CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING AGENDA
For Thursday April 28, 2011

I. **Call to Order** (7:00 p.m. at the CBJ Assembly Chambers.)

II. **Roll** (Tom Donek, Don Etheridge, Kevin Jardell, Cheryl Jebe, Eric Kueffner, Michael Williams, and Greg Busch, and Jim Preston).

III. **Approval of Agenda**

MOTION: TO APPROVE THE AGENDA AS PRESENTED.

IV. **Approval of March 31, 2011 Regular Board Meeting Minutes and April 7, 2011 Special Board Meeting Minutes.**

V. **Public Participation on Non-Agenda Items** (not to exceed 5 minutes per person, or twenty minutes total time).

VI. **Items for Action**.

1. Resolution in Support of Continuing Federal Funding for the Army Corps of Engineers Civil Works Program.
   Presentation by Port Director

Board Question

Public Comment

Board Comments/Deliberation

MOTION: TO REQUEST THE ASSEMBLY ADOPT A RESOLUTION SUPPORTING CONTINUED FEDERAL FUNDING FOR THE CIVIL WORKS PROGRAM IN THE U.S. ARMY CORPS OF ENGINEERS SO THEY CAN CONTINUE TO PARTICIPATE IN THE PLANNING, DESIGN, CONSTRUCTION, AND MAINTENANCE OF SMALL NAVIGATION PROJECTS IN THE PACIFIC OCEAN DIVISION AND TO FORWARD THE RESOLUTION TO THE ALASKA CONGRESSIONAL DELEGATION AND THE ARMY CORPS OF ENGINEERS.

VII. **Items for Information/Discussion.**

1. Storris Museum Ship Update
   Presentation by the Storris Committee

VIII. Committee and Board Member Reports

1. Operations Committee Meeting – April 19, 2011
2. CIP/Planning Committee Meeting – April 21, 2011
3. Finance Committee Meeting – Meeting Cancelled
4. Member Reports

IX. PRAC Representative Report

X. Port Engineer's Report

Mr. Gillette's report is in the packet.

XI. Harbormaster's Report

XII. Port Director's Report

XIII. Assembly Liaison Report

XIV. Committee Administrative Matters

a. Operations Committee Meeting – May 17, 2011
b. CIP/Planning Committee Meeting – May 19, 2011
c. Finance Committee Meeting– May 24, 2011
d. Regular Board Meeting – May 26, 2011

XV. Adjournment

CBJ DOCKS & HARBORS BOARD

REGULAR BOARD MEETING MINUTES

For Thursday, March 31, 2011

(No Audio)

I. Call to Order.

Mr. Preston called the Regular Board Meeting to order at 7:00 p.m. in the Assembly Chambers.

II. Roll Call.

The following members were present: Mr. Donek, Mr. Jardell, Ms. Jebe, Mr. Etheridge, Mr. Busch, Mr. Williams, Mr. Kueffner and Mr. Preston. Mr. Wostmann was absent

Mr. Preston announced Mr. Wostmann's letter of resignation effective tonight.

Also present were the following: Mr. Stone – Port Director, Mr. Benner –Harbormaster, Mr. Gillette-Port Engineer, and Ms. Danner – City & Borough Assembly Member

III. Approval of Agenda.

Mr. Stone wanted to move the #6 action item on the amended agenda to the #1 spot to facilitate staff members that were present.

Mr. Preston wanted to move Items for Information/Discussion #1 DeHart's Marina Condition Report to before the #2 action item spot, and then continue with the action items.

MOTION by MR. BUSCH: TO APPROVE THE AGENDA AS AMENDED AND ASK UNANIMOUS CONSENT.

The motion passed without objection.

IV. Approval of Previous Meeting Minutes.

Hearing no objection, the minutes of the February 24, 2011 Regular Board Meeting were approved as presented.

V. Public Participation on Non-Agenda Items.

Russell J. Peterson, Juneau, AK, passed out a handout and suggested revisions to the CBJ policy on operational status of vessels. Principles to look at:

1. CBJ has a legitimate interest in removing true derelict vessels from the Harbors.
2. The owners of all vessels have a legitimate interest in not having their boats unfairly branded as derelicts.
3. Many boats – those used only seasonally and that are mothballed the rest of the year; those undergoing lengthy repairs or reconstruction or which have a reasonable need to be covered with tarps – have a legitimate need not to have an "out of slip" demonstration of operational status imposed on them at an unreasonable time.
4. Whatever system is implemented should be done equally to all harbor patrons, subject only to reasonable variations depending on specific factual cases.

He said vessels being forced to move four times a year is unattainable for most people. The boat owners will be forced to buy insurance for the four travel periods required by the Harbor. Mr. Peterson suggested in his handout how the principles should be implemented.

Mr. Preston said to direct this subject to the next operations meeting on April 19th.

VI. Items for Action

1. FY11 Expense and Revenue Reports

Mr. Kueffner said the adjustments were requested because the budget does not match. Personnel expense was higher than expected, due to a longer work year for seasonal employees. The goal is to get the budget back into balance for bonding requirements. The Finance committee recommends to adjust the budget and send this to the assembly.

Board Questions
None

Public Testimony
Dennis Watson, Juneau, AK, said the expense and revenue report should have all the Harbors separated and not lumped together. That would make it easier for a citizen to read. Docks and Harbors has the highest expense in CBJ, so it is important to break out all the Harbors individually.

Board Deliberations
Mr. Preston said Docks and Harbors has the money, but it can not be spent unless the budget is approved from the Assembly.

Mr. Kueffner said for the bonding requirements, the budget has to have a 20% surplus revenue to debt service ratio.

MOTION by MR.KUEFFNER: TO APPROVE ADJUSTMENTS TO THE FY11 DOCKS AND HARBORS BUDGETS AS RECOMMENDED BY THE FINANCE COMMITTEE AND TO FORWARD TO THE CITY MANAGER FOR PRESENTATION TO THE ASSEMBLY AND ASK UNANIMOUS CONSENT.

Motion passed without objection

VII. Items for Information/Discussion.

1. DeHart's Marina Condition Report.

Mr. Stone said over the past few months DeHart's Marina has had several facility inspections. Docks and Harbors is looking at mitigation measures to reduce liability and increase safety. There was a fairly good inspection done on the electrical system and the codes have changed since this was installed. A lot of what was done originally is not allowed today. It is recommended for a complete replacement. Mr. Stone said to get by for another summer, it is estimated to spend $1,000 on the electrical, however, this system would not be around much longer.
The chain anchoring system on the last float is very old and very worn the float could break away and damage vessels. A system of cables could be used to hold the float in place for the summer. This would require under water work and it would alleviate liability for the extremely poor anchor system. Pipes are getting holes in them and filling with water, and the floats are sinking. Using Styrofoam under the fuel float is estimated to cost $5,000.00.
The gangway boards are rotted out and the cross members are rusted out. Timbers can fall through. The decking needs to be replaced and tie in with the side timbers. This repair is estimated to cost $3,000.00.
The uneven surfaces on the floats could be covered with another layer of carpeting with a cost estimated

VII. Items for Information/Discussion(continued).

at $10,000.00. The finger floats that are very low in the water that could throw people out of balance would need to be taken out of service.
Mr. Stone said $34,000.00 is estimated to do all the improvements. The estimates can change and this needs to be looked at as an ongoing project.
The travel lift dock is toward the end of its life. A licensed structural engineer needs to look at this and give Docks and Harbors a load rating and recommend temporary improvements to increase safety.
Mr. Stone recommended to the Board that DeHart's could last through this summer and possibly another summer with the improvements, but the boats that stay at DeHart's in the winter, would have to move to Statter, and then move back to DeHart's for the final summer.

Board Questions
Mr. Kueffner wanted Mr. Stone to describe the float structure.

Mr. Stone said the structure is foam flotation and pipes. The foam is waterlogged and the pipes are corroded. The pipes were used from the Alyeska pipe line. Where the pipes were welded together is where the pipes are corroding. There has been bladders put under the main floats and filled with air to help lift the floats out of the water again.

Mr. Williams said he has concerns with giving the floats more floatation it could cause more stress from beneath and he is curious if it can handle that.

Mr. Stone said the intent for lifting the floats is to limit the liability and extend the life of the Marina.

Public Testimony
None

Board Deliberations
Mr. Preston said to set up a special meeting on DeHart's next week and have this as an action item to be able to get the repairs started.

VI. Items for Action(continued)

2. Statter Harbor Float Addition Layout.

Mr. Williams said the CIP Committee looked at the layout and chose design #1, with the consideration of other patrons and looking toward the future.

Mr. Stone said each plan provided enough moorage to provide space for DeHart's patrons. There is a mixture of sizes. Longer stalls would be more beneficial over time. Accommodations would need to be made for smaller boats.

