



<b>TRANSMITTAL MEMORANDUM</b>
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TO: The Honorable Mayor and City Council

FROM: Karl R. Amylon, City Manager

DATE: June 23, 2020

RE: **Ordinance No. 20-1915 – Amending The Ketchikan Municipal Code By Adding A New Chapter 9.08 Entitled “Equal Rights”; And Establishing An Effective Date**

At its meeting of June 18, 2020, the City Council directed staff to prepare a proposed equal rights amendment modeled off the one that was included in the agenda packet by Councilmember Gage. The attached ordinance was prepared by City Attorney Mitch Seaver, who asked that it be placed before the City Council for consideration at its meeting of July 2, 2020.

Attorney Seaver will attend the City Council meeting of July 2, 2020, in order to address any questions and/or concerns that Councilmembers may have.

A motion has been prepared for City Council consideration.

**RECOMMENDATION**

It is recommended the City Council adopt the motion approving in first reading Ordinance No. 20-1915 amending the Ketchikan Municipal Code by adding a new Chapter 9.08 entitled “Equal Rights”; and establishing an effective date.

**Recommended Motion:** I move the City Council approve in first reading Ordinance No. 20-1915 amending the Ketchikan Municipal Code by adding a new Chapter 9.08 entitled “Equal Rights”; and establishing an effective date.

Mitch Seaver  
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City of Ketchikan, Alaska

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**TO: Karl Amylon  
City Manager**

**FROM: Mitch Seaver  
City Attorney**

**DATE: June 23, 2020**

**SUBJECT: Proposed Equal Rights Ordinance**

Transmitted herewith is a proposed equal rights ordinance modeled off the sample included in agenda packet for the June 18 Council Meeting.

**THE CITY OF KETCHIKAN, ALASKA**

**ORDINANCE NO. 20-1915**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA; AMENDING THE KETCHIKAN MUNICIPAL CODE BY ADDING A NEW CHAPTER 9.08 ENTITLED "EQUAL RIGHTS"; AND ESTABLISHING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, AS FOLLOWS:

**Section 1: New Chapter.** A new chapter, to be numbered 9.08, entitled "Equal Rights," is added to Title 9 of the Ketchikan Municipal Code, to read as follows:

**"Chapter 9.08  
Equal Rights."**

Sections:

9.08.005	Policy.
9.08.010	Discrimination in employment.
9.08.015	Discrimination in the provision of housing or realty.
9.08.020	Discrimination in public accommodations.
9.08.025	Lawful practices.
9.08.030	Unlawful intimidation or retaliation.
9.08.035	Aiding, abetting, or coercing a violation.
9.08.040	Cause of action.
9.08.045	Definitions.

9.08.005     Policy.

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

9.08.010     Discrimination in employment.

(a) It shall be a prohibited discriminatory employment practice:

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

orientation, gender identity, gender expression, familial status, disability, or national origin in this community or in the available work force in this community.

9.08.015      Discrimination in the provision of housing or realty.

(a) It shall be a prohibited housing or realty practice:

- (1) For a person, including a banking, money lending, credit securing or other financial institution, or an officer, agent or employee thereof, to discriminate against an individual because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin, with respect to the granting or withholding of credit or financial assistance, or modifying of rates, terms, conditions, privileges or other provisions of credit or financial assistance, in connection with the transfer or prospective transfer of any interest whatsoever in realty, or in connection with the construction, repair, improvement, or rehabilitation of realty;
- (2) For a real estate broker, salesperson, or agent, or an employee thereof, or any other person seeking financial gain thereby, directly or indirectly to induce or solicit, or attempt to induce or solicit, the transfer of any interest whatsoever in realty, by making or distributing, or causing to be made or distributed, a statement or representation concerning the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin;
- (3) For a person to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate the sale or rental of, or otherwise make unavailable or deny a dwelling to a person because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, national origin;
- (4) For a person to discriminate against another person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, national origin;
- (5) For a person to make, print, or publish, or cause to be made, printed, or published a notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, national origin, or an intention to make any such preference, limitation, or discrimination;
- (6) For a person to represent to another person because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, national origin that a dwelling is not available for inspection, sale, or rental when such dwelling is, in fact, available for such purpose; and

- (7) For a person to deny another person access to or membership or participation in a multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against another person in the terms or conditions of such access, membership or participation on account of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin.
- (b) For purposes of this section, with respect to persons with disabilities, the term prohibited discriminatory practices includes:
- (1) Refusal to permit, at the expense of a person with a disability, or another person on behalf of a person with a disability, reasonable modification of existing premises occupied by or to be occupied by the person with disabilities if the modification may be necessary or desirable to afford the person with a disability full enjoyment of the premises, except that, in the case of a rental unit the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; and
  - (2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when accommodation may be necessary to afford the person an equal opportunity to use and enjoy a dwelling.

