	No
Loken	Machyowsky
Norwood	Kline
Engstrom	Schmitz
Craddick	Grummett

The motion fails 4 to 4.

(52) Mr. Craddick moved that Section 9.13 (c) be amended as follows: "Notwithstanding Section 9.13 (a) of this Charter, the assembly by ordinance may require payment of funds from appropriations of a later fiscal year or of more than 1 fiscal year for any contract, lease, note or bond, obligation, or federal or state grant or any other federal or state program that the municipality may not otherwise participate in".

(53) After some discussion, the question was called and the following vote was recorded:

Yes	No
Machyowsky	Engstrom
Loken	
Norwood	
Kline	
Craddick	
Schmitz	
Grummett	

The motion passed 7 to 1.

(54) Chairman Kline announced that there would a meeting Tuesday evening, December 16, 1969, at 7:00 p.m.

(55) Mr. Schmitz moved to adjourn, there being no objection it was so ordered.

Respectfully submitted,

Marilyn Miller

Marilyn Miller