Board Questions
Mr. Kueffner wanted to know if it was possible for two boats to fit in a 42' boat spot.

Mr. Stone said two boats would fit, but it would be difficult getting in and out.

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VI. Items for Action(continued)

Mr. Preston said DeHart's patrons would be grandfathered in as long as they owned their boat.

Public Testimony

Andrew Maples, Juneau, AK, said the money set aside for the parking lot should be used on the deteriorating DeHart's. The parking lot is not a high priority.

Mr. Williams said the alternative plan is to move the vessels to one of the other Harbors, not have a parking lot and redo DeHart's.

Mr. Maples said moving to another Harbor would not make sense.

Bruce White, Juneau, AK, said he thought about slip sizes. Docks and Harbors is making good strides looking into fuel float, good shore power and water, getting congestion down, and he wants a secure access to these floats. DeHart's is not used as a transient moorage, they are permanent stalls. Why not have a locked gate in the evening. Fire or emergency personnel would just have to cut the lock to get in.

Mr. Williams asked if Mr. White knows of anywhere in Juneau that has a gated community or gated dock.

Dennis Watson, Juneau, AK, said the Allen Marine boats that transport the Green's Creek personnel are coming in too fast and will cause damage to anything new that is installed. They need to slow down. He said he disagrees with not locking the gate. It is an opportunity for vandals to go down and damage boats and equipment because DeHart's is not lighted.
He said the Statter harbor float plan is a good plan and he hopes funding comes through.

Chris White, Juneau, AK, said he has concerns about where the launch ramp is and how narrow it is. Boats are coming from two different directions. He suggests moving the fuel dock to Statter Harbor.

Mr. Williams said Douglas Harbor launch ramp has narrower spaces then proposed in this plan and there is not a problem.

Board Deliberations

Mr. Kueffner said addressing the grandfather in status has not been totally figured out yet. Who it would apply to, and how long it would be for.

MOTION by MR. WILLILAMS: TO APPROVE THE STATTER HARBOR FLOAT ADDITION LAYOUT AS PRESENTED BY THE CIP/PLANNING COMMITTEE AND ASK UNANIMOUS CONSENT.

Motion passed without objection

VI. Items for Action(continued)

3. Cruise Dock Improvements-Selection of Final Design.

Mr. Williams said overall this plan will give and take a little of foresight. Docks and Harbors only wants to do this once. There is a lot of thought in process.

Mr. Stone said Docks and Harbors would put this out to bid. In order to move forward, the Board needs to approve a final design concept and approve a contract with PND so they can complete the design and compile the bid documents. Both of these items will go to the Assembly for final approval after the Board action. This project will have two contracts. No local firms are capable of doing the concrete berths and berth installation construction. The berths are larger and able to take bigger ships. This design will have a drive down access for emergencies. Cost increase was due to the following: adding the uplands staging area reconfiguration into this work; including hook-ups for sanitary sewer; installing enabling infrastructure for shore power in the event it can be provided in the future; increasing the size of the floating berths and provided drive-down capability at the Steamship berth; adding dolphins, tie up structures, and catwalks to increase safety and flexibility for mooring a variety of vessel sizes and types; and using concrete floating berths instead of steel.
Mr. Stone said it was recommended to move the Fisherman's Memorial to the floating berth, but the Fisherman's Memorial members do not like this. There is still an open access for the blessing. He said he met with them yesterday and there is a way to still meet the needs, it just has not been decided yet. Mr. Stone recommends to not have this hold up moving forward on this project.

Board Questions
Mr. Kueffner said once the Storis is in along the dock, you can never get it out again. What if it needs maintenance?

Mr. Stone said maintenance could be done at that location.

Mr. Williams wanted to know the other alternatives for Fisherman's Memorial locations.

Mr. Stone said Bridge Park, Yacht Club area, and Douglas FAA weather station. He said one of the important elements of the ceremony was having the pot luck afterward and the current site is near a restaurant. Some sites have better long term easements.

Mr. Etheridge said he likes the improvements to the ramp and heavier floats. Laying conduit for the electrical and not having to dig it up again is a good idea.

Mr. Busch said the Storis being built inside the dock area and not being able to get out should be reconsidered. Maybe build in ground.

Maybe have the Storis Committee come to the next Board meeting.

Mr. Kueffner said if the Memorial Committee's final decision does not affect the final design of the cruise ship dock improvements so the two should be separated.

Mr. Preston said the Assembly has made it clear that the two are to be kept together.

VI. Items for Action(continued)

Mr. Williams said he thinks the Fisherman's Memorial Committee will be receptive to moving.

Mr. Preston said the meeting with the Committee yesterday was very cordial.

Public Comments
None

Board Deliberations
None

MOTION By MR.WILLIAMS: TO RECOMMEND THE ASSEMBLY APPROVE THE FINAL DESIGN FOR CRUISE SHIP DOCK IMPROVEMENTS AND ASK UNANIMOUS CONSENT.

Motion passed without objection.

4. Contract Amendment with PND Engineers, Inc., for the Final Design of the Cruise Ship Dock Improvement.

Mr. Williams said this was looked at by the CIP Committee.

Mr. Gillette said this is a contract amendment that needs to be approved to move forward with the design proposed.

Board Questions
Ms. Danner asked Mr. Gillette if this cost covered the preliminary design. For this cost, is this in the realm of percentages seen in this size of a project?

Mr. Gillette indicated that the preliminary design was contained in the previous work and not part of this contract. He indicated the fee proposed is consistent with this size of a project.

Mr. Etheridge asked if this contract could be amended without going out to bid again.

Mr. Gillette said yes it could. He indicated an RFP would be issued for inspection services during construction.

Public Testimony
None

Board Deliberations
None

MOTION By MR. WILLIAMS: TO RECOMMEND THE ASSEMBLY APPROVE A CONTRACT AMENDMENT WITH PND ENGINEERS INC., TO PREPARE FINAL DESIGN AND BID DOCUMENTS FOR THE CRUISE SHIP DOCK IMPROVEMENTS IN THE LUMP SUM AMOUNT OF $2,747,500 FOR DESIGN SERVICES AND TIME AND MATERIALS NOT TO EXCEED $100,000 FOR PERMITTING SERVICES AND ASK UNANIMOUS CONSENT.

VI. Items for Action(continued)

Motion passed without objections.

5. Utilidor Design Fee Proposal – PND Engineers

Mr. Williams said this was looked at by the CIP Committee.

Mr. Gillette said the utilidor will be crossing South Franklin Street to a location near the new dock improvements. The utilidor will consist of approximately ten each six inch ducts encased in concrete to service future shore power to the new cruise ship docks.

Mr. Williams said it is more critical with making sure we do not tear up what was just put down.

Board Questions
None

Public Testimony
None

Board Deliberation
None

MOTION by WILLIAMS: TO APPROVE A CONTRACT AMENDMENT WITH PND ENGINEERS, INC. TO DESIGN THE ELECTRICAL UTILIDOR TO THE NEW CRUISE SHIP BERTHS IN THE AMOUNT OF $87,390 AND ASK UNANIMOUS CONSENT.

Motion passed without objections.

6. Account Close Out – Amalga Harbor Launch Ramp Upgrade

Mr. Williams said this is a former grant that has been open for a long time and Fish and Game wants to close.

Mr. Gillette said this project is officially complete and the CIP account may now be closed. The total overall CBJ administrative/management costs from 2003 to date are more than the CBJ portion of the account balance resulting in a funding shortfall of approximately $28,000.00. A funding transfer ordinance is required in order to close the CIP account. This will go to the Assembly upon approval.

Mr. Williams said that Docks and Harbors got a lot of funding for this project, so $28,000 is a small amount.

Board Questions
None

Public Testimony
None

VI. Items for Action(continued)

Board Deliberations
None

MOTION by MR. WILLIAMS: TO RECOMMEND THE ASSEMBLY APPROVE AN APPROPRIATING ORDINANCE TO TRANSFER APPROXIMATELY $28,000 FROM THE HARBORS FUND BALANCE TO CIP #H354-79 AND A DE-APPROPRIATION RESOLUTION TO CLOSE OUT THE AMALGA HARBOR LAUNCH RAMP UPGRADE PROJECT AND ASK UNANIMOUS CONSENT.

Motion passed without objections.

7. Direct Market Sales Facility Report.

Mr. Gillette said he received comments from the granting agencies and they accepted the report as written. Harris Harbor is a prime spot to look at in the future for a fish market sales facility.

Board Questions
Ms. Danner wanted to know who awarded the Grant for the report.