9.08.020 Discrimination in public accommodations.

- (a) It shall be a prohibited discriminatory public accommodation practice for any person, including any owner, lessee, manager, proprietor, custodian, agent, or employee of a place of public accommodation to discriminate against any individual because of race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin, with respect to the terms, conditions, and privileges of access to or with respect to the uses, services, and enjoyment of a place of public accommodation.
- (b) To publish, circulate, issue, display, post, or mail a written or printed communication, notice, or advertisement that states or implies:
- (1) That any of the services, goods, facilities, advantages, or privileges of the public accommodation will be refused, withheld from, or denied to a person of a certain race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin; or
  - (2) That the patronage of a person belonging to a particular race, color, age, religion, sex, familial status, disability, sexual orientation, gender identity, gender expression, or national origin is unwelcome, not desired, or solicited.
- (c) Notwithstanding (a) of this section, a physical fitness facility may limit public accommodation to a single gender to protect the privacy interests of its users. Public accommodation may be limited under this subsection only to those rooms in the facility that are primarily used for weight loss, aerobic, and other exercises, or for resistance weight



training. Public accommodation may not be limited under this subsection to rooms in the facility primarily used for other purposes, including conference rooms, dining rooms, and premises licensed under AS 04.11. This subsection does not apply to swimming pools or golf courses.

9.08.025     Lawful practices.

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

(b) The provisions of Section 09.08.015 shall not apply to rental of a room or rooms in a dwelling unit actually occupied by the owner or lessee as the owner's or lessee's residence, or actually occupied by a member of the owner's or lessee's immediate family as the family member's residence. For purposes of this section, "immediate family member" means the owner's or lessee's spouse, minor child, dependent, or a regular member of the owner's or lessee's household, provided that the owner or lessee rents not more than three rooms within the residence.

(c) The provisions of Section 09.08.015 regarding age and familial status shall not apply with respect to housing for older persons.

(d) Nothing in this chapter prohibits a religious organization, association, or society, or a nonprofit institution or organization operated, supervised, or controlled by a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such a person. Neither shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for club purposes and not for profit, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(e) This chapter shall not apply with respect to the employment of individuals whose positions would fall within the "ministerial exemption" as described by the United States Supreme Court in *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 132 S.Ct 694 (2012).

(f) Notwithstanding the prohibition against employment discrimination on the basis of familial status under Section 09.08.010,

- (1) An employer may provide greater health and retirement benefits to employees who have a spouse or dependent children than are provided to other employees;
- (2) A labor organization may negotiate greater health and retirement benefits for employees of an employer who have a spouse or dependent children than are provided to other employees of the employer.

(g) Nothing in this chapter shall prohibit the establishment of a same-sex shelter or residential facility for the care and lodging of persons in need of special medical,

rehabilitative, social, or psychological support, including, but not limited to: emergency shelters for victims of domestic violence and sexual assault; half-way houses; drug treatment centers; detoxification facilities; and shelters for the homeless, provided that such establishment does not discriminate based on race, color, age, religion, familial status, disability, sexual orientation, gender identity, gender expression, or national origin.

(h) It shall not be an unlawful practice for any financial institution or other commercial institution extending credit from engaging in any practice permitted by federal statute or regulation applicable to financial or credit transactions of the same character as those covered by Section 9.08.015(a)(1).