Mr. Gillette said it was the Alaska Fisheries Development Foundation, that is a fisheries promotional organization. Grant funds come from the State. He said this is a great idea and meeting the needs of the industry. There was a survey done and the people are interested. This could help promote more Alaska fisheries.

Mr. Williams said there were 75 permits issued to Juneau residents out of the 107 applicants from southeast.

Public Testimony
None

Board Deliberations
None

MOTION by MR. WILLIAMS: TO APPROVE THE DIRECT MARKET SALES FACILITY REPORT FOR SUBMISSION TO THE ALASKA FISHERIES DEVELOPMENT FOUNDATION AND ASK UNANIMOUS CONSENT.

Motion passed without objections.

VIII. Committee and Board Member Reports.

1. Operations Committee Meeting- March 22, 2011

Ms Jebe reported Statter Harbor parking lot management that was on the agenda was tabled. Mr. Benner talked about the possibility of toilet servicing by staff, and the Committee requested more information. He talked about the patrons using the Harbors commercially by renting out

VIII. Committee and Board Member Reports(continued).

their boats. A regulation or ordinance needs to be amended. Mr. Benner talked about the non-moving vessels. The Committee will talk more about this at their April meeting. Mr. Benner also gave an extensive report of DeHart's conditions.

2. CIP/Planning Committee Meeting – March 24, 2011
   Mr. Williams said everything discussed at the meeting was talked about here.

3. Finance Committee Meeting – March 29, 2011
   Mr. Kueffner said the adjustment of the FY11 budget was talked about here tonight.

IX. PRAC Representative Report
None

X. Port Engineer's Report.

Mr. Gillette's report was included in the packet.

XI. Harbor Master's Report.

Mr. Benner reported DeHart's fuel float broke away. It cost $8,000.00 for divers and moving chains to stabilize again. There is a lot of debris in the Harbors. There were 6 floating logs out there today. Thawing and recent rains have made the floats very slippery. There were complaints about dog feces on the docks. The Harbor personnel are trying to keep up with catching unleashed dogs. There has been one warning ticket and 1 ticket issued so far for unleashed dogs.
Pete Frank's retirement is April 20th at noon at the Aurora Harbor Office.
Mr. Kueffner asked Mr. Benner if DeHart's was the worse shape of any Harbor he has been in charge of.
Mr. Benner said it is the worse still in use Harbor he has been in charge of.
Mr. Williams said when DeHart's was purchased the appraiser gave it a negative value.
Mr. Preston said it was given five years of useful life at the time of purchase and it has been over five years.
Mr. Benner said the non-maintenance happened a long time ago, DeHart's has not just fallen apart in the last five years.

XII. Port Director's Report.

Mr. Stone reported the revenue report is put together like it is to align with the fee provisions. He said the Statter Harbor parking fees enforcement costs are much less than the revenues.

XIII. Assembly Liaison Report

Ms. Danner said she had nothing to report.

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XIV. Committee Administrative Matters.

1. **Operations Committee Meeting – April 19, 2011**
   5:00 p.m. at the Aurora Harbor Office

2. **CIP/Planning Committee Meeting – April 21, 2011**
   5:00 p.m. in the CBJ Assembly Chambers

3. **Finance Committee Meeting – April 26, 2011**
   5:00 p.m. in CBJ Room 224

4. **Regular Board Meeting –April 28, 2011**
   7.00 p.m. in the CBJ Assembly Chambers

XV. Executive Session (started at 9:10 p.m.)

1. Personnel Issues

The Board returned to regular session.

MOTION TO ACCEPT THE RESIGNATION OF MR. STONE AND TO APPOINT A PORT DIRECTOR RECRUITMENT COMMITTEE CONSISTING OF MR. BENNER, MR. WILLIAMS, MR. DONEK, MR. JARDELL, AND MR. PRESTON.

Motion passed without objection.

XVI. Adjournment.

The Regular Board Meeting adjourned at 9:40 pm.

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CBJ DOCKS & HARBORS BOARD
SPECIAL MEETING MINUTES
For Thursday, April 7, 2011

I. Call to Order.

Committee member Mr. Preston called the meeting to order at 5:00 p.m. at the Aurora Harbor Office.

II. Roll Call.

The following members were present: Greg Busch, Tom Donek, Don Etheridge, Kevin Jardell, Cheryl Jebe, Eric Kueffner, Mike Williams and Jim Preston.

Also in attendance were: Mr. Stone – Port Director, Mr. Gillette – Port Engineer, Mr. Benner – Harbor Master, Ms. Danner – Assembly Liaison.

III. Items for Action.

1. DeHart's Marina Emergency Repairs & Travel Lift Dock Evaluation
Mr. Stone said Docks and Harbors received a proposal from PND to do an assessment of the travel lift dock and that would be up to $5,000.00 on a time and materials basis. The work would be to do an inspection and provide us with a structural assessment of the dock, also give an approximate depth load rating to assure the boats that are being lifted from the travel lift could be lifted safely. This report could take up to six weeks.

Mr. Preston asked the Board if they wanted the Travel Lift Dock separate from the rest of DeHart's repairs.

Mr. Etheridge said he preferred to have the two separated.

There was no objection.

Board Questions
None

Public Comments
Dennis Watson, Juneau, AK, said he sent an e-mail to Ms. Danner about the travel lift at DeHart's needing attention and was hoping it filtered through. He said he would like the travel lift separate so you are not lumping that sum of money in the DeHart's expenses because that is something for everyone to use and if it needs more money to maintain it does not take DeHart's money.

Andrew Maples, Juneau, AK, said he would like to see some kind of time line for the travel lift structure. How long will it last?

Lisa Currier, Juneau, AK, asked if CBJ gets the money for lifting the boats out of the water. She asked if it was contracted out.

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III. Items for Action(continued).

Mr. Preston said it is contracted out, but they pay Docks and Harbors to do that.
Lisa Currier asked if they have to pay to maintain it, and not take care of the structure even though the travel lift would not exist without the structure.

Mr. Preston said they have to pay to maintain it, but they do not take care of the structure.

Board Deliberation
None

MOTION by MR. ETHERIDGE: TO APPROVE A PND PROPOSAL FOR TIME AND EXPENSE REIMBUSEMENT NOT TO EXCEED 5,000 TO DO THE ASSESSMENT OF THE TRAVEL LIFT DOCK AND ASK UNANIMOUS CONSENT.

The motion passed without objection.

Mr. Stone said Mr. Gillette included a memo in this packet categorizing the DeHart's repairs by immediate needs. On the outer float there are several components. In general we are trying to add floatation to the outer float closest to Statter Harbor area where the fuel dock is, and repair the anchoring system to avoid the float going a drift. The total amount for that work would be $27,600.00. The second component is the gangway stabilization. There is significant corrosion in the cross members. In this cost, Docks and Harbors staff would re-deck the gangway with non-skid material and tie into the trusses on each side of the gangway, not relying on the corroded cross members. The staff would also do additional float surfacing with astro turf. We are trying to remove the bumps and not have people fall through. The salt water ground, estimated at $750.00, has already been authorized and should be done this week. A big concern is the floatation project on the outer float. We are not exactly sure how this will be done and how much it will take. We added extra money in that part in case we needed to change the work method or it takes longer than we think. The estimated total without the structural analysis for the travel lift is $49,972.00. Some of that cost is Harbor personnel already budgeted. Funding will be taken out of the Statter Harbor CIP project, which includes the launch ramp and the float rehabilitation of Statter itself. The Board can then replace those funds with Harbor reserve funds.

Board Questions
Mr. Busch said we just went through the budget and asked the Assembly to approve additional expenditures, will this be added on top of that, or will we need to request additional expenditures for what is budgeted in FY11.

Mr. Stone said this would be within what was already requested. We are going to use our existing staff to do this work and it will not increase what we have already planned. Because of this project, there may be some delays on other work we usually do in the spring. We only have a

III. Items for Action(continued).

certain amount of staff available.

Mr. Busch asked about the additional $39,000 and if it was currently budgeted.

Mr. Stone said this would be taken out of the Statter Harbor CIP money. It would serve as an interim funding mechanism and longer term the recommendation is to replace the funds with Harbors retained earnings.

Mr. Kueffner said the Board recently approved the reconfiguration of the new floats at Statter. If Docks and Harbors puts that project on an accelerated time line, when is the soonest this could be done?

Mr. Stone said we approved the design of the rehabilitation of the float system including the head walk float. The design is planned to be bid this summer and have the work done next winter. If the Board wanted to add another float with slips, we could probably get that design by the end of summer, and bid in the fall. We could try to do this project all at once, but the danger with that is not getting it all done by the end of the winter.

Mr. Kueffner asked whether it would take one to two years.

Mr. Stone said realistically two years. He said Mr. Donek had a good idea to move the boats from DeHart's in the winter to Statter to increase safety and take another look at the facility in the following spring, to see if patrons can move back, then the following year hopefully there would be replacement stalls. These repairs that we have been discussing are immediate needs. However, the divers have pointed out to expect continued issues. Floatation systems fail and they need more bandages. We did look at filling some of the pipes with floatation foam, but it is experimental. This could get expensive and have the possibility of blowing the pipes apart.

Mr. Etheridge asked Mr. Stone what is Docks and Harbors liability.

Mr. Stone said we would be compared to other operating Harbor facilities, and DeHart's is in very poor operating conditions and substandard.

Mr. Etheridge said looking at PND's report indicating the Marina is in poor condition and unstable, does this increase our liability. What will the law department tell the Board?

Mr. Stone said Docks and Harbors are better off trying to do something to make the Marina safer.

Mr. Jardell asked if there was any other options to get the funds for DeHart's repairs.

III. Items for Action(continued).

Mr. Stone said he thinks Statter Harbor CIP is the best fund. The only other funds would be the Harbor operating budget, and this project is not budgeted. There would need to be another correction to put more money in the budget for this project. The easiest way would be to use the Statter Harbor CIP funds and replace them later.

Mr. Preston said we have done similar funding for other projects.

Mr. Jardell asked if there are strings tied to the Statter Harbor CIP funds on how the funds are used.

Mr. Stone said yes, the Statter Harbor CIP funds consist of passenger fees, the state launch ramp grant, CBJ sales tax money that is directed to use toward launch ramp improvements, Harbor grant for refurbishment of the existing Statter Harbor facility and the launch ramp. He said an argument can be made that the funds could be used for the emergency repairs to DeHart's. The easiest in the long run is to replace this money with Harbor reserves.

Mr. Williams said the Statter CIP money is voted on how it is to be spent. Statter Harbor is classified as a Tier I project and DeHart's is classified as a Tier II and is wondering if Docks and Harbors will be scrutinized for this.

Mr. Stone said this is a small amount of money for an emergency case. He does not think there will be an issue.

Mr. Jardell asked why Docks and Harbors does not just use the Harbor reserve fund.

Mr. Stone said in order to do that he would have to go to the Assembly and get an appropriation from the Harbor reserves for a specific CIP for this project or a specific appropriation back into a CIP. This would take approximately a month and a half, and it would delay the work.

Mr. Jardell wanted to know the pay back process.

Mr. Stone said the work would start immediately if approved by the Board tonight, and all of the expenses would be taken out of the Statter Harbor CIP launch ramp project. At the next Board meeting, we could have an action item that takes the funds from the Harbor retained earnings funds and transfer to the Statter Harbor launch ramp CIP. If this is approved by the Board, it would go over to the Assembly and be approved as an appropriating ordinance. This could be done in June.

Mr. Kueffner asked if CBJ has someone that looks at the Harbor conditions.

III. Items for Action(continued).

Mr. Stone said Risk Management. They have never looked at DeHart's, but it is insured.

Mr. Jardell asked Mr. Stone under the insurance policy does Dock and Harbor have an obligation to notify unknown issues.

Mr. Stone said he would have to bring in the CBJ Risk Manager.

Mr. Donek said has CBJ risk management looked at this Marina.

Mr. Stone said he has talked to risk management, but has never given them a tour of the facility.

Public Comments

Andrew Maples, Juneau, AK, said he likes that we are trying to keep DeHart's open. Fast tracking the new facilities over at Statter Harbor is a good idea. The floatation billets are only allocated for the outer float. Right now there are some he won't walk on. Can some of these be done without the others? What is the risk factor? Is this going to get us through the summer? What is the estimate to get us through another summer? He said he would like to fast track the new facility, and not do the parking lot.

Dennis Watson, Juneau, AK, said there is $150,000 dollar revenue stream coming from DeHart's Marina right now. It is in Docks and Harbors best interest to keep this going. With regards to the condition of the Marina, if the Board is going to involve risk management, he strongly encourages that they walk the rest of the Harbors as well, and with the same scrutiny as DeHart's.

Rick Currier, Juneau, AK, we need permanent moorage in Auke Bay. There are 100 empty slips in the downtown Harbor. Auke Bay is full inspite of terrible conditions and higher moorage because that is the best location. Downtown moorage logistics do not always work. Bottom line there is a need for permanent moorage in Auke Bay.

Mr. Preston asked if he was supportive of spending the $50,000.00 for DeHart's emergency repairs.

Mr. Currier said yes he was.

Bruce White said he agrees with the others. We pay a premium price to live in Auke Bay. He said he looked at the cost estimates for the emergency repairs. There are a lot of unknowns and you do not know what you are going to find once you get into it. He questioned the $60.00 per hour per man hour. Mr. Benner said that is the cost for an employee with benefits. Mr. White also questioned the $750.00 for grounding the electrical system. He said that does not sound like very

III. Items for Action(continued).

much. He said he had to move out of DeHart's because of the shore power, and had to spend at least half that much proving to the Harbor that it was not his boat. He encourages the Committee to do whatever it takes to keep DeHart's going until there is suitable moorage for people to move to.

Mr. Preston said that Mr. Stone did explain the grounding, to run a ground line along the dock from pedestal to pedestal.

Board Deliberation

Mr. Etheridge said the $50,000.00 is not the big concern. It is PND's engineer report, and many hours of testimony stating this Marina is unsafe and unfit. He is still concerned about Docks and Harbors liability. The Board knows what the facility looks like, and would like risk management to tell the Board if this is okay to move forward with.

Mr. Donek said to clarify what Mr. Etheridge said is that after Docks and Harbors spends this $50,000.00, DeHart's is not going to be in any better shape than it is right now.

Mr. Etheridge said with 30 years of experience, he does not think the Marina is going to be in any better shape. Putting carpet over wood to keep from falling through is not right. With the gangway, the added weight to try to strengthen the structure could collapse it. The weight of three or four people with material going up the ramp at the same time could collapse it. From the Boards point of view, he would like to know what their liability is.

Mr. Kueffner said the repairs could end up being twice as much as this. Is the revenue we receive from this facility worth what we are trying to put into it. He said he is reluctant to do this because it puts off the inevitable of still having to move people and it does not gain very much. We also have the liability concerns of not being able to use it at all. At some point the patrons are going to have to be moved out, and some times the timing just does not work out right. It may be inconvenient for a while, but in the end they will get back in the Marina. He does not want to be doing this again next year and putting $200,000 in then.

Mr. Busch said he is concerned there has been so much time that has gone by that there has not been any money put in the Marina. He knows there are problems and he wants to try and fix them.
Mr. Donek said to address the question on how long the Marina is going to last. He walked the docks, and in his opinion, these repairs would keep it open for the summer. He said he made a suggestion to Mr. Stone to have all the patrons move out of the Marina in October. Next April the Board would be faced with the same questions, to shut the Marina down, or run it for another summer.

III. Items for Action(continued).

Mr. Williams said he thinks it will cost more than $50,000 to fix it, and more human resource time. When we originally acquired DeHart's, it was negatively assessed. He said Docks and Harbors is not in the business of taking away business or stalls, and appreciates the concerns. The voters voted on what we were going to spend money on and how we were going to do it in Statter Harbor. He has a hard time shifting money from one Harbor project to another because it was voted on. He has a hard time spending money on a Harbor that we are going to do away with. DeHart's is in severe bad shape under the water. When does the fix end? Docks and Harbors is spending human resources on DeHart's, when we should be using this time in other places.

Mr. Jardell said the $50,000.00 is not that great of an amount of money. He would like a controller giving us written authorization saying it is okay to utilize this money. He wants to make sure this is all legal. He said under our insurance, he feels the Board has a responsibility and obligation to operate in a reasonable manner. Trying to accommodate the patrons is important, but he said he has concerns, and he is not convinced this is the best way to spend the money.

Ms. Jebe said she has concerns about liability issues also. What is the alternative? Docks and Harbors needs to make some repairs. Due to liability issues, she does not want to spend the money and still have the Marina close.

Ms. Danner said if Docks and Harbors decides to authorize the expenditure, with the stipulation the Board members have offered, Docks and Harbors could think of ways to further limit their liability by putting a sign on the gangway with a load limit.

Mr. Preston said he thinks Docks and Harbors should spend this money. He said if Docks and Harbors got a go ahead from risk management, it would make the Board feel more comfortable. He addressed Mr. Jardell's concern on using money from one fund and replenishing it from another fund. He said it is not unusual to do so.