#### 9.08.030 Unlawful intimidation or retaliation.

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

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

#### 9.08.035 Aiding, abetting, or coercing a violation.

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

#### 9.08.040 Cause of action.

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

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

- (1) Requiring training concerning discriminatory practices;
- (2) An accommodation for a person with a disability;
- (3) Removal of or changes to a personnel record;
- (4) Posting of signs;
- (5) Back pay;
- (6) The hiring, reinstatement, or upgrading of an employee with or without back pay;



- (7) The payment of front pay for a period of not more than one year if hiring, reinstatement, or upgrading of an employee is inappropriate because a vacancy does not exist, the employer's discriminatory practice rendered the employee incapable of returning to work, or the relationship between the employer and employee has so deteriorated as to make working conditions intolerable;
  - (8) Restoration to membership in a labor organization;
  - (9) Admission to or participation in an apprenticeship training program, on-the-job training program, or other retraining program;
  - (10) Restoration of seniority;
  - (11) The sale, lease, or rental of the housing accommodation to the aggrieved person if it is still available, or the sale, lease, or rental of a like accommodation owned by the respondent if one is still available, or the sale, lease, or rental of the next vacancy in a like accommodation, owned by the respondent; and
  - (12) Actual damages incurred as a result of the unlawful practice or violation.
- (c) An order for back pay or front pay under (b)(5)—(7) of this section must be reduced by the amount the employee could have earned or could earn by making reasonably diligent efforts to obtain similar employment.

#### 9.08.045 Definitions.

For purposes of this chapter:

*Disability* means, with respect to a person:

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

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

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

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

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

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

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

*Housing for older persons* means housing:

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

*Individual* means one or more individuals.

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

*National origin* includes ancestry.

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

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

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

**Section 2: Effective Date.** This ordinance is effective one (1) month after its final passage and publication.

PASSED ON FIRST READING \_\_\_\_\_.

FINAL PASSAGE \_\_\_\_\_.

\_\_\_\_\_  
Robert Sivertsen, Mayor

ATTEST:

\_\_\_\_\_  
Kim L. Stanker  
City Clerk

FYI: Bracketed language is intended to be removed from the existing ordinance, and underlined language in bold type is intended as an addition to the existing Ketchikan Municipal Code.

EFFECTIVE		DATE: *	
ROLL CALL	YEA	NAY	ABSENT
BERGERON			
CHAPEL			
COOSE			
FLORA			
GAGE			
KIFFER			
ZENGE			
MAYOR			



Regular Ketchikan City Council meeting was called to order by Mayor Sivertsen at 7 p.m., June 18, 2020, with the following members present: Dick Coose, Janalee Gage, Mark Flora, Emily Chapel, Samuel Bergeron, Judy Zenge and David Kiffer (teleconference).

The Pledge of Allegiance was given by all persons in the Ted Ferry Civic Center.

Staff present were Manager Amylon, Assistant Manager Simpson, Finance Director Newell, City Attorney Seaver, Port & Harbors Director Corporon, Public Works Director Hilson (teleconference), Deputy Police Chief Mattson, Emergency Operation Center Manager (EOC) Hoage (teleconference), Civic Center Manager Nelson, Electric Division Manager Donato, Electric Division System Engineering Manager Bynum, Electric Division Engineer Holstrom (teleconference), Museum Director Maxwell, Telecommunications Division Manager Cushing, Deputy Clerk Lee and City Clerk Stanker.

## COMMUNICATIONS

Mayor Sivertsen informed there were several items laid on the table, including: A request to hold the Fourth of July parade from the Greater Ketchikan Chamber of Commerce; A request to conduct Fourth of July fireworks display from the Ketchikan Lions Club; A request from the Municipality of Skagway regarding Bermello Ajamil & Partners (B&A) proposal for preparation of Port protocols; A request to remove a tree from the Creek Street Salmon Ladder project; An email from Ketchikan Waterfront Partners regarding the shortlist of proposals for Contract No. 19-36; Additional information from Councilmember Flora regarding the discussion of CARES Act Relief funding, second round; and a revised 2020 Cruise Ship calendar.

## PERSONS TO BE HEARD

Janalee Gage said she was here tonight to speak as a citizen and is a 6<sup>th</sup> generation Ketchikan resident. She stated she stands with her lesbian, gay, bisexual, transgender, queer, intersex, asexual and other (LGBTQIA) brothers and sisters, as well as black, native, brown and disabled brothers and sisters who know oppression. She said she attended the local Gay Pride and Black Lives Matter demonstrations and was proud of our community for protesting peacefully. She believes it is time for Ketchikan to have a hard conversation regarding discrimination in our community and to add non-discrimination language to an ordinance protecting LGBTQIA and others.

Ryan McHale thanked the Council for their time and for listening to his and other community members speak tonight. He stated he is a gay man and new resident of Ketchikan. He asked the Council to affirm that he and other members of the LGBTQ+ community are considered equal in this City. He said he moved to Ketchikan eight months ago for a curatorial position at the Ketchikan museum and was disappointed to learn that Ketchikan and the State of Alaska lacks basic protections for LGBTQ+ individuals. He went on to say this leaves people in our community with uncertainty and potential discrimination. He cited his concerns regarding his decision to move to Ketchikan, and the possibility of discrimination based on his sexual orientation. He stated in 2019 the Human Rights Council listed Alaska in the lowest rated category for basic equality and protections for LGBTQ+ individuals in the United States. He informed people can be denied services based on who they are or whom they love with little recourse. He stated it is critical the Council ensures that our City is welcoming, affirming and most importantly safe for LGBTQ+ individuals. He continued Juneau, Sitka and Anchorage have all passed ordinances that protect LGBTQ+ individuals from discrimination and encouraged the City Council to do the same.



## "UNAPPROVED"

June 18, 2020

Lindsey Johnson said she was here to speak on behalf of herself and a few others who were unable to attend tonight on the proposed ordinance to make it unlawful to discriminate based on sexual orientation, gender identity and gender expression. She began with her statement; as an employee and employer she has denied services to people for various reasons and believes it is important to be able to deny services to people who are disrespectful to her, and her employee's rights or safety. She continued it never occurred to her that she could deny services based on discrimination. She stated she decided to stay in Ketchikan because of the strong sense of community and belonging. She said LGBTQ+ individuals have a right to feel included, protected and be able to participate in our economy. She hoped the City Council would move forward with this measure to show all members of this community that they matter and are welcome in Ketchikan. She read a statement from Kelly Cleese stating based on local and national events that she would be in favor of a City ordinance that would prevent discrimination based on sexuality or gender identity. She cited references in the Bible and encouraged the Council to consider a quote from the Bible "there is no longer Jew or Greek, there is no longer male or female, for all of you are one in Christ Jesus". She then read a statement from Allison Neterer stating, the Council sends a loud and clear message to the LGBTQ+ community if they allow continued discrimination, that you are not welcome in Ketchikan and not worthy of protection. She asked them to consider the LGBTQ+ youth suicide attempt rates are four times higher than the national average. She asked the Council to vote to protect LGBTQ+ rights for our youth, as well as the entire community to show they are valued members of our community. She continued by reading a statement from Tommy Valera stating that he and his fiancé were denied flowers for their wedding from a local flower shop because they are gay. He said Ketchikan now has the opportunity to protect people like him and his fiancé, who have grown up here, and are a vital part of the community. He stated lets show the State that Ketchikan doesn't have room for hate and set an example of what it is like for a City to care for all of its citizens.

Mary Stephenson thanked the City and the police chief for processing legislation to hold personal property up to 120 days instead of 14 days. She referenced her memo she distributed that suggested "individual" as a category for the CARES Act Relief funds. She stated she heard from two business owners that might receive funds to pay bills and not towards a paycheck for themselves. She recommended Council dedicate \$2 million of those funds to individuals.

Jason Baldwin said he was here tonight to make antidiscrimination protections in Ketchikan adequate. He stated he was shocked to see this on the agenda; that the law had not protected every citizen from the threat of discrimination. He continued our community standards need to include the minimum rights afforded to every person that is a United States citizen. He requested the City amend the antidiscrimination ordinance to protect anyone of any sexual orientation, gender identity, or gender expression.

Cynna Guabatayao said she was here tonight to support the antidiscrimination ordinance. She stated we should not tolerate discrimination of any kind, and that every member of our community is important and valuable. She stated no one should have to worry about being fired, evicted or turned away from a business because of who they are.

Robin Anderson said she works at Alaska Association for the Education of Young Children (AEYC) and was here to represent the little people in Ketchikan, those who are in childcare. She thanked Councilmember Gage for reaching out to all of the childcare providers in the community. She referenced an email sent to the Council and staff by the executive director of AEYC proposing a \$500 per child per month in care to help bolster the childcare programs in Ketchikan, noting they are struggling due to COVID-19.



## "UNAPPROVED" June 18, 2020

Dee Wright said she is here tonight representing The Manor Assisted Living Home and on behalf of her clients who were some of the first people mandated to stay home by the State. She continued they are still mandated to stay home and not allowed to go to Rendezvous or the Senior Center, because these establishments are not being funded by the State. She felt funding should be opened back up to these establishments and encouraged the Council to reach out to the State to consider reopening these places so our seniors have some place to go.