MOTION by MS. JEBE: TO APPROVE 50,000 FOR EMERGENCY REPAIRS TO DEHART'S MARINA AS PROPOSED BY THE PORT DIRECTOR FUNDING TO BE PROVIDED BY THE STATTER CIP TO BE REIMBURSED BY THE HARBOR RESERVE FUND AS QUICKLY AS POSSIBLE.

Mr. Etheridge wanted an amendment to the motion AS LONG AS RISK MANAGMENT HAS GIVEN APPROVAL BEFORE THE MONEY IS SPENT TO MAKE THE REPAIRS ON DEHART'S.

Ms. Jebe accepted the friendly amendment.

Mr. Kueffner said he wanted to add another amendment that this would be contingent on

III. Items for Action(continued).

the boats not being kept in the winter at DeHart's, moving out in 2011 and not returning in 2012.

Mr. Jardell said he does not think the Board needs to tie that decision to this meeting. He thinks this could be brought up in an operations meeting at a later date.

Mr. Donek agreed with Mr. Jardell.

Mr. Kueffner said he would still like to keep this on as an amendment to the motion.

Mr. Stone said moorage agreement is for one year and this is coming up July 1. He said Docks and Harbors has an obligation to tell the patrons the moorage agreement is not going to be for an entire year.

Mr. Kueffner said he would withdraw his amendment, but would like the moorage issue put on an Operations agenda.

The motion passed without objection.

Mr. Preston said he wanted Mr. Stone to contact Risk Management about looking at DeHart's. Mr. Preston said to add the DeHart's moorage on the Operations Committee meeting and add the slip charges to the Finance Committee meeting.

IV. Adjournment.

The meeting was adjourned at 6:11 p.m.

DRAFT

Alaska Association of Harbormasters and Port Administrators

RESOLUTION NO. 2011-01

A RESOLUTION OF THE ALASKA ASSOCIATION OF HARBORMASTERS AND PORT ADMINISTRATORS IN SUPPORT OF SUPPORTING THE ESTABLISHMENT OF A PACIFIC OCEAN DIVISION WATER INFRASTRUCTURE FUNDING LINE ITEM WITHIN THE ARMY CORPS OF ENGINEERS CIVIL WORKS CONSTRUCTION PROGRAM.

Whereas, the Alaska Association of Harbormasters and Port Administrators recognizes the Army Corps of Engineers (ACOE) has been the central governmental agency for the development of water-related infrastructure throughout the Nation and has established a comprehensive process to identify, evaluate, and fund projects related to navigation, safe harbor, flood control, erosion control, and water supply; and

Whereas, The Congress has recently decided to suspend the use of congressionally-directed spending within appropriations bills while it grapples with the Federal deficit; and

Whereas, Under the moratorium on congressionally-directed spending, only projects which are identified in the President's Budget Request are eligible for funding; and

Whereas, These projects are identified through a scoring system which favors the more developed ports of major urban areas and large-scale environmental restoration such as the Everglades Restoration Project; and

Whereas, The rural coastal communities of the Pacific Ocean Division do not have the population base to compete within a scoring system that provides a bias towards large cargo volumes and urban populations, yet these rural communities are more economically dependent on waterborne commerce in relation to the rest of their local and regional economies than the large urban areas, which have more diversified economies; and

Whereas, There needs to be some mechanism within the Energy & Water appropriations bill to recognize the unique circumstances of the rural communities within the Pacific Ocean Division; and

Whereas, The Pacific Ocean Division is comprised of the State of Alaska, the State of Hawaii, and the Pacific Island territories of the United States and the communities within this region are either located on islands or are in the coastal areas of Alaska which are not connected to the road system which means port activity is the dominant feature of their local and regional economies; and

Whereas, Projects in need of funding include breakwaters, wave barriers, dredging of navigation channels and mooring basins required as part of new harbor construction or harbor improvement projects, removal of barriers to navigation specifically authorized by law, flood control, water supply, and erosion control; and

Now therefore be it resolved that the Alaska Association of Harbormasters and Port Administrators encourages The Congress to amend the Fiscal Year 2012 Energy & Water appropriations bill and the Fiscal Year 2013 President's Budget Request to include a set-aside of $50 million annually for use within the Pacific Ocean Division to develop and sustain water infrastructure in the small coastal communities of the region; and

Be it further resolved, that the Alaska Association of Harbormasters and Port Administrators requests the Army Corps of Engineers be charged with the responsibility of working with the States, territorial governments, and local communities to prioritize projects throughout the Pacific Ocean Division region and granted the discretion to investigate, evaluate, plan, and provide funding continuity for projects identified within its priority list.

Passed and approved by the Board of Directors of the Alaska Association of Harbormasters and Port Administrators on this 6th day of April 2011.

Steven R. Corporon, President

ATTEST:

Kim Elliot

Kim Elliot, Executive Secretary

CITY OF KODIAK

RESOLUTION NUMBER 2011-__

A RESOLUTION OF THE KODIAK CITY COUNCIL IN SUPPORT OF ESTABLISHING WATER INFRASTRUCTURE SET-ASIDE FUNDING IN THE ARMY CORPS OF ENGINEERS, PACIFIC OCEAN DIVISION, CIVIL WORKS PROGRAM.

WHEREAS, the Army Corps of Engineers (ACOE) is the central agency for the development of water-related infrastructure throughout the Nation; and

WHEREAS, the ACOE, Pacific Ocean Division includes Alaska, Hawaii, and the Pacific Island Territories all of which have economies highly dependent upon port infrastructure; and

WHEREAS, Congress suspended use of congressionally-directed spending and now only funds projects identified through a scoring system which favors urban ports; and

WHEREAS, the rural coastal communities of the Pacific Ocean Division do not have the population to compete with urban ports, yet are highly dependent on waterborne commerce; and

WHEREAS, there could be a mechanism within the Energy & Water appropriations bill to recognize the unique circumstances of coastal rural communities of the ACOE, Pacific Ocean Division; and

WHEREAS, projects in need of funding include breakwaters, wave barriers, dredging, mooring basins, and flood/erosion control; and

NOW THEREFORE BE IT RESOLVED that the Kodiak City Council encourages Congress to amend the FY2012 Energy & Water appropriations bill and the FY2013 President's Budget Request to include an annual $50M set-aside that the ACOE, Pacific Ocean Division can prioritize and spend on projects necessary to sustain water infrastructure in small coastal communities of the region.

Passed and approved by the City Council, Kodiak, Alaska __ day of April 2011.

CITY OF KODIAK

_____
Carolyn Floyd, Mayor

ATTEST:

_____
CITY CLERK

PORT ENGINEER'S PROJECT STATUS REPORT

Gary Gillette, Port Engineer

Project	Status	Schedule	Contractor	Notes
Auke Bay Loading Facility - Phase I				
Conveyance - ADNR Land - Facility	Submitted	Spring 2011		Awaiting survey for land conveyance
Conveyance - ADNR Land - Mitigation	Submitted	Spring 2011		Preparing application amendment
Modification to CU for fuel bunkering				Preparing Planning Commission application
Auke Bay Loading Facility - Phase II				
Construction	In Progress	Feb 2011-Aug 2011	SE Earthmovers	
Douglas Floating Breakwater	Construction	Fall 2011	Trucano	Corps funded project
Old Douglas Harbor Reconstruction				
Permitting	Hold	Winter 2010/11	PND	Preparing further documentation per Agency request
Final Engineering and Design	Design	Winter 2010/11	PND	Hold for permit
Construction		Fall 2011		
Statter Harbor Launch Ramp				
EA Process	In Progress	Winter 2010/11	PND	Completing response to agency request for more info
Conveyance - DNR Property at Glacier	In Progress	Winter 2010/11		Survey in progress
Conveyance - DNR Tideland	In Progress			Application Submitted - Awaiting response
Demolition of Lehnart House	Complete		Channel Const.	Awaiting final invoice from contractor
Permitting	Hold	Winter 2010/11	PND	Awaiting EA completion
Final Engineering and Design	Hold	Winter 2010/11	PND	Awaiting EA completion
Begin Construction		Fall 2012	TBD	Awaiting fulll funding
Statter Harbor Moorage Improvements				
Design	In Progress	Summer 2011	PND	
New Cruise Berths				
Final Design/Bid Documents		Spring 2011	PND	Awaiting Assembly Approval
Preliminary Design Services	In Progress	Winter 2010/11	PND	
Geotech Investigation	In Progress	Winter 2010/11	PND	Awaiting report
Fishermen's Memorial				Working with Memorial group on potential move
Port-Customs-Visitor Center Project				
Phase I - Port/Customs Building	Construction	Oct 1, 2010	NPE	Nearly Complete
Phase II - Visitor Center	Hold	Oct 1, 2011	NPE	
Visitor Center Demolition	Hold	Oct 1, 2011	NPE	
1% for Art	In Progress	Spring 2011		Working with Selection Panel
Cruise Staging Area Reconfiguration	Design	Fall 2010/11	PND	
City Project Review		April 12, 2011		Awaiting approval by Assembly
Cathodic Protection	Design	Fall 2010	Tinnea & Assoc.	Awaiting inspection report

PORT ENGINEER'S PROJECT STATUS REPORT

Gary Gillette, Port Engineer

Harbor Upland Improvements	Construction	Winter 2010/11	Admiralty Const.	Awaiting final inspection and acceptance
Aurora Harbor Reconfiguration				
Municipal Harbor Matching Grant	Application	July 15, 2010	PND	Submitted application for $2M-Awaiting legislative approval
Norway Point Net Float	Design	Plans Complete		No funds to construct - Est. $50K+/-
Cruise Dock Restroom Study	In Progress		JYL	
Archipelago Property Purchase	In Progress			Lands Department is leading the process
Fishermen's Sales Facility Study	In Progress	March 31, 2011	Northwind	Incorporating comments on draft report
Statter Harbor Site Furniture	Planning			Work with Dwight on site options
New USS Juneau Memorial	Planning			Identify support group
Marine Services Center	Programming	Spring 2011	Northwind	

CITY AND BOROUGH OF JUNEAU DOCKS AND HARBORS
CIP ACCOUNTS SUMMARY
As Of April 22, 2011

CIP #	Project	Revenues	Expenditures & Encumberances	Balance	Notes
H354-79	**Amalga Harbor Launch Ramp Upgrade**				Project Complete
	ADF&G Grants	$2,535,000.00	$2,469,205.00	$65,795.00	Funds to be returned to ADF&G
	Harbor Funds	$300,000.00	$327,999.00	($27,999.00)	Fund transfer needed to close account
H354-84	**Douglas Harbor Phase III**				Breakwater
	ADOT Breakwater MOU	$800,000.00			
	2003 GO Bond	$3,500,000.00			
	2003 GO Bond Interest (yet to be appropiated)	$67,145.00			
		$4,367,145.00	$4,306,986.00	$60,159.00	
H354-74	**Auke Bay Loading Facility-Phase I**				Mitigation Phase
	ADCCED Grant	$50,778.00			
	Denali Commission	$1,000,000.00			
	FY01 Marine Passenger Fees	$100,000.00			
	FY02 Marine Passenger Fees	$411,500.00			
	FY02 Harbor Funds	$175,000.00			
	FY02 Dock Funds	$175,000.00			
	FY04 Marine Passenger Fees	$50,000.00			
	FY05 Marine Passenger Fees	$300,000.00			
	FY05 Dock Funds	$150,000.00			
	FY06 Marine Passenger Fees	$500,000.00			
	FY08 F326	$4,411,351.00			
	FY09 Harbor Funds	$292,514.00			
	FY11 Harbor Funds	$130,000.00			
	2003 GO Bond	$3,250,000.00			
	2003 GO Bond Interest	$328,598.00			
		$11,324,741.00	$11,211,792.00	$112,949.00	
H354-85	**Juneau Harbors Deferred Maintenance**				Old Douglas Harbor Re-Build
	ADOT - Bonds for Harbors	$7,047,810.00			
	ADF&G Coop #04-003	$180,000.00			
	ADF&G Coop #05-071	$900,105.00			
	NFF In-Kiind Douglas Pump-out	$73,000.00			

CITY AND BOROUGH OF JUNEAU DOCKS AND HARBORS
CIP ACCOUNTS SUMMARY
As Of April 22, 2011

	FY02 Harbor Funds	$13,508.00		
	FY06 Marine Passenger Fees	$500,000.00		
	FY06 Harbor Funds	$15,606.00		
	FY08 F326	$4,411,351.00		
	FY99 Temp Sales Tax	$6,631.00		
	2003 GO Bonds	$2,500,000.00		
	FY2003 GO Bond Interest	$40,000.00		
		$15,688,011.00	$11,755,648.00	$3,932,363.00
H354-93	**Statter Harbor Improvements**			New Launch Ramp
	FY08 ADF&G Grant	$900,000.00		Statter Float Repairs
	DCCED Grant	$800,000.00		
	FY06 Marine Passenger Fees	$250,000.00		
	FY07 Marine Passenger Fees	$250,000.00		
	FY09 1% Prop 2 Sales Tax	$2,500,000.00		
	Sales Tax	$400,000.00		
	FY11 Temp 1% Sales Tax	$3,804,600.00		
		$8,904,600.00	$1,869,034.00	$7,035,566.00
H354-95	**Cruise Ship Berth Enhancements**			New Cruise Berths
	DCCED 09 Grant	$1,500,000.00		Port/Cusotms/Visitor Center
	DCCED 10 Grant	$2,500,000.00		CT Staging Reconfiguration
	DCCED 11 Grant	$9,000,000.00		
	FY02 Port Development Fees	$20,124.00		
	Fy03 AW Sales Tax	$3,018.00		
	FY03 Docks	$9,755.00		
	FY03 Port Development Fees	$203,043.00		
	FY05 Docks	$24,194.00		
	FY06 Docks	$30,000.00		
	FY07 Docks	$32,280.00		
	FY08 Marine Passenger Fees	$1,000,000.00		
	FY09 Marine Passenger Fees	$379,520.00		
	FY09 Marine Passenger Fees	$924,200.00		
	FY09 Port Development Fees	$1,750,000.00		
	FY10 Marine Passenger Fees	$1,443,800.00		
	FY10 Port Development Fees	$1,750,000.00		
	FY11 Marine Passenger Fees	$1,023,900.00		

CITY AND BOROUGH OF JUNEAU DOCKS AND HARBORS
CIP ACCOUNTS SUMMARY
As Of April 22, 2011

	FY11 Port Development Fees	$1,500,000.00			
		$23,093,834.00	$11,421,521.00	$11,672,313.00	
H354-96	**Cruise Ship Tug Moorage Rehabilitation**				Aurora Harbor Re-Build
	FY08 Marine Passenger Fees	$500,000.00			
		$500,000.00	$0.00	$500,000.00	
H354-97	**Landing Craft & Security Cameras**				Harbor Security Cameras
	Federal Security Grant	$219,000.00	$140,066.00	$78,934.00	
H354-99	**Auke Bay Loading Facility - Phase II**				ABLF - Phase II
	TIGER Grant	$3,640,000.00	$2,779,040.00	$860,960.00	

City & Borough of Juneau • Docks & Harbors
155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Port of Juneau

April 13, 2011

Grey Mitchell
3065 Douglas Highway
Juneau, Alaska 99801

Dear Mr. Mitchell,

Please find some of the information you requested in your Match 17, 2011 letter to Mr. Benner concerning launch ramp permit enforcement.

The Juneau Police Department (JPD) keeps records concerning all citations issued by employees of the City and Borough of Juneau. We have checked with JPD and they are unable to provide us with the number of launch ramp citations that were administratively dismissed by the Harbor Department during the period of January through March 2010 and January through February 2011. However, JPD is able to provide the total number of launch ramp citations issued during the requested periods and it is my understanding that JPD provided you with this information. If not, please let me know and I will get the information to you.

You requested any written policy and/or procedures regarding the issuance of citations, issuance of warnings, and dismissal of citations for violations CBJ 85.20.030. As you know, CBJ 85.20.030 makes it an infraction to use a boat launch ramp without a permit. CBJ 03.30 describes the procedures for issuing and disposing of citations and warnings for infractions. These procedures have been in effect since at least 1979. Harbor staff are bound by these procedures and it is unlawful for any public official to direct staff otherwise. In the case of launch ramp infractions, warnings may be scrupulously issued in cases where there is no deliberate, continued, or flagrant violation and where there are appearances which indicate the violation may have been unavoidable. To my knowledge, harbor management and the Docks and Harbors Board have never given staff direction that is contrary to the ordinances.

The topic of launch ramp enforcement does occasionally come up at Docks and Harbor Board meetings. The most recent discussion was at the January, 2011 Operations Committee Meeting. I am attaching a copy of relevant portion of the minutes. I believe the minutes reflect a keen awareness by the Board of several issues you talk about in your letter.

The fine amount was established by the CBJ Assembly in 2007 after an opportunity for public hearing. The fine amount was recommended by the City Attorney and was based on the cost avoided by operating without a permit and also consistent with similar

infractions established by the municipality. Note the fine was increase from $50 to $75 to take into account the permit fee increasing from $35 to $90. We do not believe a comparison of the fine to the daily permit fee is appropriate. We sell very few daily permits and usually only to boaters who launch and retrieve their boats as part of keeping their boats in water for the summer season. If we were to lower the fine to the daily limit, we most certainly would have people taking their changes by calculating the number of infractions to break-even. I would also like to point-out that anyone issued a citation also has the option to appear in court and argue their innocence instead of paying the fine. You also need to be aware that we receive complaints from boaters who buy permits in accordance with the rules about boaters who use the launch ramps without permits. The launch ramps cost a lot to operate, certainly more that the $140,000 per year in revenue we obtain from the sale of permits and the Board's policy is to make sure everyone who uses the ramps has the required permit.