Chris Parks thanked the community of Ketchikan for supporting Tongass Trading during these trying times. He stated that Tongass Trading has been in business for 120 years and while the business is doing ok he is worried if they will still be here if this continues. He stated he is concerned about the cruise ship season for next year and described how important the cruise ships are to this town and its economy. He reminded everyone that the local businesses are the ones that create jobs and pay sales taxes. He felt that there should be an individual category with the CARES Act Relief funding, but that it should be measured to ensure it is going to the right people. He said the Request for Proposal (RFP) should be scraped and the City should maintain what we currently have on the docks.

Norman Arriola said he would like to address the decision to allow the small ships into Ketchikan. He felt by allowing these smaller ships into Ketchikan we are playing Russian roulette with the people who live here year round, especially our elders who are vulnerable. He questioned if there is still the 14-day recommended quarantine for people arriving in Ketchikan from Seattle.

Breshen Kenoyer said she is here not just to support gay, LGBTQ+ rights but to support human rights, for the safety and security of the community. She continued that discrimination is an infection like COVID-19. She stated while she is sad to even be talking about this she is grateful that we are. She encouraged the Council to continue to talk about it to improve this community.

Martha Thomas said she was here tonight to express her concerns regarding the RFP. She informed the 2020 cruise ship season is basically over, which is a huge loss to her personally as well as all the companies involved in the tourism industry. She voiced her concerns about the loss of local jobs in Ketchikan, and encouraged the Council to drop the RFP process and keep control of the docks for the locals. She continued there are not a lot of jobs out there, and due to COVID-19 many local businesses are suffering.

Carly Hurst stated she was here regarding the need for an antidiscrimination ordinance to protect LGBTQ+ community members. She said she would like these privileges extended to everybody regardless of their sexual orientation or gender identity. She stated the Supreme Court recently ruled that the Civil Rights Act of 1964 protects homosexuals, bisexuals and transgender from discrimination at work, but leaves out protections outside of the workplace. She said the City Council can help by passing this ordinance.

Gina Palmer said she owns Palmer Daycare, and has been a childcare provider in Ketchikan for over 38 years. She felt some of the CARES Act Relief funds should be used to help our local, licensed childcare providers recover from their lost income due to the COVID-19 pandemic. She informed the pandemic has caused a financial impact to local daycares by forcing them to lay off employees and make cutbacks. She stated her business has lost over \$22,000. She indicated that Ketchikan is already short licensed, quality daycares, and she requested on behalf of all daycares that they be considered when distributing the CARES Acts funds. She thanked Councilmember Gage for reaching out to all of the licensed daycares providers to ask how they are doing, and to learn what they were going through.



## "UNAPPROVED" June 18, 2020

Jamie Palmer informed she is here tonight as a local small business owner. She stated she owns The Captain's Lady on Creek Street, which she opened in 2017 but is currently closed due to the spike of COVID-19. She cited some of the issues regarding the federal and state grants and loans available and implored the Council not to have any exclusion on the CARES Act Relief funds. She suggested the first round of funding go to small businesses, and the second and third round of funding go to those individuals in need. She continued that she manages Allen Marine Tours and they are manufacturing in Sitka, Aquaox Alaska, a broad-spectrum disinfectant. She encouraged people to shop local first.

Abby Bradberry said she hoped the Council had the time to review the letter she submitted to them. She said while she was a firm believer in the RFP process, she now feels is not the best option for Ketchikan with regards to what is happening in our community due to the pandemic. She continued the cruise line industry has been set back three to five years at least. She felt we should think outside of the box, and work with the partners in the cruise line industry to try to create a mutual agreement like what they have established in Juneau. She encouraged the Council to think about the qualifications regarding the CARES Act Relief funds, and how it will be distributed.

Spring Barry said she has two businesses that operate here in Ketchikan, North Creative Design Company and Woodlands. She said she has heard opinions that businesses have received their fair share of federal funding, but felt that is not true and cited the issues her businesses are going through. She stated her concerns regarding the distribution of the CARES Act Relief money to ensure that it will be distributed fairly.