I recognize you put considerable effort into the letter and do not want to appear unappreciative of your concerns and viewpoint. But, we do not view the launch ramp permit as an optional requirement, meaning it can be picked up after use of the launch ramp has occurred. I apologize if we somehow have given you that impression. We view the requirement to have a launch ramp permit much like ADF&G views the requirement to have fishing or hunting licenses, or as DMV views the requirement to have a vehicle registration or a driver's license.

I am concerned that you feel that staff did not treat you professionally and I have reiterated to the Harbormaster and Officer Nelson the need to exhibit professionalism and courtesy in all situations.

I do appreciate your business and continued patronage of the CBJ harbor system. I wish I could do more to address your concerns. As always, you are welcome to stop by or call me at (907) 586-0294.

Sincerely,

John M. Stone, P.E.
Port Director

ARTICLE I. AUTHORITY

03.30.010 Administrative assistance to district court; fine schedule.

(a) The chief of police shall designate an employee of the police department to assist the district court with the clerical work of City and Borough code enforcement cases.

(b) The City and Borough assembly shall adopt a fine schedule for certain offenses, which schedule shall designate the specified offenses under the laws of the City and Borough with respect to which payment of a fine may be accepted in satisfaction thereof, and which schedule shall specify the amounts of such fine for first, second, and subsequent offenses; provided, such fine amounts must be within the limits of applicable fines declared by law.

(c) The City and Borough assembly may adopt fine schedules for certain municipal offenses, which schedules shall designate the specified offenses under the laws of the City and Borough with respect to which payment of a fine may be accepted in satisfaction thereof, and which schedules shall specify the amounts of such fine for first, second, and subsequent offenses; provided, such fine amounts must be within the limits of applicable fines declared by law.
(Serial No. 79-7, § 2, 1979; Serial No. 87-58, § 2, 1987)

State law reference—Authority to adopt schedule of traffic fines, AS 28.05.151(a).

ARTICLE II. PROCEDURE

03.30.015 Appearance plea.

(a) Any person charged with an offense for which payment of a scheduled fine may be made shall have the option of paying such scheduled fine within the time specified in the notice of violation or by mail received at the police department upon entering a plea of nolo contendere and upon waiving appearance in court; or upon appearance in court and after entering a plea of not guilty shall be given a trial date and shall post such bail as the court may order.

(b) The payment of the scheduled fine shall be deemed an acknowledgment of conviction of the alleged offense.
(Serial No. 79-7, § 2, 1979; Serial No. 87-58, § 3, 1987)

State law reference—Disposition of scheduled offense, AS 12.25.195.

03.30.025 Citations; procedures.

Except when authorized or directed to immediately take a person before a district court judge for the violation of any City and Borough laws, a police officer or enforcement agent who cites a person for such violation other than for the purpose of giving him or her a warning notice and does not take such person into custody under arrest, shall take the name, address, the operator s license number of such person, if a driving offense is involved, the registration number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him or her in writing on the form provided by the City and Borough, a citation containing a notice to answer to the charges against him or her in the district court at a time specified in the citation.
(Serial No. 79-7, § 2, 1979)

03.30.030 Warning citations.

Police officers and enforcement agents are authorized to issue tickets and endorse thereon an "X" in the warning box, if there is such a place upon the citations, and otherwise shall mark the word "warning" across the citation wherein exceptional cases in their opinion the best interests of justice are thereby served. Such warning shall be scrupulously given and only in such cases where there is no deliberate, continued or flagrant violation and where there are appearances which indicate that the violation might be unavoidable.
(Serial No. 79-7, § 2, 1979)

03.30.035 Citations, warrants and complaints; disposition.

(a) Every police officer or enforcement agent upon issuing a citation to an alleged violator of any provision of any laws of this City and Borough, shall deposit the original and such copies of the citation as required by the court with the chief

of police or the chief of police s designee who shall cause the original and duplicates to be made available to the district court.

(b) Upon filing of such citations in the district court as aforesaid, the citation may be disposed of only by trial in the court or by other official action by or as authorized by a judge of the district court, including forfeiture of bail or by payment of fine.

(c) The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the district court on minor violations charges or charges of failure to appear, which are delivered to the police department for service, and of the final disposition of all such warrants.

(d) It is unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter or deface a citation, meter ticket or any copy thereof, or the records of the issuance, or the disposition of any citation, complaint, or a warrant, in a manner other than is required in this title.
(Serial No. 79-7, § 2, 1979)

03.30.040 Illegal cancellation of citations.

It is unlawful for any person to cancel or solicit the cancellation of any citation or meter ticket in any manner other than as provided by this title. A citation issued for violation of a vehicle equipment requirement may be voided upon proof within a period specified on the citation that the violation has been cured.
(Serial No. 79-7, § 2, 1979)

03.30.045 When citation deemed lawful complaint.

In the event the form of citation includes information and is sworn to as required in respect to a complaint charging commitment of the offense alleged in the citation to have been committed, then such citation when filed in the court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this Code.
(Serial No. 79-7, § 2, 1979)

03.30.050 Citation; failure to appear.

(a) It is unlawful for a person who has been personally cited for a violation of any law in this Code, or the owner of a vehicle to which a citation was affixed in accordance with the provisions of section 72.22.045, who has not made satisfactory arrangements with the clerk of the district court prior to the specified appearance date for a different court appearance, or who has not paid the applicable fine in accordance with the provisions of section 03.30.015, or fails to appear in court at the time specified on the citation, or any person who has made arrangements for a different appearance date to fail to appear in court on the date specified or scheduled.

(b) A person cited or released under the provisions of this Code who knowingly fails to appear before a court or judicial officer as required by the citation or court order shall incur a forfeiture of any security that was given or pledged for the person s release, and, if the person was cited, released, or ordered to court in connection with a charge of misdemeanor, is guilty of a Class B misdemeanor.
(Serial No. 79-7, § 2, 1979; Serial No. 2007-09, § 2, 3-5-2007, eff. 4-5-2007)

ARTICLE III. FINES*

*Cross reference—Fees, citations, and penalties, CBJ Code ch. 08.50.

DIVISION 1. TRAFFIC†

03.30.051 Traffic fine schedule.

Pursuant to sections 03.30.010—03.30.015 of this chapter, those of the following traffic offenses which are amenable to disposition without court appearance may be disposed of upon payment of the fines listed

†Cross references—Fees, citations, and penalties, CBJ Code ch. 08.50; traffic, CBJ Code tit. 72.

VII. Items for Information/Discussion(continued)

2. Launch Ramp Permit Enforcement

Mr. Benner said some issues have come up on the launch ramp permit enforcement and said it is not true information. He said the launch ramp permits are available in December and it is an annual permit. He did research on other Alaska Harbors launch ramps and Juneau has the most launch ramps. You have to have a permit to use the launch ramp. If you do not, you are not in compliance, and you will get a ticket.

Mr. Etheridge said he knows that if you are not following the rules, he expects to get a ticket, and not just a warning ticket. He applauds the Harbors crew for doing the job of enforcement, even though it is not very pleasant.

Mr. Williams said if you do not have your permit or tags in other departments, you are going to get a ticket. He said Docks and Harbors should look into some incentive for people who pay early. He suggested offer a 10% discount if patrons pay before December 31st and a 5 % discount if they pay in January.

Mr. Etheridge said Docks and Harbors even did a public service announcement for the launch ramp permits as a reminder.

Mr. Benner said he even put on the scanner channel.

Mr. Busch said Docks and Harbors should look into their ability to issue warning tickets. He said reading the CBJ code there is an option for using a warning ticket, but should be used very infrequently and in very minor situations. CBJ code 03.03.040 talks about illegal cancellation of citations, and it says it is unlawful to cancel citations except for equipment requirements.

Mr. Benner said he has looked into the ability to write warning tickets and this is not a fixable ticket under code.

3. Harbor Operations Update

Mr. Benner said the Harbor staff has been doing snow removal and sanding of areas.
There was booming, reporting, and floating of a sunken vessel.
There was a major water leak at the IVF float and a major repair of electrical. The water leak at the IVF has still not been figured out. Docks and Harbors purchased meters for the water lines. This will be part of a daily report to look at the meters and hopefully catch leaks quicker.
He said he attended the Seattle Boat Show and there was a lot of interest in cruising Southeast Alaska.
Mr. Benner said there is a few personnel issues that he is dealing with.
A, B, and C float in Aurora Harbor are in the worst shape of any of the Harbors facilities.
The Harbor staff repaired two finger floats on B float in Douglas Harbor that were wind damaged, they assisted Juneau Police Department with thefts in cabins at Lucky Me, and they worked with USCG to repair the sewer line from the Liberty in Auke Bay.