Loren Stanton discussed the laid on the table regarding the next round of CARES Act Relief funding, and felt that no one or group should be excluded from these funds. He cited his recommendations for spending the CARES Act Relief funding; including a mental health hotline, opening the rec-center and making it free, free internet for families that need it for school, money for childcare, establishing apprenticeships and trail maintenance. He encouraged people to fill out the 2020 Census and suggested that be mandatory before people receive any CARES Act Relief money. He stated that everyone has been affected by this virus and everyone deserves some help. He voiced his concern regarding the RFP and felt the City should retain control of the docks.

Carrie Starkey Executive Director of the Ketchikan Chamber of Commerce stated the business community is appreciative of the efforts of the Council, and the use of these funds to support and strengthen our economy. She continued the Chamber still holds its position requesting the Council pursue a "no decision" option. She said on behalf of herself as a citizen she supports an antidiscrimination act to ensure that all people are awarded the same rights all the rest of us have. She thanked the Council for their time and consideration.

State Representative Dan Ortiz thanked the Council for their service. He stated as an elected official he is in full support of antidiscrimination, and the need to address that issue in regards to sexual orientation and race discrimination. He spoke in agreement to the EOC's and City Manager's recommendation to not allow the 4th of July parade because it would be hard to enforce social distancing and we cannot risk another outbreak. He informed of, and clarified about State funds that are available for local small businesses. He informed how the State will be assisting with daycare funding. He thanked the Council for the opportunity to speak.

Anne McKim said her and husband have owned a small business here in Ketchikan for the last twenty years. She stated that businesses need to support other local businesses and encouraged the Council to keep our dollars circulating throughout the community.



## **Discussion of a Proposed Ordinance to Amend the Ketchikan Municipal Code to Make it Unlawful to Discriminate Based on Race, Color, Age, Religion, Sex, Marital Status, Changes in Marital Status, Pregnancy, Parenthood, Disability, Sexual Orientation, Gender Identity, Gender Expression, Ethnicity, or National Origin – Councilmember Gage**

Councilmember Gage felt this conversation should have taken place a long time ago not in 2020. She said this is one of those discussions where if you don't live it, you don't know it and you can't speak to it. She said she has heard things from other disabled people that she was told 25 years ago. She indicated discrimination is a slippery slope, and if we allow it in any capacity it allows for the destruction of our constitution and the rights of all individuals. She said it was time Ketchikan joined Juneau, Sitka and Anchorage, and at some point the State will catch up.

Mayor Sivertsen asked for a show of hands to direct the city attorney to move forward with an Ordinance to Amend the Ketchikan Municipal Code to make it unlawful to discriminate, and at least four hands were shown.

## **Budget Transfer – Restoration, Purchase and Installation of Mosaic Piling Cap Sculptures – Terry Pyles**

Moved by Flora, seconded by Bergeron the City Council authorize a \$25,000 budget transfer from Appropriated Reserves of the CPV Fund to the Tourism & Economic Development Department's Port Piling Cap Sculptures Capital Account to fund the restoration, purchase and installation of four existing mosaic piling cap sculptures created by local artist Terry Pyles for display adjacent to the Port on pilings at Daly Float parallel to Berth I.

Manager Amylon indicated as a point of clarification this will be brought back as a budget amendment for final approval at the July 2, 2020 Council meeting.

Motion passed with Chapel, Bergeron, Coose, Kiffer, Gage, Zenge and Flora voting yea.

## **Phase I Procurement of Signposts, Signpost "Fish" Art, Interpretive Panels and Wayfinding Vinyl Sign Decals – Salmon Walk**

Moved by Bergeron, seconded by Zenge the City Council authorize staff to move forward with Phase I procurement of signposts, signpost "fish" art, interpretive panels and wayfinding vinyl sign decals for the Salmon Walk at an estimated cost of \$23,915 as detailed in the Museum Director's report dated June 10, 2020; and approve funding from the Tourism & Economic Development Department's 2020 Downtown Visitor Amenities Capital Account.

Motion passed with Chapel, Bergeron, Coose, Kiffer, Gage, Zenge and Flora voting yea.

## **City of Ketchikan Statement Regarding Recent National Events and Ketchikan Police Department Practices**

Moved by Chapel, seconded by Zenge the City Council accept staff's June 10, 2020 draft statement regarding recent national events and Ketchikan Police Department practices and direct the city manager to publish such statement as may be modified by the City Council and in what forums the City Council determines appropriate.