Under the present Code, CBJ is limited to publishing the "names of sellers" that are delinquent. Merchants are required to register using their legal business name, but many of them operate under more commonly known or "doing business as" names. This code change would expand the allowable published information to include the common business names used by the merchants.

A memo from the Sales Tax Administrator containing additional information is included in the packet materials.

I recommend this ordinance be adopted.

E. Ordinance 2007-58
An Ordinance Amending The Waters And Harbors Code Relating To Boat Launch Ramp Fees, And Providing For A Penalty.

The current ordinance was developed before the Echo Cove, Amalga Harbor, and North Douglas Boat Launch Ramps were constructed. This ordinance makes it clear the Docks and Harbors Board has enforcement authority at these launch ramps. It also makes it clear that people using the boat launch ramps for access by off-highway or other vehicles must pay the boat launch ramp fee and display the permit, the same as people using the ramps for vessels. In addition, this ordinance increases the fine for failure to obtain a permit from $50 to $75. The current infraction amount was established when launch ramp permits were $35 per year. Permits are now $90 per year.

I recommend this ordinance be adopted.

F. Ordinance 2007-21(G)
An Ordinance Appropriating To The Manager The Sum Of $26,500 As Funding For Water Quality Monitoring At Sandy Beach, Funding Provided By The Alaska Department Of Environmental Conservation.

This ordinance would appropriate a $26,500 grant from the Alaska Department of Environmental Conservation (ADEC) to fund a water monitoring program for Sandy Beach, coordinated with the ADEC Beach Grant Program Manager.

I recommend this ordinance be adopted.

G. Ordinance 2007-21(H)
An Ordinance Appropriating To The Manager The Sum Of $50,000 As Funding To Complete The Design Of A New Auke Lake Launch Ramp, Including Permitting Costs And Generation Of A Construction Estimate, Funding Provided By The Lands Fund Balance.

This ordinance would appropriate $50,000 from the Lands Fund Balance, to be used for permitting and design of a new Auke Lake Launch Ramp. The proposed Auke Lake Launch Ramp is located on the east side of the wayside parking lot, and is accessed from Glacier Highway. The Assembly and the Lands Committee have expressed an interest in relocating and improving the current access location in Auke Creek.

RECEIVED
MAR 17 2011
Per

Phil Benner
Harbor Master
76 Egan Drive
Juneau, Alaska 99801

RE: Uniform Summons and Complaint – Issued January 30, 2011
(No. J0580534)

Dear Mr. Benner

I am writing to request discovery information regarding the Harbor Master's policy and procedure relating to tickets issued for launch ramp use. Please provide the following information and records:

- The number of citations issued under CBJ 85.20.030 that were administratively dismissed by the Harbor Master's Office for citations issued during the period of January through March of 2010 and January through February of 2011;
- Any written policy and/or procedure regarding issuance of citations or warnings for alleged violations of CBJ 85.20.030;
- Any written and/or verbal policy and/or procedure regarding the dismissal of citations by the Harbor Master or Harbor Master staff under CBJ 85.20.030;
- Any formal directives or instructions from the CBJ Docks and Harbors Board instructing the Harbor Master to stop issuing warnings for alleged violations of CBJ 85.20.030 and the date of issuance;
- Any formal directives or instructions from the CBJ Docks and Harbors Board instructing the Harbor Master to stop administratively dismissing citations for alleged violations of CBJ 85.20.030 and the date of issuance; and,
- Any evidence that the public was made aware of any change in Harbor Master's policy/procedure with respect to warnings and/or administrative dismissals of citations for alleged violations of CBJ 85.20.030.

As you know, I have previously made two requests of your offices to administratively dismiss the referenced citation. During our discussion on February 22, 2011, I explained that the Harbor Master had historically issued warnings for launch ramp permit violations in the spring and you indicated that launch ramp use tickets were routinely dismissed in the past if a person came right in and paid the annual fee, but that the Docks and Harbors Board had instructed you the week before not to dismiss any more of these launch ramp use tickets. We went on to discuss my concerns that I had come in the day after the ticket was issued and paid for the launch ramp permit designed to cover the cost of use for an entire year. I explained that I didn't think the $85 fine was reasonable, because it is nearly the same value for an entire year's use ($90) and that there are much more serious violations, such as "negligent operation" of a vessel, that carry the same penalty.

Rather than working to explain things or empathizing with my situation and the fact that the Harbor Master policy had abruptly changed, you chose to raise your voice and argue with me that, in your opinion, the fine should be even higher. You seemed agitated and upset that I would suggest the fine was too high. Then one of your staff members came out of his office and said that the parking fines in Sitka are $500. The implication was that such a fine would be a great idea. In a loud, condescending tone he said, "Then people would make it a priority to get in and pay for the permit." I felt like the Harbor Office staff was ganging up on me in front of another member of the public who was waiting for service. You punctuated the meeting with a statement that not too many people challenge the tickets anyway and then waved your hand at me to leave as you went to help the other person. It would have been so much more professional of an exchange if you had closed the conversation with, "Hey I'm really sorry, but I have to follow the Dock and Harbor Board's direction and I just can't dismiss the ticket."

I did not feel like you treated me with respect by arguing with me at the front counter and waving me away like you did. It has strengthened my resolve to challenge this ticket and has further exacerbated my dissatisfaction with the Harbor Master's Office. I did not bring it to your attention at the time, because your communications did not reflect that you would have reasonably considered anything that I had to say, but I also want to bring to your attention the lack of professionalism I received when I initially inquired about getting the ticket dismissed.

On January 31, 2011, the day after this ticket was issued, I went in to the Harbormaster's Office to pay for the annual use of the Juneau harbor launch ramps. After paying the fee, I asked whether I could get the ticket dismissed, since I had immediately paid the annual fee and corrected the problem. I was told to talk with Officer H6 outside. Officer H6 was a few feet outside the front door of the Harbor Office smoking a cigarette with another person and when I approached her holding the ticket she told me that she couldn't do anything about it, because her boss wants the harbor staff to "start acting more like JPD." She offered that I could take it to court. I would have hoped for a little more professionalism. Perhaps putting out the cigarette and inviting me in to talk with her and/or her supervisor in private about my concerns would have been more appropriate.

The attitude and unprofessional conduct I experienced in the Harbor Master's Office is cause for concern. The Harbor Master's Office should be primarily focused on helping people use and enjoy the harbors by operating safe, well-maintained harbor facilities. I hope that the Harbor Master is not focusing on enforcement and penalties to raise revenue for harbor maintenance. If there is a need for funds for improvements, I think most people would support a higher fee to take care of necessary projects aimed at fixing up or improving launch ramp facilities, but nobody wants to pay tickets solely for the purpose of funding the person who writes the tickets.

The annual use fee is $90 and the amount of the ticket is $85 (including the $10 "surcharge")! This ticket is more than six times the daily use fee of $14. The excessive amount greatly increases the likelihood that the CBJ will be required to spend additional resources on defending challenges. If nothing else comes from this, I would hope the CBJ considers reducing the fine to a reasonable level such as double the daily fee with a progressive increase for repeat offenses. It just doesn't seem right to charge a fine that is 89% of the yearly cost to use the facility for an inadvertent oversight early in the year. The only other similarly priced harbor fine for a first violation is for "negligent operation" of a vessel. Common sense should dictate that the same level of police power should not be applied to an annual use permit issue. Fix it or warning type citations early in the year would produce compliance for the great majority of year-round Juneau residents who dare to brave the conditions and use the launch ramps in the winter months.

I appreciate the efforts you and the Harbor Office staff take to provide safe, well-maintained harbor facilities in Juneau and hope that you take the criticisms in the constructive light intended.

Sincerely,

Grey Mitchell
3065 Douglas Highway
Juneau, Alaska 99801
(907) 463-4680 or (907)209-2316

cc: Bruce Bothelo, Mayor, City of Juneau, 155 S. Seward St., Juneau, AK 99801
Rod Swope, City Manager, 155 S. Seward Street, Juneau, Alaska 99801
John Hartle, City Attorney, 155 S. Seward Street, Juneau, Alaska 99801
John Stone, Port Director, 155 S. Seward Street, Juneau, Alaska 99801
CBJ Docks and Harbors Board, 155 S. Seward Street, Juneau, Alaska 99801